

**Marblehead Conservation Commission**  
**Minutes February 8, 2018**

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, David VanHoven and Jesse Alderman. Also present was Conservation Administrator and Town Engineer, Charles Quigley.

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 January 11, 2018, was made and minutes were approved.

**DISCUSSIONS:**

-Tree Removal – Lafayette Street, Forest River Conservation Land – John Misci – This is not on conservation land and was therefore not discussed.

- Trapping Permission – Conservation Land – Joseph O’Neil of 3 ½ Essex Street in Salem present to request permission to trap animals on conservation land. No leg hold traps would be used, just caged box traps. Animals of interest include raccoons, muskrats, and otter. Commission explained that they do not want the animals targeted if they are not creating a problem for the public. If the animals do create an issue in the future they will reconsider.

- Robinson and Jermyn Farm – trail damage from off road vehicles – This is school dept land and not conservation land and was therefore not discussed.

- Emergency Certificate Request – 23, 24, & 36 Crestwood Rd – Pier Damage – Cara Pascal of 32 Crestwood Rd and Patrick Andreassen of 34 Crestwood Rd present. Presented the winter storm damage done to their piers. At this time they are not sure when the work will be done but they would like approval to move forward. At the very least they would like to remove damaged members from their pier. Board members discussed and approved the issuance of an emergency certificate. Property owners will be required to apply for and present the repair work in a follow up Conservation meeting. Property Owners explained that the repaired pier will be identical to the existing pier and the plans they submit will be the same plans used to originally build the pier.

OOO 40-1247 – 265 Ocean Ave Seawall repairs – The wall that was built does not comply with the plan that were submitted to the Conservation Commission. Bob Dilisio of R Dilisio Company was present and explained that his concrete subcontractor failed to follow the plans and did not use a form for the wall foundation and therefore the foundation extended further into the resource area than it was allowed to be. Mr. Dilisio proposed saw-cutting the foundation back to the intended limit. The commission explained that the property owner can either issue an amendment to DEP showing the as-built limits of the foundation for their review and approval or the property owner will need to present a new plan to the commission to make necessary modifications to the foundation so it complies with the submitted and approved plans.

#### Request for Extension

- **40-977**, Redd's Pond – Chemical Treatment for nuisance vegetation – Ben Martin MMYC. Ben Martin present. Commission confirms that a licensed applicator will be used and proper documentation will be provided. All members voted to close the hearing. The commission voted to approve the extension.

#### Request for Certificate of Compliance

- **40-1079**, 1 Crown Way – Peter Donovan – Seawall repairs [Hayes Eng'g.]. All members voted to close the hearing. The Commission voted to approve the request.

### **HEARINGS:**

#### **NOI 40-1299, 257 Ocean Avenue – Steven Kapsalis [CLE Engineering Inc.]**

Site work, regarding, repairs to existing seawall, etc.

Jeremy Packard of CLE Engineering present. CLE made revisions to the plan as requested by the commission in the January meeting. 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.).

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.

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 be repaired/replaced, this requires an NOI. **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](http://www.mnla.com) or [www.newfs.org](http://www.newfs.org). **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.

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 40-1300, 24 Gregory Street – Scott Patrowics**

Site work for a single-family house.

Scott Patrowics and Kathy Jean present. Commission requested that the 3" reveal at the seawall be changed to 6" at all locations. All members voted to close the hearing. All members voted to issue an OOC with the following special conditions as well as the following added special conditions:

**Added Special Conditions**

- Replenish soil from scouring during a storm.
- Revise plan to show the following two changes:
  - Add a note in the plans to list the increase in impervious surface
  - Change the note for 3" reveal at the seawall to 6" reveal

**Special Conditions**

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**NOI 40-13xx, #2 and #3 Eustis Road – Eamonn Healey (Haley Engineering)**

Landscaping work for a single-family home.

This NOI has not been assigned a DEP File #. This hearing was continued without opening

**NOI 40-12xx, 99 Ocean Avenue – Amy McHugh, Water and Sewer Superintendent for the Town of Marblehead**

The repair and maintenance of a Drain Inlet/Outlet

This NOI has not been assigned a DEP File #. This hearing was continued without opening

Meeting was adjourned at 8:30 PM.