

DRAFT Marblehead Conservation Commission Minutes

November 9, 2023

This hearing will be held remotely in accordance with Governor Baker's March 12, 2020 Order Superseding Certain Provisions of the Open Meeting Law, G.L. c.30A, section 18 and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place.

**Present were Commission Members David VanHoven (Chair), Kate Melanson, Kristopher Meola, Dave Oster, Carole McCauley, Jessica Norton, and Conservation Agent Charles Quigley.**

The hearing was 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 hearing is therefore four members.

**The hearing was called to order at 7:04 PM.**

**DISCUSSION:**

**The Commission voted unanimously to approve the minutes of the prior hearing: October 12, 2023**

**David VanHoven brought up an unexpected topic related to work that the Marblehead Conservancy is planning. Don Morgan was invited to present his idea about a trail at Forest River that had become overgrown. Due to technical difficulties, a picture illustrating the issue could not be viewed by the participants. The conversation led to a discussion about using honeycomb plastic material and gravel footing to solve the trail issue, but concerns were raised about the practicality of this solution considering the frequent high tides, potential for storm surge, and ice damage. Alternatives like a boardwalk were suggested, but the group was reluctant due to its prominence. The discussion ended without a clear resolution. It was determined more research and background was required**

170 Jersey St – Julie Fitzgerald – [Bill Nolan] – re-construct single family residence in the buffer zone to a FEMA zone **William Nolan spoke representing Julie Fitzgerald. He discussed the property being outside the FEMA flood zone but undergoing planning and zoning board reviews due to the size of the renovation. The team also discussed the reconstruction of the house, the challenge of bringing a small lot into conformity with regulations, and the possibility of filing a request for determination (RDA) to avoid unnecessary expenses. The meeting also touched on the issue of the proximity of the project being in the buffer zone to a FEMA V zone which per the Marblehead Wetlands Protection bylaw places the project in the jurisdiction of the Con Comm but not the DEP. The team acknowledged the need to cover themselves legally by filing an NOI or RDA.**

Vote for the adoption of a tree replacement regulation. **The proposed tree replacement regulation was discussed, with concerns raised about its impact on projects and the need for case-by-case evaluations and the possibility of granting waivers for certain situations. There was acknowledgment that the formula for determining the number of replacement trees needed for future projects would need further refinement. Scott Patrowicz expressed dissatisfaction with regulations that have not been fully vetted. Commission Chairman David VanHoven corrected Scott that the bylaw had been extensively discussed and researched. The Chairman proposed a motion to approve the tree replacement regulation, which Paul seconded despite a misunderstanding over the language of the regulation. The motion was clarified and unanimously approved.**

**REQUEST[S] FOR A CERTIFICATE OF COMPLIANCE:**

40-1444 92 Harbor Ave – Johannes Naerger et ux [Lauren Lautner] landscaping, sitework  
**Charlie Quigley reported he inspected the site, which does comply with the order of conditions (OOC). The commissioners voted unanimously to approve.**

<b><u>DEP file#</u></b>	<b><u>ADDRESS</u></b>	<b><u>APPLICANT</u></b>	<b><u>PROJECT DESCRIPTION</u></b>
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**CONTINUED PUBLIC HEARINGS:**

40-1545 10 Coolidge Road – Daniel J. Riccio, Tr –[Patrowicz] - [DEP: no comments] –  
house addition landscaping, site work

**Notice of Intent (NOI) Application Documents:**

- **Notice of Intent application documents (including photos), dated 3/23/23, prepared by Patrowicz Engineering,**
- **Existing Conditions Plan (with demolition notes) {sheet 1 of 2}, dated 3/23/23 revised thru 4/23/23 (Rev#1), prepared by Patrowicz Engineering,**
- **Site Plan (with impervious calculations) {sheet 2 of 2}, dated 3/23/23 revised thru 4/23/23 (Rev#1), prepared by Patrowicz Engineering,**
- **Letter Report (Project and Regulatory Review), dated 6/3/23 and resume, prepared by Dr. Peter Rosen (Coastal Geologist), and**
- **Letter (Supplemental information), dated 6/3/23, prepared by Scott Patrowicz, P.E.**

- Letter and graphic, dated 11/1/23, Paul L. Feldman, Davis Malm Attorneys

**Paul Feldman and Scott Patrowicz spoke representing the applicant and presented a new letter dated 11/1/23 written by Paul. They requested to withdraw the motion to reconsider. The commissioners voted unanimously to withdraw the motion. Chair David VanHoven noted that the special conditions included in the Order of Conditions approved in the October 12, 2023 meeting's vote are still applicable.**

40-1558      84 Harbor Ave. –Holly A. O’Neill et ux – [Patrowicz] –[DEP: no comments] - new house

**Notice of Intent (NOI) Application Documents:**

- **Notice of Intent application documents (including photos), dated 8/21/23, prepared by Patrowicz Engineering,**
- **Existing Conditions Plan (with sediment controls) {sheet 1 of 4}, dated 8/21/23 revised thru 10/4/23 (Rev#1), prepared by Patrowicz Engineering,**
- **Demolition Plan (with demolition notes, with LOMA FEMA delineation) {sheet 2 of 4}, dated 8/21/23 revised thru 10/4/23 (Rev#1), prepared by Patrowicz Engineering,**
- **Site Plan (with impervious area calculations, with LOMA FEMA delineation) {sheet 3 of 4}, dated 8/21/23 revised thru 10/4/23 (Rev#1), prepared by Patrowicz Engineering,**
- **Representative Examples {sheet 4 of 4}, dated 8/21/23 revised thru 10/4/23 (Rev#1), prepared by Patrowicz Engineering,**
- **Tree Replacement and Landscape Plan, dated 10/23, prepared by Lauren Lautner (Landscape Designer),**
- **Architectural Renderings and Drone photos, no date, prepared by Tobin Schulman (Architect), and**
- **Letter Report, dated 10/4/23, prepared by Wendi Goldsmith, PhD. (Coastal Geologist)**

**Scott Patrowicz represented the owners, Holly and Jerry O'Neil, and highlighted changes since the last hearing. All commissioners confirmed their qualifications to vote. Scott discussed the demolition of the top part of the house and seawall to keep the embankment stabilized and replace it with landscaping. The demolition plan shows a stone deck with decking and landscaping, including a flat lawn area and rain gardens. The existing pool and retaining walls will be replaced with coastal engineering structures, while the new structures will be upgraded from the 50-foot buffer zone. The site plan includes several interconnected BMPs, including rain gardens, terraces with salt tolerant plants, and crush**

**stone for the foundation of the seawall and house. There will be an excavation for the patio area and a basement for the pool, with a minimum of 6 inches of fill for the garage. The current site plan shows no new fill added to the existing grade. Coastal geologist Wendy Goldsmith spoke representing the owners and surmised the proposed work will be restorative and comply with all bylaws and performance standards.**

**The commissioners voted to close the hearing. They voted unanimously to approve the OOC with the following special conditions:**

**Special Conditions:**

Fourteen 2” caliper trees are to be planted to replace the removed trees.

**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.

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

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.

38. 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.

**Post-construction/in perpetuity:**

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.**

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.**

45. 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.**

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](http://www.mnla.com) or [www.newfs.org](http://www.newfs.org). **This condition shall survive this order.**

54. The control drawing/s for this project were prepared by a licensed Professional. The construction of this project shall be regularly inspected by said licensed professional to insure that the project complies with the control drawing/s. Progress reports shall be submitted by said professional at regular intervals while work is progressing on the project. The reporting interval shall be determined by the Conservation Administrator based on the scope and anticipated duration of the project. 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"**.

100. Prior to any work on this project that might affect the stability of the existing seawalls, the applicant shall retain the services of a licensed Professional Engineer (Structural) to examine the condition of the existing seawalls and issue a report on the structural integrity of those seawalls and their ability to handle the increased loads and stresses anticipated in connection with the proposed work.

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.

103. The final Maintenance Agreement approved by the Commission shall be recorded with the Essex South Registry of Deeds as a restrictive covenant running with the land to be binding upon the present owner and all subsequent purchasers of the land or any lot or part thereof, and a reference to such restrictive covenant shall be included in the first deed out of the property or in the deed for all lots or subdivided portions thereof.

103A. A maintenance plan/schedule shall be submitted to the Conservation Commission for approval covering the entire subsurface drainage system prior to construction of the system. The maintenance plan/schedule shall be recorded at the Registry of Deeds with the final Certificate of Compliance and shall be binding upon the present owner and all subsequent purchasers of the land serviced by the system.

105 Tarps shall be spread and secured over the work area on top of the existing resource area for debris containment and collection during low to medium tides. The tarps and debris will be removed between tides and at the end of workday. At no time are the tarps to be inundated due to rain, tidal or wave action. The tarps are to be removed no less than ½ hour prior to expected inundation. At that time all work is to cease in the area near the resource area.

107 Before any landscape work begins, the applicant shall submit a landscape plan to the Commission for approval. No landscape work may commence until the Commission has approved the landscape plan.

40-1557 175 Beacon St. – 4J Homes, LLC – [Patrowicz] – [DEP: no comments] -new house

**Notice of Intent (NOI) Application Documents:**

- **Notice of Intent application documents (including photos), dated 8/23/23, prepared by Patrowicz Engineering,**
- **Existing Conditions Plan (with demolition notes) {sheet 1 of 2}, dated 8/23/23 revised thru 11/2/23 (Rev#2), prepared by Patrowicz Engineering,**
- **Site Plan (with impervious calculations) {sheet 2 of 2}, dated 8/23/23 revised thru 11/2/23 (Rev#2), prepared by Patrowicz Engineering,**
- **Letter Report, dated 10/16/23 (including 5/31/23 letter), prepared by John Dick (Wetlands Scientist), and**
- **Letter Report (with BVW determination forms and resume), dated 10/20/23, prepared by Mike Seekamp (Seekamp Environmental Consulting).**
- **Arborist Report, dated 11/9/23, prepared by Mark Cicoria**

**Scott Patrowicz represented the applicant and presented the revised plan that was done based on a site meeting and a survey. Scott proposed adding more trees to the project. The absence of wetlands on the site was also discussed. David McKay of 3 Beacon Hill Road spoke favorably about what he saw on a site visit with Mr. Patrowicz and certified wetland scientist Dave Gordon, who also discussed the letter he submitted regarding his findings from the site visit. The Commission requested additional information, which the team agreed to provide. The Commission voted to close the hearing and approve an order of conditions with the following special conditions:**

**Special Conditions:**

Sixteen 2” caliper trees shall be planted to replace the removed trees.

**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.

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

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.

38. 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.

**Post-construction/in perpetuity:**

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.**

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](http://www.mnla.com) or [www.newfs.org](http://www.newfs.org). **This condition shall survive this order.**

54. The control drawing/s for this project were prepared by a licensed Professional. The construction of this project shall be regularly inspected by said licensed professional to insure that the project complies with the control drawing/s. Progress reports shall be submitted by said professional at regular intervals while work is progressing on the project. The reporting interval shall be determined by the Conservation Administrator based on the scope and anticipated duration of the project. 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"**.

103. The final Maintenance Agreement approved by the Commission shall be recorded with the Essex South Registry of Deeds as a restrictive covenant running with the land to be binding upon the present owner and all subsequent purchasers of the land or any lot or part thereof, and a reference to such restrictive covenant shall be included in the first deed out of the property or in the deed for all lots or subdivided portions thereof.

103A. A maintenance plan/schedule shall be submitted to the Conservation Commission for approval covering the entire subsurface drainage system prior to construction of the system. The maintenance plan/schedule shall be recorded at the Registry of Deeds with the final Certificate of Compliance and shall be binding upon the present owner and all subsequent purchasers of the land serviced by the system.

107 Before any landscape work begins, the applicant shall submit a landscape plan to the Commission for approval. No landscape work may commence until the Commission has approved the landscape plan.

### **PUBLIC HEARINGS:**

40-1561 297 Ocean Ave – Michael Kaczynski – [John Dick]- [DEP: no comments] seawall repair **John Dick spoke representing the applicant, who is requesting permission to do periodic seawall maintenance. No members of the public were present to comment. The commissioners voted to close the hearing and approved an OOC with the following special conditions:**

#### **Special Conditions:**

#### **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.).

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.**

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"**.

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.

40-1562      29 Pinecliff Dr – Dwight Groom et ux – [Patrowicz]-[DEP: no comments]-single family home, landscaping

**Notice of Intent (NOI) Application Documents:**

- Notice of Intent application documents (including photos), dated 10/24/23, prepared by Patrowicz Engineering,
- Existing Conditions Plan (with demolition notes) {sheet 1 of 3}, dated 10/24/23, prepared by Patrowicz Engineering,
- Site Plan (with impervious calculations) {sheet 2 of 3}, dated 10/24/23, prepared by Patrowicz Engineering,
- Representative Examples (showing tree replacements), {sheet 3 of 3}, dated 10/24/23, prepared by Patrowicz Engineering,
- Arborist Report, dated 10/3/23 prepared by Dennis Silvio (Iron Tree Service), and
- Report (Project and Regulatory Review), dated 10/24/23, prepared by Dr. Peter Rosen (Coastal Geologist)

Scott Patrowicz presented the proposed plans for the applicant. The house would be as far landward as possible, and they aim to eliminate any point source discharge by storm water. The impact of excavation on the roots of trees and the potential for damage was discussed. Concerns were raised about the impact of removing trees, particularly in relation to the environmental benefits they provide. The final plan will be revised to consider the trees more, and Scott agreed to come back next month with a revised landscape plan. Abutter Bryan Poisson expressed his concerns about the proposed plan and interest in seeing the architectural designs for the new house. The commission voted unanimously to continue this hearing to the December meeting.

**ENFORCEMENT ORDER[S]:**

40-1192          Ralph Sevinor – [Phil Helms] – work performed outside the scope of the approved plans

Phil Helms spoke representing Ralph Sevinor. He introduced Chris Novak, an engineer from VHB, a consulting firm that will assist with the project. David VanHoven expressed dissatisfaction with the slow progress and urged the team to come up with a plan to stabilize the site. The team is currently in the data gathering stage and plans to present a mitigation plan at the next meeting. Attorney Michele Hunton, representing abutter William Nutt, expressed her concerns about the new engineers' familiarity with past meetings and plans. The Commission agreed to revise the enforcement order to include a temporary plan for the winter and to incorporate the items listed in TRC's report. The revised enforcement order is to be ratified at the December meeting.

**DISCUSSION:**

Other matters as may appropriately be brought before the Commission.

Performance standards for new piers. **Dave Oster proposed expanding the resource areas protected under the State Wetland Protection Act and applying performance standards from Manchester By the Sea's and Salem's bylaw regulations. He suggested that any construction within these areas would be presumed to have a negative impact and applicants would need to provide evidence to the contrary. Kate Melanson supported aligning with neighboring communities and their water body regulations. The team discussed updating their bylaw regarding performance standards and decided to explore this further before proceeding to town meetings.**

**David VanHoven also disclosed he has briefly discussed potential future projects and improvements for consideration with Don Morgan from the Conservancy.**

**The hearing was voted to be adjourned at 9:55 PM.**