

Marblehead Conservation Commission
Minutes May 11, 2017

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 Brian LeClair, Fred Sullivan, David Depew, Michael Smith, and David VanHoven. Also present was Charles Quigley, Conservation Administrator.

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

Note: The commission currently has seven members. Per the MACC Handbook, section 4.1.2, most lawyers agree that a quorum is "...a majority of commissioners currently serving". The quorum for this meeting is therefore four members.

Approval of Minutes:

Motion to approve minutes of meeting held on March 9, 2017, was made and minutes were approved.

DISCUSSIONS:

-Crestwood Road – tree removal 100' buffer, trimming on or near Coastal Bank- Patrick Anderson, Patrick requested that his issue be continued until the hearing in June

-Conservancy regarding bamboo control. Commission voted to approve Conservancy request

-57 Naugus Ave progress discussion – Landergan.

Present: Atty Jim Landergan and Atty Frank L McElroy

The discussion began with Brian presenting a letter detailing errors in the request for reconsideration. Mr. Landergan has not seen this letter. Brian explained that Mr. Lake represented Mr. Powelson, Mr. Landergan disputes that claim. Brian explained that fines are imposed on land owners and Mr. Lake acted as agent representing Mr. Powelson so a fine was imposed on Mr. Powelson. Mr. McElroy asked how many days the fine was based on, Brian explained that the fine was not based on time. Mr. McElroy asked if a fine would be issued if the property owner trimmed the tree and Brian stated that question is irrelevant. Brian explained that if their cooperation is well documented then the commission will be open to issuing an extension to get the restoration complete. Atty Ed McLaughlin representing the Bouchers at 55 Naugus Ave explains that a separate civil case is under way and he has not been available due to medical issues, however the tree sizes keep changing. Brian explains that the commission is not concerned with the litigation, we are just trying to get the vegetation restored. The commission is most interested in an adequate size, species and location for the tree. Mr. Landergan believes they are trying to satisfy the property owner. Brian asked what about the selected tree is not satisfactory. Mr. McLaughlin explains the proposed location is fine but the species is not. Dennis Bouche has rejected the gray birch, the proposal came back with a 24 foot paper white birch which was also rejected. Brian proposes a motion to extend to the September 30 to allow adequate time to find the correct tree, specifically a paper white birch as close to 24' as possible.

All members voted to approve the extension. All members also voted to deny the request for reconsideration.

- 10 Blueberry Road, - Maureen Elise Step to resolve encroachment. A survey was conducted, abutters have installed a fence on Conservation land. All members voted to have letters written and sent to owners requesting that the fence be moved immediately.

Request for Minor Modification

- **40-1213**, 83 Naugus Ave- Mark Mahoney minor change to seawall repair [Collins Engineering]. Zachary Jenkins of Collins Engineering representing Mark Mahoney. All members voted to close the hearing. The Commission voted to approve the requested change.
- **40-1242**, 14 Foster St. – Driveway and Patio relocation – [Patrowics]. Scott Patrowics of Patrowics Land Development appeared to represent the owner. Scott explains that the impervious area is remaining the same. All members voted to close the hearing. The Commission voted to approve the request.

HEARINGS:

NOI 40-1259, Offshore Atlantic Ocean

Applicant: Neptune LNG LLC – [Dan Mcpherson]

Proposed: sub-marine infrastructure discontinuance/removal

Appeared: Ronald Gougeot of Offshore Atlantic

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

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.

54. The control drawing/s for this project were prepared by a licensed Professional. 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"**.

NOI 40-1258, 279 Ocean Ave

Applicant: Sinthisone K. Satin – [John Dick]

Proposed: Deck Addition and landscaping and enhancement planting.

Appeared: James Emanuel and John Dick

An existing conditions plan was provided as previously requested. All members voted to close the hearing. All members voted to issue an OOC with the following special conditions.

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34. To the maximum extent possible, all driveways, terraces, patios or similar ground-level surfaces shall be constructed as permeable surfaces to allow water to infiltrate through their surfaces into the ground on site.

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.**

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.**

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.

NOI 40-1261, 133 Front Street

Applicant: David Rosenberg – [John Dick]

Proposed: new swimming pool and landscaping walls.

David Rosenberg requests continuance of hearing to June 8, 2017. All members voted to continue the hearing to the June 8 meeting.

NOI 40-1269, 37 Clifton Heights Lane

Applicant: Fenel Eloi

Proposed: Seawall stabilization and sitework

Appeared: Elizabeth Wallace of Hayes Engineering

Brian wants to schedule a site visit to review the wave action. DEP comments are still under review. All members voted to continue the hearing to the June 8 meeting

NOI 40-1266, 10 Harbor View

Applicant: Michael and Diane Christian

Proposed: Invasive Plant Species Management Program

Appeared: Scott Patrowics of Patrowics Land Development.

Brian asked is there will be herbicide used, Scott explained that it will be the same product used at 18 Harbor View. Brian explained that a licensed applicator is required. All members voted to close the hearing. All members voted to issue an OOC with the following special conditions as well as this additional condition

- The applicator of the herbicide must be a licensed herbicide applicator.

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NOI 40-1267, 14 Crowninshield Rd

Applicant: David Rosenberg [Patrowics]

Proposed: Demo of houses and construct new house

Appeared: Scott Patrowics of Patrowics Land Development.

Scott explained that the owner does not want to open the NOI at this time as he will be submitting more drawings. All members voted to continue the hearing without opening.

NOI 40-1264, 42 Ticehurst Lane

Applicant: William L. Paly and Amy F. Judd [Patrowics]

Proposed: Replace ex. Retaining wall and garden.

Appeared: Scott Patrowics of Patrowics Land Development along with Bill Paly

Scott explained that the seawall is failing and they are proposing to cut the cinder blocks down.

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

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34. To the maximum extent possible, all driveways, terraces, patios or similar ground-level surfaces shall be constructed as permeable surfaces to allow water to infiltrate through their surfaces into the ground on site.

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.**

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NOI 40-1265, 6 Harbor View

Applicant: Kevin M. and Holly R. Crosby [Patrowics]

Proposed: Construct new pool and sitework

Appeared: Scott Patrowics of Patrowics Land Development

Scott explained that a pool was once at this location and has since been removed/filled in. The owner would like to put the pool back. Brian asked what is being done for erosion control, Scott explained that they will be using straw noodle which wrapped around the perimeter. Brian requested that erosion control be added to the west side of the pool. Brian also expressed concern with the pool being within the 25' buffer. Scott agreed to move the pool 5' to the northwest. All members with the exception of David VanHoven voted to issue an OOC with the following special conditions as well the following additional conditions.

- Move pool 5' northwest and enlarge the water quality swale.
- Extend erosion control along west wall

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.).

34. To the maximum extent possible, all driveways, terraces, patios or similar ground-level surfaces shall be constructed as permeable surfaces to allow water to infiltrate through their surfaces into the ground on site.

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.**

45. When a pool/spa/hot tub is to be drained, no chlorine or other chemicals are to be added to the pool water for a period of at least four (4) days prior to draining to allow for the chlorine and other chemicals to dissipate; and there shall be an appropriate sign placed permanently at or immediately adjacent to the pool/spa/hot tub drainage valve or mechanism indicating this requirement. The method of pool drainage shall be such as to prevent any soil erosion by the draining water and to allow the draining water to seep into the ground prior to entering any resource waters. No direct discharge to resource waters is allowed. **This condition shall survive this order.**

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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”.**

NOI 40-1262, 8 Gregory St

Applicant: John F. III and Noreen C. Rogers [Patrowics]

Proposed: Repair ex. Pier and sitework

Appeared: Scott Patrowics of Patrowics Land Development along with John and Noreen Rodgers. Brian asked how the gangway is managed, John explained that Dave Haley drops the gangway with a barge and a crane when needed. Fred expressed concern regarding the lack of a lifting apparatus for the gangway. All members voted to issue an OOC with the following special conditions

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.).

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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.

37. The construction of the pier/dock and any structure over the water permanently secured to the earth shall withstand a 100-year storm without damage to the integrity of the structure. All piers/docks shall conform to the requirements of Chapter 91.

38. Any pressure-treated wood proposed to be used in the construction of a structure for land-based use shall be arsenic-free. Any pressure-treated wood proposed to be used in the construction of a structure for salt water contact shall be treated with Chromated Copper Arsenate (CCA) or other preservative approved by the EPA and/or the MADEP which is less polluting and harmful to the salt water and its environment.

39. All piers, docks and floats must follow the guidelines established in the document, “Small Docks and Piers – A Guide to Permitting Small Pile-Supported Docks and Piers” dated November 2003. Float stops are permitted provided they meet the aforementioned guidelines.

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.**

46. All gangways, docks or other items not permanently secured to the earth shall be stored during the "off season" (late fall, winter, early spring) so as to prevent them from causing any damage to other structures or resource area. **This condition shall survive this order.**

47. All gangways, docks or other items not permanently secured to the earth shall be properly secured and/or removed in the event of a major storm so as to prevent them from causing any damage to other structures or to the resource area. **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.**

51. Minor maintenance repairs to the superstructure only of the pier 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 or other such large repairs require an NOI. Minor maintenance repairs do not apply to the main support structure (stringers, bents, etc.) and do require an NOI. **This condition shall survive this order.**

52. If the pilings supporting a pier have not been painted or treated with a chemical substance, the pilings may be hand scraped to remove barnacles and other marine growth. The scraped material may remain on the beach/tidal flat. However, if the state declares a state of contamination (such as Red Tide) in an area wherein the pilings have been resident, tarps or a similar containment method must be located in the work area so as to cover the entire work area where scraping is performed. Tarps are to be cleaned of scraped material at the end of each day when scraping is performed and the scrapings disposed of in a proper manner for such contaminated materials.

If the pilings supporting a pier have been painted or treated with a chemical substance, the pilings may be hand scraped to remove barnacles and other marine growth. Tarps or a similar containment method must be located in the work area so as to cover the entire work area where scraping is performed. Tarps are to be cleaned of scraped material at the end of each day when scraping is performed and the scrapings disposed of in a proper manner for materials which include paint or treatment.

For all types of pilings (painted or unpainted/treated or untreated), a protocol must be submitted to the Conservation Commission for approval in advance of the scraping. The protocol must contain: whether the pilings are painted or unpainted/treated or untreated; whether the pilings

have been contaminated; if painted or treated, the exact type of paint being scraped/if treated, the exact type of treatment; the dates and times of intended scraping (start and finish); the exact location of the intended scraping; a description of the containment method; a description of the scraping method; the final location for disposal of the paint scrapings or, if applicable, contaminated scrapings. If the pilings are to be repainted/re-treated, the exact type of paint/treatment must be identified and must be approved per the latest state and federal guidelines for such applications. The person ordering the scraping/painting/treatment must sign and date the protocol and submit it to the Marblehead Conservation Commission before any work is started. **This condition shall survive this order.**

54. The control drawing/s for this project were prepared by a licensed Professional. 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.

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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.

NOI 40-1263, 26 Harbor Ave

Applicant: J. Taylor Crandall, Tr. BH Realty Trust [Patrowics]

Proposed: Replace ex. Pier

Appeared: Scott Patrowics of Patrowics Land Development

Brian is concerned about leaving the existing block in place that could damage the new pier. The exact location of the piling is subject to the result of the borings. All members voted to issue an OOC with the following special conditions as well as the following additional condition.

- Final location of pilings based on boring results, provide to the commission a revised plan showing correct location prior to the start of the pile installation.

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.).
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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.
37. The construction of the pier/dock and any structure over the water permanently secured to the earth shall withstand a 100-year storm without damage to the integrity of the structure. All piers/docks shall conform to the requirements of Chapter 91.
38. Any pressure-treated wood proposed to be used in the construction of a structure for land - based use shall be arsenic-free. Any pressure-treated wood proposed to be used in the construction of a structure for salt water contact shall be treated with Chromated Copper Arsenate (CCA) or other preservative approved by the EPA and/or the MADEP which is less polluting and harmful to the salt water and its environment.
39. All piers, docks and floats must follow the guidelines established in the document, "Small Docks and Piers – A Guide to Permitting Small Pile-Supported Docks and Piers" dated November 2003. Float stops are permitted provided they meet the aforementioned guidelines.

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.**

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47. All gangways, docks or other items not permanently secured to the earth shall be properly secured and/or removed in the event of a major storm so as to prevent them from causing any

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51. Minor maintenance repairs to the superstructure only of the pier 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 or other such large repairs require an NOI. Minor maintenance repairs do not apply to the main support structure (stringers, bents, etc.) and do require an NOI. **This condition shall survive this order.**

52. If the pilings supporting a pier have not been painted or treated with a chemical substance, the pilings may be hand scraped to remove barnacles and other marine growth. The scraped material may remain on the beach/tidal flat. However, if the state declares a state of contamination (such as Red Tide) in an area wherein the pilings have been resident, tarps or a similar containment method must be located in the work area so as to cover the entire work area where scraping is performed. Tarps are to be cleaned of scraped material at the end of each day when scraping is performed and the scrapings disposed of in a proper manner for such contaminated materials.

If the pilings supporting a pier have been painted or treated with a chemical substance, the pilings may be hand scraped to remove barnacles and other marine growth. Tarps or a similar containment method must be located in the work area so as to cover the entire work area where scraping is performed. Tarps are to be cleaned of scraped material at the end of each day when scraping is performed and the scrapings disposed of in a proper manner for materials which include paint or treatment.

For all types of pilings (painted or unpainted/treated or untreated), a protocol must be submitted to the Conservation Commission for approval in advance of the scraping. The protocol must contain: whether the pilings are painted or unpainted/treated or untreated; whether the pilings have been contaminated; if painted or treated, the exact type of paint being scraped/if treated, the exact type of treatment; the dates and times of intended scraping (start and finish); the exact location of the intended scraping; a description of the containment method; a description of the scraping method; the final location for disposal of the paint scrapings or, if applicable, contaminated scrapings. If the pilings are to be repainted/re-treated, the exact type of paint/treatment must be identified and must be approved per the latest state and federal guidelines for such applications. The person ordering the scraping/painting/treatment must sign and date the protocol and submit it to the Marblehead Conservation Commission before any work is started. **This condition shall survive this order.**

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.

NOI 40-1270, 10 Mooring Rd

Applicant: Lan Se De Hai, LLC [Patrowics]

Proposed: Demolish ex. House, construct new house and sitework

DEP comments have not been provided. All members voted to continue the hearing without opening to the June 8 meeting.

NOI 40-1271, 33 Bradlee Road

Applicant: Blue Thalassa, LLC [Patrowics]

Proposed: Demo ex. Pool, construct new pool and sitework

Appeared: Blue Thalassa and Scott Patrowics of Patrowics Land Development

Scott explained there is an impervious layer with concrete pavers. All members voted close the hearing. The commission then voted unanimously to issue an OOC with the following special conditions

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.).

34. To the maximum extent possible, all driveways, terraces, patios or similar ground-level surfaces shall be constructed as permeable surfaces to allow water to infiltrate through their surfaces into the ground on site.

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.**

45. When a pool/spa/hot tub is to be drained, no chlorine or other chemicals are to be added to the pool water for a period of at least four (4) days prior to draining to allow for the chlorine and other chemicals to dissipate; and there shall be an appropriate sign placed permanently at or immediately adjacent to the pool/spa/hot tub drainage valve or mechanism indicating this requirement. The method of pool drainage shall be such as to prevent any soil erosion by the draining water and to allow the draining water to seep into the ground prior to entering any resource waters. No direct discharge to resource waters is allowed. **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.**

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".**

ANOI 40-1268 80-90 Hoods Lane

Applicant: Line Street Realty Limited Partnership [Hayes]

Proposed: Resource Area Deliniation

Appeared: Elizabeth Wallace of Hayes Engineering

Elizabeth is the wetland scientist who flagged the wetland. All members voted to approve the ANOI.

Request for Extension:

NOI 40-1164 22 Crowinshield, Landscaping, patio – Andrew Biggio [Greg Hockmuth]

No one appeared to represent this hearing

NOI 40-1129 91 Naugus Ave, Maintenance and beach reservation management [Association].
Jim Zisson of 2 Mound Rd appeared. All members voted to approve the extension

NOI 40-994 3 Eustis Rd, To construct a new house [Hayes Engineering]
A certificate of compliance was already issue for this property, therefore an extension is not possible. All members voted to deny the request for extension.

Requests for Certificate of Compliance:

40-891 LNG submerged gas distribution – Neptune LNG – [Dan Macphearson]
40-1184 50A Cloutmans – Charles Loutrel, Pier, gangway and float [GZA]
40-383 42 Gallison Ave – sitework – Jo Anne Mayer
40-1229 131 Front St. – Site work, additions deck [Patrowics]
40-1250 12 Davis Rd – costal restoration [Patrowics]
40-1228 12 Davis Rd – new house and sitework [Patrowics]

Each request was approved by unanimous vote of the commission

Enforcement Order:

140 Evans Rd Extension – Discovered owner improperly filling, using excavation material from addition. All members voted to ratify the enforcement order.

Other Business:

All members voted to pay the \$1800 fee for the surveyor for Blueberry Lane.

Meeting was adjourned at 10:00 PM.