

Marblehead Conservation Commission
Minutes March 12, 2015

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

Meeting was called to order at 7:10 PM

Present were: Commission Members Fred Sullivan, Brian LeClair, David VanHoven and David Depew. Also present was Willy Lanphear, Conservation Administrator.

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

Approve Minutes: A motion was made and seconded “to approve the minutes of 12 February 2015.” All members voted in the affirmative.

Discussion Item: Former RR Wye, proposed trail improvement, Marblehead Conservancy, Don Morgan. A map was presented of the proposed location of improvements. Ideas for making wye accessible with gravel were discussed. The Water and Sewer Commission has offered to vacuum clean the drainage ditch adjacent to the path. Don will develop a more refined plan for presenting at a later date.

Earth Day (May 2) proposed plantings at the former Chadwick Lead Mill Site, Don Morgan. The Conservancy is planning to do sample planting patches. It was discussed and noted that it would be a minor activity to be coordinated with the Conservation Agent.

Proposed Gas Main Relay projects, National Grid. A letter was sent February 23, 2015 notifying the Commission of utility work planned on Shuman Road and Ocean Avenue. As this is to repair/replace existing public utility, no further approvals are required.

Request for changes in project scope:

- 40-1094, 5 Woodfin Tr., Landfill capping project, Town of Marblehead. Steve Wright, Kleinfelder, and Andrew Petty, Director of Public Health, requested minor design change. A motion was made and seconded to approve the change. All members voted in the affirmative.

40-1178 26 Harbor Avenue

Appeared: Ian McMillan and James Turner, System Associates

Proposed: Repairs and alterations to stabilize and protect the existing seawall

Continued from 7/10/2014 (LeClair, Depew, Sullivan, Tritschler, VanHoven)

Control Drawing: Seawall Repairs/Upgrades, 26 Harbor Avenue, dated June 26, 2014 prepared by Stephens Associates Consulting Engineers, Sheets 1-3. Sheet 4 revised 12/3/2014.

Applicant presented revised details. Reference was made to DEP email dated 3/11/15.

All members voted to close the hearing. All members voted to issue an OOC with the following special conditions:

During construction:

33. 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.).

35. All demolition debris shall be removed from the site as soon as possible and not stored within a resource area or a buffer zone. If a dumpster is used to contain debris, the dumpster shall be covered after each work day. The debris shall be properly disposed of in accordance with applicable federal, state and local regulations.

36. All construction material shall be stored outside the resource area and its buffer zone or as far back from the resource areas as possible.

Post-construction/in perpetuity:

40. By voluntary agreement with the applicant, only organic fertilizers are to be used on the property landward of the resource areas. Fertilizers should not contain pesticides or herbicides; should contain slow release nitrogen and should not contain more than 3% phosphorous. To mitigate chemical runoff, do not fertilize directly before a rainstorm and do not over fertilize. Apply fertilizer in late April and in September (refer to: A Homeowner's Guide to Environmentally Sound Lawn care published by the Massachusetts Department of Food and Agriculture and the booklet, Don't Trash Grass, published by the Massachusetts Department of Environmental Protection). **This condition shall survive this order.**

41. Maintenance pointing and repairs of existing stone masonry walls and concrete walls including the replacement of an occasional missing stone or patching cracks and minor defects in a concrete wall are allowed as a surviving condition to this Order of Conditions. **The property owner shall inform the Conservation Commission in writing at least seven days prior to any proposed repointing or repair work on existing walls.** All dislodged and removed mortar/cement will be immediately contained and removed from the work site to prevent any such material from entering the resource waters. Any future razing, rebuilding or enlarging of the subject wall(s) will require the filing of a new Notice of Intent. **This condition shall survive this order.**

42. The repair/replacement of small sections of damaged caps on seawalls is allowed as a surviving condition. All dislodged and removed caps will be immediately contained and removed from the work site to prevent any such material from entering the resource waters. Prior to any work, the scope of the proposed repair/replacement must be approved by the Conservation Commission. If the cap on a major length or on an entire wall needs to repaired/replaced, this requires an NOI. **This condition shall survive this order.**

44. The back-filling of small areas of erosion landward of a seawall is allowed as a surviving condition provided the erosion is not on a coastal bank. This back-filling applies to areas defined primarily as Land Subject to Coastal Storm Flowage. Any work on a coastal bank requires an NOI. The back-fill material must be clean and compatible with the eroded material. Prior to any back-filling, the scope of the proposed back-filling must be approved by the Conservation Commission. **This condition shall survive this order.**

50. Invasive plants shall not be used nor maintained in the landscape of the project site. This applies to the existing landscape as well as to any proposed landscape. A list of invasive plants in Massachusetts can be found in the latest update of The Evaluation of Non-Native Plant Species for Invasiveness in Massachusetts (with annotated list) produced by the Massachusetts Invasive Plant Advisory Group. For most recent update, visit www.mnla.com or www.newfs.org. **This condition shall survive this order.**

54. The control drawing/s for this project were prepared by a licensed Professional Engineer. The construction of this project shall be regularly inspected by said licensed professional to insure that the project complies with the control drawing/s. Progress reports shall be submitted by said professional at regular intervals while work is progressing on the project. The reporting interval shall be determined by the Commission based on the scope and anticipated duration of the project. Upon completion of the work authorized by this OOC, said licensed professional shall submit a written statement to the Conservation Commission certifying that the completed work is in substantial compliance with the control drawing and setting forth any deviations that may exist between the completed work and the plan approved by the Conservation Commission.

55. Upon completion of the work allowed under this Order of Conditions the applicant shall apply for a Certificate of Compliance (COC) (a) within 30 days after completion of the work or (b) thirty (30) days prior to the expiration date of the original or extended OOC, whichever time comes sooner. If no work was started under the OOC or if some of the work will not be performed, the applicant must still apply for a Certificate of Compliance at least 30 days prior to the expiration of the OOC. The Conservation Commission may require the submission of an "as built" drawing (signed and stamped by a licensed Professional Engineer or licensed Professional Land Surveyor) with the application for the COC. Failure to submit an application for a COC shall result in a fine issued against the applicant in accordance with Marblehead Bylaws Chapter 194, Section 11E. **See Attachment "C" for "Schedule of Fines".**

102. A tarp will be laid down at the base of the seawall during all repair work to capture all construction debris. The tarp will be on the seaward side of the seawall. The tarp will be rolled up and dumped into a disposal trailer as required throughout the work day and will be removed at the end of each work day.

40-1193, 7 Brown Street

Appeared Michael & Corrine Cognata, owners, and Scott Patrowicz, Patrowicz Land Development Engineering and Miles Connor, Parterre Ecological

Continued from 2/12/2015 (LeClair, Depew, Sullivan, Fisher, VanHoven).

Work was presented as described in the application. No herbicides are planned to be used. DEP comments have not been received, but the work is in the buffer zone only.

All members voted to close the hearing. All members voted to issue an OOC with the following special conditions:

During construction:

32. This project shall not cause an increase in run-off onto adjacent properties or streets, either during construction or after completion. Appropriate measures shall be taken to prevent the movement of silt or debris onto adjacent properties, streets and Resource Areas.

35. All demolition debris shall be removed from the site as soon as possible and not stored within a resource area or a buffer zone. If a dumpster is used to contain debris, the dumpster shall be covered after each work day. The debris shall be properly disposed of in accordance with applicable federal, state and local regulations.

Post-construction/in perpetuity:

40. By voluntary agreement with the applicant, only organic fertilizers are to be used on the property landward of the resource areas. Fertilizers should not contain pesticides or herbicides; should contain slow release nitrogen and should not contain more than 3% phosphorous. To mitigate chemical runoff, do not fertilize directly before a rainstorm and do not over fertilize. Apply fertilizer in late April and in September (refer to: A Homeowner's Guide to Environmentally Sound Lawn care published by the Massachusetts Department of Food and Agriculture and the booklet, Don't Trash Grass, published by the Massachusetts Department of Environmental Protection). **This condition shall survive this order.**

50. Invasive plants shall not be used nor maintained in the landscape of the project site. This applies to the existing landscape as well as to any proposed landscape. A list of invasive plants in Massachusetts can be found in the latest update of The Evaluation of Non-Native Plant Species for Invasiveness in Massachusetts (with annotated list) produced by the Massachusetts Invasive Plant Advisory Group. For most recent update, visit www.mnla.com or www.newfs.org. **This condition shall survive this order.**

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55. Upon completion of the work allowed under this Order of Conditions the applicant shall apply for a Certificate of Compliance (COC) (a) within 30 days after completion of the work or (b) thirty (30) days prior to the expiration date of the original or extended OOC, whichever time

comes sooner. If no work was started under the OOC or if some of the work will not be performed, the applicant must still apply for a Certificate of Compliance at least 30 days prior to the expiration of the OOC. The Conservation Commission may require the submission of an "as built" drawing (signed and stamped by a licensed Professional Engineer or licensed Professional Land Surveyor) with the application for the COC. Failure to submit an application for a COC shall result in a fine issued against the applicant in accordance with Marblehead Bylaws Chapter 194, Section 11E. **See Attachment "C" for "Schedule of Fines".**

40-1192, 22 Foster Street

Appeared: Paul Lynch, representing the applicant. Peter Ogren, Hayes Engineering, and Walter Jacob, architect.

Continued from 2/12/2015 (LeClair, Depew, Sullivan, Fisher, VanHoven).

Control Drawing: Existing and Proposed Conditions Plans, 22 Foster Street, dated January 26, 2015 prepared by Hayes Engineering, Inc.

Revised work was presented as described in the application and shown on the drawings. It was asked about haybales and logistics of erosion control. This will be discussed in detail at the pre-construction meeting.

No DEP comments had been received and since there is work in the resource area, the Commission voted to continue this hearing to the April 9, 2015 meeting.

40-1195, 1 Front Street

Appeared: Paul Fermano, architect, and Scott Patrowicz, Land Development Engineering, representing the applicant.

Control Drawing: Site Plan, 1 Front Street, dated January 14, 2015 prepared by North Shore Survey Corporation.

Proposed work of new grease trap, new AC units, and outdoor freezer and a fence for screening. It was noted that the neighbors raised issues with the AC units so they will be ground mounted, no changes to the plan view.

In addition, the applicant presented a sketch of newly proposed work that wasn't in the original application. Water and sewer lines were discovered only 8-10" below grade that feed a 2 story rental unit when they froze this winter. The applicant would like to bury them at an elevation 4 feet below grade. It was discussed whether this could be added as a minor change. It was noted that the scope is larger than the Commission may approve. The applicant decided to present the plans for water and sewer next month and move ahead with the application as submitted only.

Dan Lynch from the audience mentioned that previous work performed in the area may be of use for the sewer design.

All members voted to close the hearing. All members voted to issue an OOC with the following special conditions:

During construction:

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Old Business:

- 40-163, 11 Bradlee Rd, Adam Rand, Discussion of previously issued fine. Willy Lamphear reviewed the file and referenced an email from Adam Rand dated 1/23/15. As the fineable offense was made by the owner's father, the Commission made a motion to waive the fine. All members voted in the affirmative.

New Business:

- None.

Emergency Certificates issued:

- 6 Pig Rock Ln, Brian Miller and Sherry Rubinstein, for large breach in seawall (issued 2/17/15). A motion and second was made to ratify the certificate. All members voted in the affirmative.
- 6 Pig Rock Ln, Brian Miller and Sherry Rubinstein, for large breach in seawall (issued 2/20/15). A motion and second was made to ratify the certificate. All members voted in the affirmative.
- 6 Pig Rock Ln, Brian Miller and Sherry Rubinstein, for large breach in seawall (issued 3/10/15). A motion and second was made to ratify the certificate. All members voted in the affirmative.
- 24 Lee Street (Harborside Condominiums), Harborside Condominium Trust, for snow disposal. A motion and second was made to ratify the certificate. All members voted in the affirmative.

Enforcement Orders issued:

- None.

Request for changes in project scope:

- 40-1074, 12 Coolidge Rd, Daniel Riccio Revocable Trust. Jonathan Poore of Integrated Design Services presented February 26, 2015 letter and plans showing as-built conditions of pool larger than approved plans. After questioning how the contractor could be that far off in construction, the Commission agreed to approve as a minor change. A motion and second was made to approve as a minor design change. All members voted in the affirmative.

Request for COC:

- None.

Sign Documents: All documents per the agenda were signed including bills payable.

The meeting adjourned at 8:30 PM.