

Marblehead Conservation Commission
Minutes February 11, 2010

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, Craig Smith and Deb Payson (arrived at 8:00 PM). 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 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 of 01/14/2010 were approved by the four present members.

Old/New Business: Marblehead Conservancy re: Authors' Grove. Appeared R. Marcey and Don Morgan. See document "Authors' Grove" Concept. One entrance to the Forest River conservation land is not being maintained. In order to improve its condition and to honor six primary authors of the book, "Discovering Marblehead", the Conservancy requested permission to plant this entrance as described in the document "Authors' Grove" Concept. All four present members voted to approve this plan with the condition that the final planting plan be submitted for approval before any work is commenced.

Robinson Farm: The Conservancy further requested permission to temporarily place a small shed on this conservation land for the storing of tools, said tools to be used to construct a boardwalk in this land. All present members agreed to allow this shed.

40-989 27 TICEHURST LANE, Henry Hammond

Resource Area: BVW, Pond, Land Under Water

Interests of the WPA and Bylaw: Prevention of Pollution, Protection of Wildlife Habitat

Appeared: Miriam Neuman, applicant; Scott Patrowicz of Patrowicz Land Development Engineering, and Lauren Lautner of For Seasons Ecological Landscape Design

Control Drawing: Site Plan, Proposed Work, #27 & #31 Ticehurst Lane, Henry Hammond dated January 5, 2010, prepared by Patrowicz Land Development Engineering and North Shore Survey Corporation. See also letter from Patrowicz dated January 5, 2010 (PLDE #09-03).

Landscape Plan for Hammond Residence, 27 Ticehurst Lane, prepared by For Seasons Landscape Design, dated January 2010.

This hearing dealt with the landscaping of the properties. The landscape plan dated January 2010 will be revised to show the following: A vegetated planting strip measuring 2 – 4 feet in width and incorporating a berm will be planted along the entire edge of the pond except where the stairs/ramp exists. This planting will extend in the northern direction starting from the pond replication. A second berm will be constructed in the vicinity of the new 2 car parking area as shown on the January 2010 landscape plan. The applicant will submit a final, complete landscape plan for approval. All five members agreed with this landscape design change.

A new special condition was added to the OOC. “This OOC specifies vegetated planting areas to protect the resource area. After these vegetated areas have planted, at the end of the second growing season, the applicant must submit a report to the commission evidencing that the plantings have reached a minimum 75% survival rate. If the 75% rate has not been achieved, the applicant will re-plant/replace all non-surviving plants at the start of the third growing season and verify such replanting by appropriate evidence to the commission. These reports are mandatory even after a COC has been issued. After the third growing season, the maintaining of a 75% survival rate, but not the reporting, is a surviving condition.

40-990 75 WEST SHORE DRIVE, Tower School of Marblehead, Inc. & Marblehead Water & Sewer Department

Resource Area: BVW, Land Under Water, Riverfront Area

Interests of the WPA and Bylaw: Protection of Wildlife Habitat, Flood Control

Appeared: No one

Control Drawing: None

An email from Natalie Borden of Hayes Engineering dated February 10, 2010 requested a continuation. All members voted to continue this hearing to March 11, 2010.

40-976 25 MARION ROAD, Amy & Steve Solomon

Resource Area: BVW, Land Under Water

Interests of the WPA and Bylaw: Prevention of Pollution, Protection of Wildlife Habitat

Appeared: Steve Solomon, applicant; Laura Lautner of For Seasons Ecological Landscape Design and Scott Patrowicz of Patrowicz Land Development Engineering.

Control Drawings: Revised Site Plan, 25 Marion Road, latest revision dated 02/11/2010,

prepared by Patrowicz Land Development Engineering. Pool Planting Plan by For Seasons Ecological Landscape Design, dated February 2010.

This is a request for an amendment to an existing OOC. A letter report from the arborist, Bartlett Tree Experts, indicated that the four trees which the applicant wishes to remove, show “infestations of fungal disease”, “large vertical cracks”, etc. The commission agreed to allow the removal of these trees. The applicant has submitted a revised site plan showing a proposed underground propane storage tank, a revised pool configuration and a revised pool deck. A retaining wall originally proposed around the pool deck has been eliminated and replaced with proposed Grading. The applicant will submit a revised landscape plan for approval showing the planting of additional trees on the southeast side of the property. All members voted to issue an Amended Order of Conditions incorporating the above design changes.

40-982 10 WEST ORCHARD STREET, Ian & Sarah Hart

Resource Area: Coastal Bank

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

Appeared: Sarah Hart, applicant, Scott Patrowicz of Patrowicz Land Development Engineering, and T. Siemasko of Siemasko + Verbridge

Control Drawings: Proposed site Plan, dated 10/05/09 with latest revision of 01/27/2010, prepared by Siemasko + Verbridge. Planting Plan, dated 07/28/09, latest revision 08/13/09, prepared by Siemasko + Verbridge.

This amendment involved the removal of an existing concrete wall and its replacement with a lower retaining wall. These walls are within the No Build Zone. The new wall does not require a building permit since it is less than 4 feet high. The applicant has also requested a shape alteration to a retaining wall outside the No Build Zone. All members voted to issue an Amended Order of Conditions incorporating the above design changes.

Old/New Business:

Approve Minutes: See above

COC: 40-868: Approved by the commission

40-978: Approved by the commission

40-603: Approved by the commission

40-687: Approved by the commission

Request for Extension: 40-802: Whittier Pond Associates: . Jacqueline Polimeni, Secretary of the Whittier Ponds Association asked that the commission approve further chemical treatment of existing ponds. The commission agreed that since no new treatment procedures of a non-

chemical and financially realistic nature have become known to the commission since the previous extension, a motion was made and seconded to extend this OOC for one year to 03/04/2011 with the following conditions. All members voted in favor.

The permit for this extension of 40-802 to 03/04/2011 might not be granted in the future depending on any possible studies offering reasonable alternatives to the application of chemicals.

Prior to or with any future request for an extension, the applicant will inform the commission in writing of any efforts on their part to research non-chemical treatment of the pond.

The commission then reviewed the history of this site. See the report of Willy Lanphear. There have been 2 OOC's granted and 6 extensions between the 2 OOC's. None of these permits have been recorded. The commission recognized that if it applied the fines (amount and violations/days) specified in the local regulations, the amount of fine would be exceedingly large. At \$300 per day per violation, with 8 violations for only one day, the fine would be \$2,400. The commission agreed to levy a fine of \$1,200 against Whittier Pond Associates.

Minor Activity Permits: Willy Lanphear explained the permit.

Sign Documents: All documents per the agenda were signed.

Other Matters: "Authors' Grove": See above.

The meeting was adjourned at 8:45 PM.