

Marblehead Conservation Commission
Minutes August 14, 2014

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

Meeting was called to order at 7:15 PM

Present were: Commission Members Fred Sullivan, David Depew, Kenneth Fisher 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.

Approval of Minutes: A motion was made and seconded to approve the minutes of July 10, 2014. All members voted in the affirmative.

HEARINGS:

NOI 40-1178, 26 Harbor Avenue

The Commission received a letter asking for a continuance to the September 11, 2014 meeting. The Commission voted to continue the hearing to September 11, 2014.

RDA 11 Bradlee Road

Appeared Scott Patrowicz, Patrowicz Land Development Engineering

Proposed: Installation of a gangway lifting mechanism on the existing pier

Control Drawing: Proposed Replacement Pier, prepared by D.J. Lynch, engineers dated March 30, 2007 and revised to May 9, 2007)

Northshore Marine will build the lifting mechanism

The Committee voted to issue a negative determination with the following special conditions:

- 1) Updated plans with more detail will be given to Willy Lanphear
- 2) If there are substantial changes to the plan then the applicant will file a new application

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:

47. All gangways, docks or other items not permanently secured to the earth shall be properly secured and/or removed in the event of a major storm so as to prevent them from causing any damage to other structures or to the resource area.

NOI 40-1179, 87 Naugus Avenue

Appeared: Peter Ogren (Hayes Engineering)

Proposed: Repairs to existing seawall

Control Drawings: None

Peter Ogren gave Willy Lanphear the neighbor response cards.

No machinery is allowed on the beach for this project. All stones will be hand carried and mortar will be bucketed.

The Committee issued an order of conditions 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.).

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:

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.**

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.

Requests for Certificate of Compliance
NOI 40-527, 10 Cliff St., Phyllis McCarthy
Committee voted issue a COC

NOI 40-615, 10 Cliff St., Phyllis McCarthy
Shed/addition which was not constructed
Committee voted issue a COC

NOI 40-1162, 24 Gregory St., A. Ernest Whiten Living Trust
Seawall and steps repair
Committee voted issue a COC

Meeting was adjourned at 7:40 PM.