

Marblehead Conservation Commission
Minutes June 11, 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, Barbara Collins Rosenberg, David VanHoven and David Depew. Also present was William Lanphear, Conservation Administrator.

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

Approve minutes: Minutes were amended regarding the property at 21 Prince Street to correctly read "The Commission voted to continue this hearing indefinitely." A motion was made and seconded "to approve the amended minutes of May 14, 2015." All members voted in the affirmative.

Discussion items: The Commission was advised of an offer of landscaping services at "Authors Grove," on Lafayette Street (Forest River Wildlife Area), the Commission authorized that the grass at the 50' x 75" entrance be mowed by a volunteer to a height of 4".

NOI 40-1145, 28 Foster Street, 28 Foster Street Realty Trust

Appeared: Scott Patrowicz, Patrowicz Land Development Engineering

It is noted that the lawns run down to the seawall with fertilizer washing into the water, a new wall was to have a 3" reveal. The interior retaining walls were done to include a 2' drop with plantings, but the seawall itself does not meet the conditions set forth.

Commission, along with Patrowicz, will conduct a site visit on Saturday, June 13, 2015, beginning at 9:00 AM.

HEARINGS:

NOI 40-1198, 11 Fort Beach Lane

Proposed: Raise the height of an existing seawall by approximately 18". 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)

Appeared: Amy McHugh, Superintendent Marblehead Water and Sewer, and Scott Miller, Haley and Ward, Inc. Civil and Environmental Engineers.

Control Drawing:

Fort Beach Pump Station, Dwg 1, dated January 2015, prepared by Haley & Ward, Inc.

Fort Beach Pump Station, Dwg 2, dated January 2015, prepared by Haley & Ward, Inc.

DEP has reviewed plans and coordinated with CZM (Coastal Zone Management).

Questions/Comments from Concerned Citizens:

Richard Thibodeau 9 Glover Square, questioned whether CZM had been contacted and wanted to know the impact on the beach. CZM determined the impact on the beach would be minimal, the function of the beach was to dissipate waves and protect the seawall.

Notice of Intent was submitted to CZM, which offered no feedback on the performance of Rip Rap.

Suzanne Niemeyer, Trustee of Fort Beach Association, questioned whether there will be an impact on the Fort Beach seawall, and was told the armor stone will actually provide less wave reflection on the wall.

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.

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.

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.**

43. When the repair of a seawall entails the use of existing rip-rap which was previously located at the toe of the seawall but has been distributed onto the beach seaward of the seawall by wave

action, the following applies. The rip-rap lying above the mean high tide line can be re-located to the toe of the seawall. The rip-rap lying at or below the mean high tide line cannot be disturbed. This special condition is not a surviving condition and is valid only for that work specified for this particular application. **The property owner shall inform the Conservation Commission in writing at least seven days prior to any proposed repair work on an existing existing riprap revetment.**

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.**

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.

NOI 40-1201, 6 Foster Street

Applicant: Peter Weise

Appeared: Jay Connolly, Connolly Brothers, and Peter Ogren, PE, Hayes Engineering

Proposed: Repair of existing damaged seawall

No plan was submitted with the NOI.

All members voted to Continue this hearing to the July 9, meeting pending receipt of a survey plan showing the Wetland Resource boundaries and locations where work will be done. A site inspection was scheduled for Saturday June 13.

Commission will conduct a site visit on Saturday, June 13, 2015, beginning at 9:00 AM.

New Business:

2 Foster Street

Appeared: Norman Lavoie, owner

Draft letter approved, advising owner that (possibly) asbestos shingles from a hole on his property have been found on the beach, are washing into the ocean, and have backfilled the hole. Owner will respond to letter.

Enforcement Orders & letters issued:

1 Pig Rock Lane

Appeared: Karen Webster & David Evans

New steps installed on property with no notice of intent. Advised to file ASAP.

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

207 West Shore Drive

Appeared: Mary Frances Milburn and Darrell Milburn, owners, and Robert E. Marini, Principal – NativeTEC

Without a notice of intent and permission, there has been clear-cutting of trees and brush, and removing vegetation within the Buffer Zone to Bordering Vegetated Wetlands (BVW). Clear-cutting in the “NO Disturb Zone”. Dumping yard waste in the “No Disturb Zone,” to a BVW. Installed chain link fence in Buffer Zone to BVW.

Owners engaged Marini, a wetland scientist, to work on filing a NOI for restoration of the disturbed areas.

Owners advised to file a NOI immediately to get on the agenda.

After some discussion regarding the level of fines, because owners showed “Good Faith” in immediately responding to receipt of an Enforcement Letter with the hiring of a Wetland Scientist, all members voted to issue a \$300 fine for non-compliance in working without a permit.

Request for changes in project scope:

40-1196 6 Pig Rock Lane

Brian Miller and Sherry Rubinstein

Voted to ratify Lanphear’s approval of revised stairway on bank above the seawall.

40-1199 37 Clifton Heights Lane

Appeared: Scott Patrowicz, Land Development Engineer, and Craig Bosworth, Architect,
Grazado Velleco Architects

Plan for a minor design change was approved.
All work on project to be done by hand.

40-1200 11 Bradlee Road

Appeared: William Truscott and Kathleen O'Connor Truscott, Owners, and Scott Patrowicz, P.E.

Plan for a minor design change was approved.

40-1157 26 Stramski Way

Appeared: Amy McHugh, Marblehead Water and Sewer Commission and David Michelsen, P.E.

Approved the addition of temporary security fencing for six to eight weeks as a security measure.
One full size plan of the design was submitted for the record.

Requests for COC:

40-1077 174 Jersey Street

Catherine Lyons, Owner

Voted to Issue COC.

40-1087 and 40-1103 3 Sargent Road, David E. Robbins and Wendy E. Tamis

Voted to Issue COC.

40-895 83 Naugus Avenue, Matthew Herring

OOC has expired. Voted to Issue COC.

40-945 83 Naugus Avenue, Matthew Herring

OOC has expired. Voted to Issue COC with condition requiring a new NOI to complete the work on the Pier.

A new NOI will be required for any work to repair the seawall as well. Completion of the pier and repairs to the seawall might be done with one NOI.

Sign Documents: All documents were signed including bills payable.

Discussion: Commission briefly discussed responses to date on encroachment letters mailed.

The meeting adjourned at 9:12.