

CONSERVATION COMMISSION MINUTES OF JULY 10, 2008

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 Ken Fisher, Walt Haug, Fred Sullivan, Deb Payson, Craig Smith, Don Tritschler and Brian LeClair Also present was Doug Saal, 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.

Discussion: Dr. and Mrs. Goodman appeared and asked two questions regarding 40-948, the proposed pier at Gerry Playground. They asked how the commission will monitor the layout and positioning of the proposed parking area. The commission pointed out that all details for the project are contained in or referenced to the control drawing in its most current, approved revision and this drawing determines the final layout of the entire areas under the jurisdiction of the commission. The commission said that one of the conditions in the OOC requires prior approval of the final design of the parking area by the commission before any work is started on the parking area. This information will be contained within the most current, approved version of the control drawing. The number of parking spaces was not determined and will depend on the final design of the parking area. The Goodmans then pointed out that the Marblehead Fire Chief has expressed concern about proper access by fire trucks due to the increased parking. Again the commission referred to the control drawing and said any deviations by the applicant from the design as shown on this drawing are not allowed unless approved in advance by the commission. The commission said that if any proposed deviations do not essentially conform to the conditions already contained in the OOC and if they are considered to be major deviations, new hearings will be held for public input.

Discussion: Reference: Letter dated 07/08/08 from Robert A. Bakst, General Contractor. Appeared R. Bakst and R. Erbetta to discuss a project at 2 Gas House Lane. The project is to replace an existing deck with a new deck of essentially the same size and in the same location. The commission explained that, if the work were entirely outside a resource area but within a buffer zone, it might have been able to process this project as a minor activity. However, the project is within a resource area (the house foundation forms a part of the coastal bank and the house footprint is within the FEMA 100 year flood zone) and thus requires a NOI. The applicant will submit a NOI and was

informed it should include a delineation of the resource areas and buffer zones on the site plan and a drawing of the new deck.

40-953 24 AND 28 CRESTWOOD ROAD MILLER

Resource Area: Coastal Beach, Coastal Bank

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

Appeared: John Miller, applicant, and R. Williams of Hayes Engineering, Inc.

Control Drawing: Plan to Accompany NOI for John Miller, Jr. and Jayne Miller, dated April 11, 2008 and revised April 23, 2008

The purpose of this project is to relocate the Top of Coastal Bank, construct a deck and build a pathway within the coastal bank. Since work is proposed within a resource area, the commission stated it will require a site visit, date to be determined during this hearing. The commission also stated it will refer to a previous application of a similar nature and in a similar location, viz., 40 Crestwood Road, Pelletier.

Regarding the deck, the deck surface will be open, allowing precipitation to pass through the surface. The ground under the deck will be pervious. Details of the deck construction will be supplied.

Regarding the pathway within the coastal bank, the pathway will be identified on the control drawing.

Regarding the coastal bank, the new top of coastal bank will be defined as the top of the proposed four foot high retaining wall. The area landward of this new top of coastal bank will not be lawn. It will be planted with appropriate vegetation of low maintenance. No fertilizers are to applied in this new area. The distance between the new, proposed top of coastal bank to the mean high water mark is ca. seventy feet. This is important since this separation is significant in helping to prevent any pollution from runoff and because the steep part of the bank is located a large distance from the resource waters (ocean).

After departure of the applicant, the commission questioned what is proposed within the area immediately abutting the resource waters.

There is currently a right of way for a town stormwater drain line on the property of 28 Crestwood Road. The applicant will submit to the commission a letter from the Marblehead Water & Sewer Department approving any topographical changes within this right of way.

The applicant and commission agreed to a site visit on Monday, July 21 at 6:00 PM. The next hearing for this NOI will be August 14, 2008. All voted to continue this hearing to August 14, 2008.

Old/New Business:

Approve minutes: Six members voted yes, one member abstained due to prior absence, to approve the minutes of 06/26/08.

Sign Documents: All documents per the agenda were signed.

MACC: All members agreed to continue our membership in MACC and authorized D. Saal to pay our annual dues.

Next Meeting: It was agreed not to hold a meeting on July 24, 2008.

The meeting was adjourned at 8:10 PM.