

**Marblehead Conservation Commission**  
**Minutes July 9, 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, Ken Fisher, Michael Smith, Barbara Collins Rosenberg, 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 11 June 2015.” All members voted in the affirmative.

**Discussion Item:** George Osgood of 89 Naugus Ave appeared for an informal discussion of proposed deck repairs. Mr. Osgood is looking to replace the pressure treated railings on an existing deck and make other minor repairs. The deck is overhanging the seawall so the Conservation Administrator wanted the issue to be brought to the attention of the Commission. Commission members agreed that a minor activity permit is appropriate.

**40-1201 6 Foster Street**

Appeared: Jay Connolly, Connolly Brothers

Proposed: Repairs to the existing seawall

Continued from 6/11/15 (LeClair, Depew, Rosenberg, Sullivan, VanHoven)

Control Drawing: Plan to Accompany NOI, 6 Foster St, dated June 25, 2015 prepared by Hayes Engineering, Inc..

Applicant presented plan to make repairs to damaged seawall. Hole bordering neighbor's property to be filled when the neighbor repairs their seawall damage.

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.

**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 be 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](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".**

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.

### **RDA, 14 Indianhead Circle**

Appeared Amanda Neville, Coneco Engineers & Scientists on behalf of Boston Gas Company

Work was presented as described in the application for extension of natural gas main in street and service connection. A gas main stub will also be left at #10 Indianhead Circle and #15 will have a service installed that is outside the buffer zone.

All members voted to close the hearing. All members voted to issue a Negative Determination 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.

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.

**Old Business:**

- Willy Lamphear provided an update on the status of encroachment research and ongoing discussions with property owners. Some examples were discussed:
  - 14 Rainbow Road is being cooperative about a shed on Conservation property.
  - House on Beacon St has a garage on conservation property. A survey is recommended to be completed to confirm. The cost should be less than \$3,000. All members voted in the affirmative to authorize solicitation of survey quotes.
  - Beacon heights area properties are cooperating.
  - Shed encroachment and boat storage on Wilson Rd has had no response. Certified mail will be sent and followed-up. There is also a wetlands violation related to this property that will be investigated.

**New Business:**

- Discussion of rail trail conditions based on letter received from Betsy Morris on 6/17/2015. It was agreed by the Commission members to not do anything at this time as letter is addressed to Selectmen and Commission is only cc'd.

**Request for changes in project scope:**

- 40-1200, 11 Bradlee Road, William Truscott & Kathleen O'connor Truscott. June 17, 2015 letter and revised Site Plan to Accompany NOI for #11 Bradlee Road, dated 6/17/15 by Patrowicz Land Development Engineering. William and Kathy Truscott appeared along with Scott Patrowicz. In addition to revised plans, a dry well is planned to be installed outside of the 100-foot buffer. A motion was made and seconded to approve the change. All members voted to approve as a minor design change.
- 40-1094, 5 Woodfin Tr., Landfill capping project, Town of Marblehead. Steve Wright, Kleinfelder, requested a ratification of the decision by the Commission Chair for work performed on 7/6/15 and a minor design change for future work in regards to the invasive plant control as described in the June 25, 2015 letter. Parterre Ecological will perform the work. A motion was made and seconded to approve the 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.