

**CONSERVATION COMMISSION
MINUTES OF MARCH 13, 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 Walt Haug, Craig Smith, Fred Sullivan, Deb Payson, Ken Fisher, 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.

Approve Minutes: Six members voted to approve the minutes of 02/28/08 as presented

**NOI 40-937 PARKER'S BOAT YARD, 3 REDSTONE LANE MARBLEHEAD
HARBORS AND WATERS BOARD**

Resource Area: Coastal Bank, LSCSF

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

Appeared: Charles Dalferro, Marblehead Harbormaster, Doug Trees and Shan McAdoo

Control Documents and Drawings: Sketches A-2, A-3, A-4, P-0 and P-1 (all undated). A new sketch, A2, revised March 13, 2008.

This was a continuance from 02/14/08 and 02/28/08. The new sketch shows a 12 inch wide strip along the entire side facing the float. This strip will be filled with ¼ inch crushed stone to act as a French drain. The sketch also shows a leaching manhole in the direct vicinity of the small building. Both devices will serve to capture the sheet flow of storm water over the asphalt surface. There are some small areas of existing pavement that are in disrepair and need patching. The commission agreed to allow this patching immediately and will be included in the OOC. Six members voted to close this hearing. Six members voted to issue an OOC with the following special conditions.

Pre-construction:

1. All special conditions are to be included in the construction contracts between the applicant and his/her contractor.
2. 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.
3. In accordance with General Condition No. 8 contained in this Order of Conditions, the applicant shall record this Order at the Registry of Deeds and shall submit the recording information to the Conservation Commission on the form for said information found at the end of the Order. This will be submitted prior to the commencement of any work authorized by this Order. 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.
4. Temporary patching of the areas shown on sketch A2, revised March 13, 2008, are allowed to be performed immediately.

During construction:

5. All demolition debris will be removed from the site ASAP and not stored within a resource area or a buffer zone. If a dumpster is used to contain the debris, the dumpster shall be covered. The debris shall be properly disposed of in accordance with applicable federal, state and local regulations.
6. All construction material will be stored outside the resource area and its buffer zone or as far back from the resource areas as possible.
7. Any pressure-treated wood proposed to be used in the construction of a structure for land-based use (contacting with soil) 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 MADEP which is less polluting and harmful to the salt water and its environment.

Post-construction/in perpetuity:

8. 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. 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.
9. Upon completion of the work allowed under this OOC, the applicant shall within 30 days apply for a Certificate of Compliance (COC) and, if required by the commission,

submit an “as built” drawing with the application for the COC.

NOI 40-945 83 NAUGUS AVENUE HERRING

Resource Area: Coastal Bank, LSCSF

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

Appeared: Mathew Herring, Dan Lynch and Bill Kelley, contractors

Control Documents and Drawings: Land of Herring, Proposed Pier, Ramp and Floats, 83 Naugus Avenue, dated February 6, 2008, prepared by Lynch Engineers; landscape plan, Herring Residence, dated July 2006, prepared by For Seasons Ecological Landscape Design

The landscape plan was originally submitted with NOI 40-895 but was included with this NOI due to discrepancies between the plan and the actual landscaping as observed during a site visit on March 13, 2008. The applicant will submit a revised landscape plan showing (1) the new location of steps located on either side of the proposed deck, said steps connected along the deck with a narrow grass strip, (2) the removal of the stone step walkway along the top of coastal bank, (3) the fence along the top of coastal bank, (4) the new 10 ft.x 5 ft. sitting area adjacent to the top of the coastal bank, near the entrance to the pier and (5) more detail of how the pier will connect into the coastal bank. In addition, the commission required more specific information on the lifting mechanism. With the agreement of the applicant, all members voted to continue this hearing to March 27, 2008. In the event an OOC is issued, it will contain, at a minimum, the following special conditions.

Pre-construction:

1. All special conditions are to be included in the construction contracts between the applicant and his/her contractor.
2. In accordance with General Condition No. 8 contained in this Order of Conditions, the applicant shall record this Order at the Registry of Deeds and shall submit the recording information to the Conservation Commission on the form for said information found at the end of the Order. This form must be submitted prior to the commencement of any work authorized by this Order. 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.
3. A letter from the Marblehead Harbormaster approving this project must be submitted to the Commission before any work is started.
4. A copy of the Chapter 91 license must be submitted to the Commission before any

work is started.

During construction:

7. All demolition debris will be removed from the site ASAP and not stored within a resource area or a buffer zone. If a dumpster is used to contain the debris, the dumpster shall be covered. The debris shall be properly disposed of in accordance with applicable federal, state and local regulations.
8. All construction material will be stored outside the resource area and its buffer zone or as far back from the resource areas as possible.
9. 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.
10. Any pressure-treated wood proposed to be used in the construction of a structure for land-based use (contacting with soil) 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 MADEP which is less polluting and harmful to the salt water and its environment.
11. 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. All floats/docks will be so constructed so as not to bottom out (rest) on the ocean floor at mean low tides. This condition shall survive this order.

Post-construction/in perpetuity:

12. 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 Lawncare 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.
13. 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. 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.

15. 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.

16. 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.

19. 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.

20. 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.

21. Upon completion of the work allowed under this OOC, the applicant shall within 30 days apply for a Certificate of Compliance (COC) and, if required by the commission, submit an “as built” drawing with the application for the COC.

NOI 40-944 3 BEACON STREET M’HD TRADING COMPANY

Resource Area: Coastal Bank, LSCSF

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

Appeared: No one

Control Documents and Drawings: Plot Plan of Land, Property of Marblehead Boatyard Associates, dated November 5, 1992 prepared by Northshore Survey Corp. Also, see Catch Basin from E.F. Shea, New England Concrete Products, Inc.

This was a continuance from 02/28/08. The DEP File No. was received. Six members voted to close this hearing. Six members voted to issue an OOC with the following special conditions.

Pre-construction:

1. All special conditions are to be included in the construction contracts between the applicant and his/her contractor.
2. 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.
3. A drawing showing the dimensions of the footing upon which the new column will sit and the diameter of the column within the footing will be submitted before any work is started.
4. In accordance with General Condition No. 8 contained in this Order of Conditions, the applicant shall record this Order at the Registry of Deeds and shall submit the recording information to the Conservation Commission on the form for said information found at the end of the Order prior to the commencement of any work authorized by this Order. 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

During construction:

5. 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.).
6. All demolition debris will be removed from the site ASAP and not stored within a resource area or a buffer zone. If a dumpster is used to contain the debris, the dumpster shall be covered. The debris shall be properly disposed of in accordance with applicable federal, state and local regulations.
7. 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:

8. Upon completion of the work allowed under this OOC, the applicant shall within 30 days apply for a Certificate of Compliance (COC) and, if required by the commission, submit an "as built" drawing with the application for the COC.

Old/New Business:

Approve Minutes: see above

Sign Documents: All documents per the agenda were signed.

Erosion Control Bylaw: W. Haug will work with D. Saal to generate regulations for this bylaw and review with the commission.

Stormwater Guidelines: W. Haug and D. Saal will review these regulations as they apply to the Marblehead Wetlands Protection Bylaw.

The meeting was adjourned at 8:45 PM.