

**Marblehead Conservation Commission  
Minutes May 14, 2015**

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

Meeting was called to order at 7:02 PM

Present were: Commission Members Fred Sullivan, Brian LeClair, David VanHoven, David Depew, Kenneth Fisher, Barbara Collins Rosenberg, and Michael Smith. 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 9 April 2015.” All members voted in the affirmative. A motion was also made and seconded “to approve the minutes for Special meeting of 4 May 2015.” All members voted in the affirmative.

**HEARINGS:**

**RDA 21 Prince Street**

Applicant: John L. Hyland

Proposed: Construction of new single family dwelling

**Continued from 1/15/2015 (LeClair, Depew, Sullivan, Fisher, VanHoven)**

**(See email 5/14/15)**

The Commission voted to continue this hearing indefinitely.

**NOI 40-1198, 11 Fort Beach Lane**

Applicant: Marblehead Water & Sewer Commission

Proposed: Raise the height of an existing seawall by approximately 18 inches. Install Rip Rap stone on the seaward side of the seawall. Install armoring on two existing sewer manholes located on the beach. Replace an existing chain link fence and maintenance repairs to the existing Sewer Pump Station building.

**Continued from 4/9/15 (LeClair, Depew, Sullivan, Rosenberg, Smith)**

**(Continuance requested see email 5/13/15)**

The Commission voted to continue this hearing to the June 11, 2015 meeting.

**NOI 40-1200, 11 Bradlee Road**

Appeared: Scott Patrowics, Patrowicz Land Development Engineering

Proposed: Building additions & renovations, patio reconstruction and re-grade lawn around patio.

Control Drawing: Site Plan for Building Additions, 11 Bradlee Road, dated April 26, 2015 prepared by Patrowicz Land Development Engineering, Sheet 1 of 1.

Work was presented as described in the application and shown on the drawing. It was found that the sunroom is within the buffer zone and work has commenced without presenting to the commission prior to. The commission would like the owner to have the gangway evaluated for structural integrity and repaired as needed.

All members voted to close the hearing. All members voted to issue a \$300 fine for non-compliance in working without a permit. 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.

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.**

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 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".**

#### **NOI 40-1199, 37 Clifton Heights Lane**

Appeared: Scott Patrowicz, Patrowicz Land Development Engineering

Proposed: Building additions & renovations, deck removal & reconstruction, patio reconstruction, driveway reconstruction and re-grade lawn around patio.

Control Drawing: Building Additions and Landscaping, 37 Clifton Heights Lane, dated April 27, 2015 prepared by Patrowics Land Development Engineering, Sheet 1.

Work was presented as described in the application. The same footprint will be used, the stairway will be rebuilt, and the foundation will be excavated by hand. The commission raised concerns regarding the condition of the seawall. The owner will seek a structural assessment of the wall, and the commission would like this to be done prior to the start of any work. The commission pointed out that there are number of decks and walls that are not properly shown on the drawings. The engineer will update the drawing as needed and requested that the commission approve the two blue squares on the drawing to allow the rest of the interior work to be done.

All members voted to close the hearing and approve only 1A & 1B from the listed scope of work on the control drawing. The remaining scope items will require a new hearing pending further information and updated drawings. 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.

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.**

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100. Prior to any work on this project that might affect the stability of the existing seawalls, the applicant shall retain the services of a licensed Professional Engineer (Structural) to examine the condition of the existing seawalls and issue a report on the structural integrity of those seawalls and their ability to handle the increased loads and stresses anticipated in connection with the proposed work.

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.

**Old Business:**

- None

**New Business:**

- None.

**Emergency Certificates issued:**

- None

**Enforcement Orders issued:**

- None.

**Request for changes in project scope:**

- 40-1094, 5 Woodfin Tr, Landfill capping project, Town of Marblehead Health Department. (see letters dated 4/20/2015 & 4/29/2015 with plans). Steve Wright of

Kleinfelder presented 3 changes. Base of inlet found 12" layer of ash with high lead content. Upper end needs 2000 sf of unsuitable soils removed. Inland wetland needs 700 sf of unsuitable soils removed. All three changes are explained to be thematic with the permit. A motion and second was made to approve as a minor design change. All members voted in the affirmative.

- 40-1190, 6 Corn Point Rd, Sandra & Mark Pocharski, 2 additional trees to be removed, (Approved by WCL). A motion and second was made to approve as a minor design change. All members voted in the affirmative.
- 40-1195, 1 Front St, Boston Yacht Club, Equipment pad change to platform, (see letter dated 4/27/2015 with plans)(Approved by WCL). A motion and second was made to approve as a minor design change. All members voted in the affirmative.
- 40-1183, 4 Corn Point Rd, Michael & Carolyn Velji, (see letter dated 4/29/2015). Presented by Michael Velji, owner, and James Emmanuel, Landscape Architect. Increase pool deck from 5 to 10 feet. Eliminate block wall and use planters instead. Use concrete for deck instead of pavers. A motion and second was made to approve as a minor design change and use of plantings vs. retaining wall and concrete deck vs. pavers. All members voted in the affirmative.
- 40-1160, 10 Corn Point Rd, J. Hillary, Jr. & Paige Rockett, (see letters dated 4/22/2015 & 4/30/2015 with plans). Scott Patrowicz, Patrowicz Land Development Engineering presented the changes. The orientation of the pool has changed from north/south direction to east/west. It was found that the pool has already been built without a proper permit. A motion and second was made to approve redirection of the pool as a minor design change. All members voted in the affirmative. All members voted to issue a \$300 fine for non-compliance in working without a permit A motion and second was made to approve the elimination of the wall on the east side and reduce the walkway on the west side as a minor design change. All members voted in the affirmative.
- 40-1196, 6 Pig Rock Lane, Brian Miller & Sherry Rubinstein. A weakness in the existing seawall was discovered that requires an additional reinforced concrete pour. The contractor found a number of voids behind the wall which could lead to a failure. The grouting of the voids is currently on going. The reinforced concrete apron is 10.5 feet in length and 4 feet wide and the work was completed without a proper permit. A motion and second was made to approve the additional reinforced concrete pour and grouting as a minor design change. All members voted in the affirmative. All members voted to issue a \$300 fine for non-compliance in working without a permit.
- 40-1188, 47 Chestnut St, Gail Doyle, additional dry laid garden wall (Approved by WCL). A motion and second was made to approve as a minor design change. All members voted in the affirmative.

**Request for Extension:**

- None

**Request for COC:**

- 40-1083, 93 Pitman Rd, Jocelyn K. Hamilton. All members voted to issue an COC

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

The meeting adjourned at 8:43 PM.