

**Marblehead Conservation Commission**  
**Minutes May 8, 2014**

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, David VanHoven and Don Tritschler. Also present was Willy Lanphear, Conservation Administrator.

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

Note: The commission currently has six 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.

**Approve Minutes:** A motion was made and seconded "to approve the minutes of 10 April 2014." All members voted in the affirmative.

**Discussion Item:** Proposed deck repairs overhanging the ocean were discussed relative to the minor activity permit for 24 Lee St, Unit D2. Paul Haggett representing Harborside condominium. Commission members agreed that work could proceed under minor activity permit with conditions of tarp or other construction method to catch debris.

**ANRAD 40-1170 #0, 10, 12, 14, & 16 Doak's Lane**

Control Drawing: Plan to Accompany Abbreviated Notice of Resource Area Delineation, #0, 10, 12, 14, & 16 Doak's Lane, dated April 8, 2014 prepared by Hayes Engineering

Appeared: Peter Lynch for the applicant, Little Harbor Limited Partnership

In lieu of no comments being received from DEP and the adoption of the new FEMA plans at Town Meeting, all members voted to continue this hearing to the June 12, 2014 meeting.

**40-1171 147 Front Street**

Control Drawing: Sketches and Aerial photos included in NOI, #147 Front Street, dated April 18, 2014 prepared by Patrowicz Land Development Engineering

Appeared: S. Patrowicz of Patrowicz Land Development Engineering and Mark Driscoll (contractor) representing the Marblehead Harbor Condominium Trust.

Plans were presented for proposed roof membrane replacement, replacement windows, deck repairs and re-siding on the existing condominium building.

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

**Special Conditions:**

XX. Roofing membrane shall be removed in sheets.

YY. For forecasted northeasterly winds in excess of 25 mph, staging planking shall be removed. For forecasted northeasterly winds in excess of 35 mph, all staging shall be removed.

ZZ. The use of nets and tarps shall be used to catch construction debris

20. In accordance with General Condition No. 9 contained in this Order of Conditions, the applicant shall record this original Order of Conditions and any subsequent amendments thereto at the Registry of Deeds in Salem and shall submit the recording information to the Conservation Commission on the form for said information found at the end of the Order of Conditions prior to the commencement of any work authorized by this Order of Conditions or any amendments thereto. Failure to submit said recording information prior to the commencement of work may result in a fine issued against the applicant in accordance with Marblehead Bylaws Chapter 194, Section 11E. **See Attachment “C” for “Schedule of Fines”.**

21. Prior to any work authorized by this Order, a sign (1'x 2') shall be displayed in a conspicuous place at the site with the words “**DEP File 40-1171**”

**22. Prior to any demolition, construction or earth moving activities on the site, the applicant shall make an appointment for a site inspection by the Conservation Administrator to review the proposed work and the conditions contained in this Order.**

23. A copy of the Order of Conditions as well as the final approved plan/s shall be available for inspection on site while activities regulated by the Order are underway.

24. This Order of Conditions is issued under the Wetlands Protection Act and its Regulations (MGL Chapter 131, Section 40 and 310 CMR 10.00 et. seq.), and under the Town of Marblehead Wetlands Protection Bylaw (Marblehead Bylaws Chapter 194) and its Regulations (Wetlands Protection Bylaw Regulations for Administering Marblehead Bylaws Chapter 194, Sections 194-1 through 194-14). As such this Order constitutes a wetlands permit both under the Act and under the Bylaw.

25. The project shall be performed in accordance with the final approved plans and other documents referenced in Attachment A to this Order of Conditions, except as the project may be altered or amended by these Special Conditions. Any deviation from this Order of Conditions and the approved construction plan/s and documents requires authorization from the Conservation Commission prior to implementation. Any deviation from the approved construction plans and documents commenced prior to authorization is subject to a fine of up to \$300 per day, issued against the applicant in accordance with Marblehead Bylaws Chapter 194, Section 11E. **See Attachment “C” for “Schedule of Fines”.**

26. The project shall be performed in accordance with the representations made by the applicant and his/her representative(s) and in accordance with the requirements of the Marblehead Conservation Commission, all as reflected in the public hearing record as documented in the minutes of the Marblehead Conservation Commission referenced in Attachment A to this Order of Conditions, except as the project may be specifically altered or amended by these Special Conditions.

27. These Special Conditions relate equally to both the Wetlands Protection Act and the Marblehead Wetlands Protection Bylaw unless herein indicated otherwise.

**Pre-construction:**

29. All special conditions are to be included in the construction contracts between the applicant and his/her contractor.

31. Prior to commencement of construction activities, the Applicant shall obtain all federal, state and local permits (in addition to this OOC) that may be required for the proposed project.

**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.

**Post-construction/in perpetuity:**

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"**.

## **RDA 7 Bayview Road**

Control Drawing: Plans (2) to Accompany NOI, 7 Bayview Road, prepared by North Shore Survey Corporation dated October 10, 2012 and Pitman & Wardley Architects LLC dated May 4, 2012.

Appeared: Ralph Khouri representing Roberta Xavier.

Plan is to build new roof top deck and new stairway on the existing house.

All members voted to close the hearing. All members voted to issue negative determination.

### **Old Business:**

- 40-1123, 15 Spary Ave, letter to David Groom, a motion was made and seconded to issue a fine starting January 30, 2014 of \$300 per day until the issues of the enforcement order and subsequent letters are resolved. All members voted in the affirmative.
- Minor Activities Subcommittee met and issued draft regulations for review and comment.
- 40-1145, 28 Foster St, planting plan review for approval. A motion was made and seconded to approve the plan. All members voted in the affirmative.

### **Enforcement Orders issued:**

- 40-1036, 3 Anchorage Ln, Susan Livingston, An enforcement order was issued for work not covered by the OOC. A motion was made and seconded to ratify the enforcement order. All members voted in the affirmative. David Riordan appeared. No fine was levied.

### **Request for changes in project scope:**

- 40-1118, 17 Crowninshield Road, requested minor design change for stepping stone path. A motion was made and seconded to approve the change. All members voted in the affirmative.
- 40-1089, 9 Corn Point Road, requested minor design change for grading changes and seating area. A motion was made and seconded to approve the change. All members voted in the affirmative.

### **Emergency Certificates issued:**

- 84 Harbor Ave, James Krebs, for breach in seawall. A motion was made and seconded to issue the certificate. All members voted in the affirmative.

### **Request for COC:**

- 40-1093, 89 Front St. Discussion only on issues of certifications by registered professionals.

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

The meeting adjourned at 8:40 PM.