

**CONSERVATION COMMISSION
MINUTES OF FEBRUARY 23, 2006**

Meeting was held in the lower conference room at the Mary A. Alley Building, 7 Widger Road

Meeting was called to order at 7:00 PM

Present were: Commission Members Betsy Rickards, Walt Haug, Mark Klopfer, Miller Shropshire, Margo Carey and Fred Sullivan (representing a quorum). Also present were: Doug Saal, Conservation Administrator and Jan Smith, Associate Member

The hearings were conducted under the Massachusetts Wetlands Protection Act and the Marblehead Wetlands Protection Bylaw.

Approve Minutes: The minutes of 02/09/06 were approved without change.

HEARING: 40-864 8 FOSS TERRACE VELLECO

Resource Area: BVW

Interests of WPA and Bylaw: Protection of ground water supply, flood control

Appeared: No one

Control Drawing: Proposed 2-Family, 8 Foss Terrace, dated 11/21/05, prepared by Grazado Velleco Architects and Proposed Site Plan 8 & 10 Foss Terrace, dated December 6, 2005, prepared by Kane Land Surveyors

This was a continuance from 12/08/05, 12/22/05 and 01/12/06. A letter from Paul Lynch, atty., dated February 16, 2006 stated this NOI is being withdrawn without prejudice. It was explained to a member of the audience this means the current NOI is closed but that a new NOI can be filed and the review process will start from the beginning. All members voted to close this hearing.

40-868 13 GOODWINS'S COURT OUELLETTE

Resource Area: Coastal Bank

Interest of WPA and Bylaw: Storm damage prevention.

Appeared: Mr. Bill Kelley of Kelley Marine Resources

Control Drawing: Topographic Plan, # 13 Goodwin's Court, prepared for James Ouellette by Hancock Associates, dated 12/05/05, revised 12/14/05.

This was a continuance from 01/12/06. Mr. Kelley submitted a letter from Vine Associates, Inc., dated February 3, 2006 and signed by David A. Smith and David B Vine, P.E. This letter was in response to the requirement of the commission regarding an inspection by an independent marine engineer (see minutes of 01/12/06). Mr. Saal had attempted to engage John Gaythwaite for this review but his firm was not available. Mr. Saal stated Vine Associates is capable of conducting the inspection. Since neither Smith nor Vine was in attendance the commission was unable to query them on their inspection. A letter from E. Falck, dated January 13, 2006 and a letter dated February 13, 2006 signed by nine residents of Goodwin's Court were referenced and will be introduced at the next hearing.

Mr. Klopfer said the commission needed a plan showing the location of the new, existing wall as well as details showing its construction and how it relates to the older, previous wall located behind it.

Haug listed four items to be considered.

1. Review state regs 10.03 (1) (a) 2; 10.30 (6) and 10.30 (7) and Bylaw regs 5.5. (Keep in mind also any adverse impacts on up shore/down shore properties due to storm events.)
2. Would we have approved the wall if a permit had been requested before construction?
3. Will Messrs. Vine and Smith/ from Vine Associates, Inc. confirm the wall was built to federal/state standards (if any) for coastal seawalls?
4. How did Mr. Smith determine this?

Mr. Willard, representing his mother who is a resident of Goodwin's Court, said he built the decks on the property at 13 Goodwin's Court and is certain of the location of their vertical support members with regard to the old seawall which was further landward than the newly constructed seawall. He submitted photographs showing the seaward side of 13 Goodwin's Court during the previous two storms. Mr. Berman submitted a large aerial colored photograph which showed the deck before the new construction. He also submitted additional photographs supplementing the large photo.

The commission agreed on a site visit Saturday, 25 February at 9:45 AM. All members voted to continue this hearing to 9 March 2006, at which time Messrs. Smith and Vine will be present.

HEARING: 40-859 141 FRONT STREET SAHAGIAN

Resource Area: Coastal Bank

Interest of WPA and Bylaw: Storm damage prevention, flood control

Appeared: Ted Peach

Control Drawing: Sketch, Exhibit C, dated 10/14/05, drawn by E.W. Peach

This was a continuance from 10/27/05, 11/10/05, 12/08/05, 12/22/05 and 01/12/06. Mr. Peach submitted a brief written description (dated February 23, 2006) of the work to be performed. He asked if future repair work on the awning or its supports located over the deck needed to be reviewed by the commission. The commission said “no”. All members voted to close this hearing. All members voted to issue an OOC with the following special conditions.

Pre-construction:

1. All special conditions are to be included in the construction contracts between the applicant and his/her contractor.
2. All removed grouting and any new, excess grouting will be captured by the contractor and removed from the site on a daily basis. This is to prevent any foreign material from entering the resource waters.

During construction:

3. There shall be no cleaning or rinsing of cement concrete ready-mix trucks, or cement concrete mixing equipment, such that the byproduct of the cleaning or rinsing operation finds its way to any resource area by any means, especially, but not limited to, by means of a storm drainage system (catch basins, pipes, drainage ditches, etc.).

Post-construction/in perpetuity:

4. Maintenance pointing of existing stone masonry walls including the replacement of occasional, missing stones in the wall is allowed as a surviving condition to the Order of Conditions. The future razing, any rebuilding of entire wall sections or enlarging of the subject wall(s) will require the filing of a new Notice of Intent. This condition shall survive this order.
5. Minor maintenance repairs only to the superstructure of the deck are allowed as a surviving condition of this order. Minor maintenance repairs are, typically, replacement of occasional deck boards, sections of hand rails, etc. Complete new decking, complete new hand rails, enlargement of or removing the deck or other such large repairs require an NOI. Repairs to the awning or its supports are allowed under this OOC. This condition shall survive this order.

Old/New Business:

Approve Minutes: see above

Sign Documents: Mr. Saal has reviewed each of the sites requesting COC's and stated they have been completed per their respective OOC's. All documents per the agenda were signed.

The meeting was adjourned at 8:35 PM.