

Marblehead Conservation Commission
August 11, 2016

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

Meeting was called to order at 7:02 p.m.

Approve Minutes of prior meetings: June 9, 2016 and July 14, 2016.

Present were: Commission Members Chair - Brian LeClair; Fred Sullivan; Barbara Collins Rosenberg and Jesse Alderman. Also present was Becky Curran, Acting Conservation Administrator.

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

Jesse Alderman was introduced as a new member to the Conservation Commission.

Becky Curran reported on Charlie Quigley's appointment by the Selectmen as the Town Engineer, effective 9/6/16; Becky Curran will continue to assist with the Conservation Commission until 10/1/16.

HEARINGS

NOI 40-1243 452 Atlantic Avenue

Appearing: Curt Young, Wetlands Preservation, for Applicant, Alexander Falk

Proposed: Repair of existing stone revetment and over was drain system.

Continued from July 14 meeting, waiting for DEP comments, "no comments."

Motion to close, motion 2nd, all members voted to close hearing.

Motion to issue Special Conditions, motion 2nd, all members voted to issue the following Special Conditions:

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 workday. 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. Existing Rip-Rap repair

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 or 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. 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".**

NOI 40-1245 325 Ocean Avenue

Appearing: Scott Patrowicz, Land Development Engineer; and Applicant: Megan I. Cashel

Proposed: Demolition of deck, proposed house additions and deck, proposed driveway re-surfacing, patios and landscaping.

Continued from July 14, 2016 meeting, waiting for DEP comments, "no comments."

Motion to close, motion 2nd, all members voted to close hearing.

Motion to issue Special Conditions, motion 2nd, all members voted to issue the following Special Conditions:

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.

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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.

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.**

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NOI 40-1244 Zero Brackett Place

Appearing: Scott Patrowicz, Land Development Engineer, on behalf of Applicant: Glover Landing Condominium Trust

Proposed: Construction of emergency fire escape egress systems

Addition of four staircases and two ladders (two ladders have been removed from the scope of the application and approved as a minor activity permit [work has been completed]).

Postponed from July 14, 2016, waiting for DEP comments, "no comments."

Motion to close, motion 2nd, all members voted to close hearing.

Motion to issue Special Conditions, motion 2nd, all members voted to issue the following Special Conditions:

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38. Pressure treated wood

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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”.**

100. Structural integrity report

102. Tarps and roll up

NOI 40-1246 131 Jersey Street

Withdrawn

Requests for a Certificate of Compliance:

- 40-1234, 6 Corn Point Road, Porchanski
- 40-1155, 6 Corn Point Road, Porchanski
- 40-1117, 40 Bartlett Road, Rosenthal
- 40-1072, 40 Bartlett Road, Rosenthal

Becky Curran made site visits.

Motion to issue Certificates of Compliance, motion 2nd, approved as a block vote.

Documents signed.

Meeting adjourned at 7:21 p.m.

