

Marblehead Conservation Commission
Minutes April 14, 2011

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

Meeting was called to order at 7:00 PM

Present were: Commission Members Walt Haug, Fred Sullivan, Brian LeClair, Don Tritschler, Craig Smith and Deb Payson. Also present was Willy Lanphear, Conservation Administrator and Jan Smith, associate member.

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

Note: The commission currently has seven 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: The minutes for March 10, 2011 were tabled for approval until the May meeting.

Discussion Items:

Letter from Gregg Thibodeau regarding pier permitting: Reference: Thibodeau letter dated February 27, 2011. Thibodeau explained his reasoning for suggesting that the permitting process for piers and docks be made more stringent. The proliferation of such structures along the coast of Marblehead, in the accumulative, could have damaging effects on the benthic life forms in the ocean. Haug stated he has been working with Thibodeau but, before the commission can recommend more stringent guidelines, such guidelines must be based on defensible wetland science. Haug volunteered to research this further and to talk to the M'hd Harbormaster. Thibodeau was invited and encouraged to partake in any future discussions.

40-1021 10 MARINER'S LANE DARING

Resource Area: Coastal Bank

Interests of the WPA and Bylaw: Storm Damage Prevention, Flood Control and Prevention of Pollution

Appeared: S. Patrowicz of Patrowicz Land Development Engineering, Mr. Daring and R. Fitzgerald of Childs Engineering Corporation

Control Drawing: Seawall Inspection, Proposed Plan and Sections, 10 Mariners Lane, dated 04/11/11, prepared by Childs Engineering Corporation (NO1-O2)

Reference: Letter from Patrowicz dated February 10, 2011 and letter from Childs Engineering Corporation dated January 6, 2011.

This was a continuance from 11/18/2011, 01/13/2011, 02/10/2011 and 03/10/2011. Patrowicz and Fitzgerald explained the proposed seawall repairs. The commission then voted to close the hearing. All members voted to issue an OOC with the following special conditions.

Special Conditions:

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 40-1021"

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:

28. Before any work is started, the applicant will have the property line surveyed and submit said survey results to the commission.

29. Before any work is started, the applicant will submit a letter from the Marblehead Board of Selectmen to the commission, said letter granting the applicant permission to install temporary scaffolding on Town property.

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

31. A containment system will be established to prevent any construction debris/material from entering the resource waters. This system must be inspected and approved by the Conservation Administrator before any seawall repair is started.

32. 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:

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. All demolition debris will 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.

35. All construction material will be stored outside the resource area and its buffer zone or as far back from the resource areas as possible.

36. The construction of the pier/dock and any structure over the water permanently secured to the earth shall withstand a 100-year storm without damage to the integrity of the structure. All piers/docks will conform to the requirements of Chapter 91.

37. All piers, docks and floats must follow the guidelines established in the document, "Small Docks and Piers – A Guide to Permitting Small Pile-Supported Docks and Piers" dated November 2003. Float stops are permitted provided they meet the aforementioned guidelines.

Post-construction/in perpetuity:

38. Maintenance pointing of existing stone masonry walls including the replacement of occasional, missing stones in the wall is allowed as a surviving condition to the Order of Conditions. 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. The

future razing, any rebuilding of entire wall sections or enlarging of the subject wall(s) will require the filing of a new Notice of Intent. This condition shall survive this order.

39. When a pool/spa/hot tub is to be drained, no chlorine or other chemicals are to be added to the pool water for a period of at least four (4) days prior to draining to allow for the chlorine and other chemicals to dissipate; and there shall be an appropriate sign placed permanently at or immediately adjacent to the pool/spa/hot tub drainage valve or mechanism indicating this requirement. The method of pool drainage shall be such as to prevent any soil erosion by the draining water and to allow the draining water to seep into the ground prior to entering any resource waters. No direct discharge to resource waters is allowed. This condition shall survive this order.

40. All gangways, docks or other items not permanently secured to the earth shall be stored during the "off season" (late fall, winter, early spring) so as to prevent them from causing any damage to other structures or resource area. This condition shall survive this order.

41. 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. This condition shall survive this order.

42. All floats/docks will be so constructed so as not to bottom out (rest) on the ocean floor at low tides. This condition shall survive this order.

43. Minor maintenance repairs to the superstructure only of the pier are allowed as a surviving condition of this order. Minor maintenance repairs are, typically, replacement of occasional deck boards, sections of hand rails, etc. Complete new decking, complete new hand rails or other such large repairs require an NOI. Minor maintenance repairs do not apply to the main support structure (stringers, bents, etc.) and do require an NOI. This condition shall survive this order.

44. If the control drawings for this project were prepared and stamped by a licensed Professional Engineer, licensed Professional Land Surveyor, licensed Professional Architect or licensed Professional Landscape Architect, the construction of this project shall be regularly inspected by said licensed professional to insure that the project complies with the control drawings. 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 drawings and setting forth any deviations that may exist between the completed work and the plans approved the Conservation Commission.

45. 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".

40-1029 15 SPRAY AVENUE GROOM

Resource Area: Coastal Bank

Interests of the WPA and Bylaw: Flood Control, Storm Damage Prevention and Prevention of Pollution

Appeared: P. Lynch

Control Drawing: No final drawing is yet available

Reference: Memo from W. Lanphear, dated April 13, 2011, Subject: 15 Spray Avenue, DEP 40-1029, Consultant Price Quotes

This was a continuance from 03/10/2011. The purpose of this hearing was to review the responses for a peer review of the proposed changes to the seawall along the southerly end of the wall. The referenced memo was distributed to all pertinent parties. The chair pointed out that Vine Associates had not been invited to submit a quote due to a possible conflict of interest. The chair recommended to the commission that CLE Engineering be chosen as the consultant based on the detail of their response. These details included reference to task, time and cost. He noted that Childs Engineering submitted only a price and no details. Further, Childs provided no references or personnel experience. Lynch contested this choice, preferring to choose Childs. A vote was taken by the commission with the following results. CLE Engineering, 4 "yes", Childs 2 "yes". Lanphear will contact CLE to contract their services. All members voted to continue this hearing to May 12, 2011.

RDA 151 FRONT STREET KAGAN

Resource Area: Coastal Bank

Interests of the WPA and Bylaw: Flood Control, Storm Damage Prevention and Prevention of Pollution

Appeared: S. Patrowicz of Patrowicz Land Development Engineering.

Control Drawing: None

This site was visited by Lanphear and Haug. They decided the permit could be either a "Minor Activity" permit or an RDA. They recommended the RDA to allow conditions to be assigned. All members voted to close this hearing. All members voted to issue a negative determination with the following special conditions.

1. A containment system will be established to prevent any construction debris/material from entering the resource waters. This system must be inspected and approved by the Conservation Administrator before any seawall repair is started.
2. All demolition debris will 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.

3. All construction material will be stored outside the resource area and its buffer zone or as far back from the resource areas as possible.

At this time it was agreed to address the violation issues outstanding at this site.

40-041 This violation was the responsibility of a previous owner. No fine levied.

40-266 Failure to record the OOC: Fine of \$300 levied.

40-336 Failure to request a COC: Applicant discovered & reported this violation. No fine levied.

40-665 Failure to record the OOC: Fine of \$600 levied.

RDA 14 HARBOR AVENUE KLINE

Resource Area: Coastal Bank

Interests of the WPA and Bylaw: Flood Control, Storm Damage Prevention and Prevention of Pollution

Appeared: S. Patrowicz of Patrowicz Land Development Engineering.

Control Drawing: None

This site was visited by Lanphear and Haug. They decided the permit could be either a "Minor Activity" permit or an RDA. They recommended the RDA to allow conditions to be assigned. All members voted to close this hearing. All members voted to issue a negative determination with the following special conditions.

1. A snow fence will be erected landward of the seawall to prevent construction debris/material from entering the resource waters.

2. All demolition debris will 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.

3. All construction material will be stored outside the resource area and its buffer zone or as far back from the resource areas as possible.

RDA 4 CLIFF STREET MARBLEHEAD YACHT CLUB

Resource Area: Coastal Bank

Interests of the WPA and Bylaw: Flood Control, Storm Damage Prevention and Prevention of Pollution

Appeared: Charles Dalferro

Control Drawing: None

This site was visited by Lanphear and Haug. They decided the permit could be either a "Minor Activity" permit or an RDA. They recommended the RDA to allow conditions to be assigned. All members voted to close this hearing. All members voted to issue a negative determination with the following special conditions.

1. A containment system will be established to prevent any construction debris/material from entering the resource waters. This system must be inspected and approved by the Conservation Administrator before any seawall repair is started.
2. All demolition debris will 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.
3. All construction material will be stored outside the resource area and its buffer zone or as far back from the resource areas as possible.

40-1031 GLOVER LANDING

Resource Area: Coastal Bank

Interests of the WPA and Bylaw: Flood Control, Storm Damage Prevention and Prevention of Pollution

Appeared: S. Patrowicz of Patrowicz Land Development Engineering

Control Drawing: None

This site was visited by Lanphear and Haug. This project is for the repointing of a length of seawall. All members voted to close this hearing. All members voted to issue an OOC with the following special conditions.

30. A containment system will be established to prevent any construction debris/material from entering the resource waters. This system must be inspected and approved by the Conservation Administrator before any seawall repair is started.
31. 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.).
32. All demolition debris will 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.
33. All construction material will be stored outside the resource area and its buffer zone or as far back from the resource areas as possible.
34. 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).

35. 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".

40-1032 24 FOSTER STREET McKERNAN

Resource Area: Coastal Bank

Interests of the WPA and Bylaw: Flood Control, Storm Damage Prevention and Prevention of Pollution

Appeared: S. Patrowicz of Patrowicz Land Development Engineering, R. McCann, atty., and M/M McKernan

Control Drawing: Site Plan, Construction of a new: Single Family House, #24 Foster Street, dated March 28, 2011, prepared by Patrowicz Land Development Engineering

One significant feature of this application is that the proposed house will be located farther back from the resource area. Patrowicz reviewed the details of the project. All members voted to close this hearing. All members voted to issue an OOC with the following special conditions.

Pre-construction:

28. Any land disturbance of an area less than 40,000 square feet requires that Section II.C of the regulations pertaining to the Stormwater Management and Erosion Control Bylaw, Chapter 195 of the Marblehead Code must be followed and implemented.

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

30. A drawing of the erosion control techniques to be used on site shall 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.

32. Prior to the start of any work, the applicant will submit a revised control drawing eliminating the steps leading into the rain garden.

33. Prior to the start of any landscape work, the applicant will submit a landscape plan to the commission for approval.

During construction:

34. 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 or streets.

35. 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.).

36. To the maximum extent possible, all driveways, terraces, patios or similar ground-level surfaces will be constructed as permeable surfaces to allow water to infiltrate through their surfaces into the ground on site.

37. All demolition debris will 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.

38. All construction material will be stored outside the resource area and its buffer zone or as far back from the resource areas as possible.

Post-construction/in perpetuity:

39. 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.

40. Maintenance pointing of existing stone masonry walls including the replacement of occasional, missing stones in the wall is allowed as a surviving condition to the Order of Conditions. 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. The future razing, any rebuilding of entire wall sections or enlarging of the subject wall(s) will require the filing of a new Notice of Intent. This condition shall survive this order.

41. When a pool/spa/hot tub is to be drained, no chlorine or other chemicals are to be added to the pool water for a period of at least four (4) days prior to draining to allow for the chlorine and other chemicals to dissipate; and there shall be an appropriate sign placed permanently at or immediately adjacent to the pool/spa/hot tub drainage valve or mechanism indicating this

requirement. The method of pool drainage shall be such as to prevent any soil erosion by the draining water and to allow the draining water to seep into the ground prior to entering any resource waters. No direct discharge to resource waters is allowed. This condition shall survive this order.

42. 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 or www.newfs.org.

43. If the control drawings for this project were prepared and stamped by a licensed Professional Engineer, licensed Professional Land Surveyor, licensed Professional Architect or licensed Professional Landscape Architect, the construction of this project shall be regularly inspected by said licensed professional to insure that the project complies with the control drawings. 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 drawings and setting forth any deviations that may exist between the completed work and the plans approved the Conservation Commission.

44. 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".

40-1033 LITTLE HARBOR ISLAND (AKA: GERRY ISLAND)

Resource Area: Coastal Bank

Interests of the WPA and Bylaw: Flood Control, Storm Damage Prevention and Prevention of Pollution

Appeared: Peter Noyes

Control Drawing: Little Harbor Island (Gerry's Island), dated March 30, 2011, revised March 31, 2011, prepared by Hayes Engineering

The commission raised the following observations: The control drawing does not show the FEMA 100 year flood limit. The application refers to the document, DWW 92-1, but does not specify which coastal bank configurations apply. The commission noted that the island most likely contains various coastal configurations and these must be denoted. The commission also stated that vertical seawalls are generally not allowed by the state, especially since there are no structures on the island to protect. The commission pointed out that the island has been there for

centuries and, being subject to the forces of nature over this time period, the island itself (situated on ledge) is not in danger of being demolished. The commission further pointed out that the local bylaw regulations require "soft" coastal solutions as opposed to "hard" structures such as seawall, rip rap, etc.

Comments were received from the audience. Mr. Wondolowski stated that there are very productive lobster nursery beds directly abutting this island. He belongs to an organization which has studied these beds for ten years and they are judged to be the second most productive on the eastern seaboard. Mr. Thibodeau referred also to the lobster beds and said a study should be made as to possible impacts from increased human and boat activity on the beds. Mr. Allen said thought should be given as to increased traffic across the tidal access and to increased boat activity. It was agreed to have a site visit on Tuesday, April 19 at 7:00 AM so the lobster beds would be accessible. The commission requested of Mr. Noyes that non-members of the commission be allowed to attend the site visit. He will relay this request to the owners of the island. All members voted to continue this hearing to May 12, 2011.

RDA DOLPHIN YACHT CLUB

Resource Area: Coastal Bank

Interests of the WPA and Bylaw: Flood Control, Storm Damage Prevention and Prevention of Pollution

Appeared: Paul Lynch

Control Drawing: None

This hearing concerns the replacement of a dock house at the end of a pier. Lynch said the new dock house would be semi fabricated off site and re-assembled on site. It will be the same size as the former dock house. The new dock house will be bolted to the underframe of the dock. All members voted to close this hearing. All members voted to issue a negative determination with the following special conditions.

1. Before any work is started on site, the applicant will submit a drawing of the proposed dock house for approval.
2. A containment system will be established to prevent any construction debris/material from entering the resource waters. This system must be inspected and approved by the Conservation Administrator before any work is started.
3. All demolition debris will 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.
4. All construction material will be stored outside the resource area and its buffer zone or as far back from the resource areas as possible.
5. Any pressure-treated wood proposed to be used in the construction of a structure for land - based use shall be arsenic-free. Any pressure-treated wood proposed to be used in the

construction of a structure for salt water contact shall be treated with Chromated Copper Arsenate (CCA) or other preservative approved by the EPA and/or the MADEP which is less polluting and harmful to the salt water and its environment.

RDA BOSTON YACHT CLUB

Resource Area: Coastal Bank

Interests of the WPA and Bylaw: Flood Control, Storm Damage Prevention and Prevention of Pollution

Appeared: Paul Lynch

Control Drawing: None

This site was visited by Lanphear and Haug. They decided the permit could be either a "Minor Activity" permit or an RDA. They recommended the RDA to allow conditions to be assigned. All members voted to close this hearing. All members voted to issue a negative determination with the following special conditions.

1. A containment system will be established to prevent any construction debris/material from entering the resource waters. This system must be inspected and approved by the Conservation Administrator before any seawall repair is started.
2. All demolition debris will 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.
3. All construction material will be stored outside the resource area and its buffer zone or as far back from the resource areas as possible.

Old/New Business:

Requests for Extensions:

40-948 Stramski Pier: This NOI is governed by a DEP SOC and the local OOC. For the DEP SOC, the expiration date is three years from the date of issuance of the SOC and any extension must be applied for directly to the DEP. For the local OOC, a one (1) year extension to July 10, 2012 will be granted by vote of the commission. W. Lanphear will inform the Marblehead Harbormaster in writing of the local extension.

Requests for COC:

40-973: All members voted to issue a COC.

40-737: All members voted to issue a COC. A fine was levied for \$300 for not recording the OOC and for \$600 for not voluntarily requesting the COC.

40-749: Action postponed to May 12, 2011.

40-934: Action postponed to May 12, 2011.

40-041, 40-266, 40-336 and 40-665: See above 151 Front Street.

Emergency Orders:

24 Harbor Avenue: An NOI must be filed within thirty (30) days from issuance of the E.O.

Sign Documents: All documents per the agenda were signed.

Other Matters:

40-948 Stramski Pier: A letter from the Marblehead Harbormaster dated February 25, 2011 requested permission for a modification to the pier. Since this application is covered by a DEP SOC, the commission will defer to the decision of DEP. Lanphaer will inform the harbormaster in writing.

Town Wetlands Regulation: The changes proposed by L. Mead in her memo of January 17, 2011 will be advertised so they can be discussed in June.

40-993 Mound Road Montrose School Park: The commission needs clarification on the submitted drawing (Topo Plan of Land in M'hd, MA - Showing Revised Turnaround, dated November 17, 2010, prepared by Hayes Engineering). What does the cross-hatch line mean? What landscaping is planned for the area without asphalt? Any change in drainage? A response was not received/obtained before the hearing this evening. This matter will be addressed in May.

The meeting adjourned at 10:15 PM.