

Marblehead Conservation Commission
Minutes July 14, 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 7:03 p.m.

Approve Minutes of prior meetings: May 12, 2016, and June 9, 2016

Present were: Commission Members Brian LeClair; Fred Sullivan; David Depew; David VanderHoven; Barbara Collins Rosenberg and Mike Smith. Also present was Becky Curran, Acting Conservation Administrator.

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

HEARINGS

NOI 40-1239, 36 Cloutman's Lane

Appearing: Peter Ogren, Hayes engineering, appearing on behalf of applicant, Richard B. and Nancy S. Walker, Trustees, Front House Realty, LLC

Proposed: Reconstruction and repair of an existing granite block seawall and concrete patio. Applicant presented plans as provided in application.

All members voted to close the hearing. All members voted to issue an OOC with 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.

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.**

42. The repair/replacement of small sections of damaged caps on seawalls is allowed as a surviving condition. All dislodged and removed caps will be immediately contained and removed from the work site to prevent any such material from entering the resource waters. Prior to any work, the scope of the proposed repair/replacement must be approved by the Conservation Commission. If the cap on a major length or on an entire wall needs to be repaired/replaced, this requires an NOI. **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.**

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".**

| 102. Tarp for seawall repairs (need language)[Add existing condition language]

NOI 40-1242, 14 Foster Street

Appearing: Scott Patrowicz, Land Development Engineer; Tom Saltsman, Saltsman Brenzel Design Construction

Proposed: Demolition of existing house and decks; partial removal driveway, walkways and walls; construction of a new house, driveway, patio, walkways, walls, steps and landscaping. Applicant presented plans as provided in application.

Patrowicz states existing house will be demolished and pulled back within zoning compliance, going on same footprint; total of 1,000 square feet reduction in impervious surfaces, improve drainage, adding cultic units under deck.

Motion to close, passed unanimously.

| Motion to issue the following order of conditions was seconded and voted unanimously:

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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.

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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.

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NOI 40-1241, 35 Clifton Heights Lane

Appearing: Douglas Jones, LeBlanc Jones Landscape Architects, on behalf of Applicant, Jami M. Corbett

Proposed: Removal and replacement of existing driveway. Construct new patio with seat wall and walkways with associated grading and landscaping.

Applicant presented plans as provided in application.

Brian LeClair and David VanderHoven expressed concern that water runoff will flow onto neighbor's property. Applicant must add a rain garden to handle run-off.

Motion to close was seconded and voted unanimously.

Motion to issue an order of conditions was seconded and voted unanimously **subject to submitting a revised plan showing rain garden.**

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NOI 40-1240, 80 Commercial Street

Appearing: Dana Weeder, for Marblehead Municipal Light Department; and Sean Malone, Oak Consulting Group, LLC.

Proposed: Building renovations, taking the existing structure and pushing offices out toward Harbor to maximize views; moving linesmen work area to back of building; adding a high bay garage. Goal is to retrofit a "tired, old industrial site, while improving functionality and aesthetics." Repair parking lot; remove underground fuel tank; remove 493 square feet of impervious area.

Motion to close was seconded and voted unanimously.

Motion to issue an order of conditions was seconded and voted unanimously including:

In addition to sock, silt fence must be placed around site;

No stock piling, especially of excavation materials near Hammond Park or the Harbor;

Wells cannot be in retention basin.

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40-1243, 452 Atlantic Avenue

Appearing: Curtis R. Young, Wetlands Preservation, Inc., on behalf of applicant, Alexander Falk.

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

Vote to continue for DEP comments.

Move to continue to August was seconded and voted unanimously, without opening the hearing.

Permission granted to do planning (hiring/scheduling).

NOI 40-1245, 235 Ocean Avenue

Appearing: Scott Patrowicz, Land Development Engineer, and Applicants William S. and Meghan I. Cashel.

Proposed: Demolition of deck; proposed house additions; and over wash drain system.

Vote to continue for DEP comments.

Move to continue to August was seconded and voted unanimously, without opening the hearing.

40-1244, Zero Brackett Place

Appearing: Scott Patrowicz, Land Development Engineer; Mark Landsberg, Architect; Larry Garrett and Grace Tucker, Trustees.

Proposed: Construction of emergency fire escape and egress systems.

Pending DEP comments, work will proceed on areas outside of the resource areas; Trustees agreed that work on building 33 and 35, the addition of ladders, shall take place.

Work will be separated out into two projects as 33 and 35 do not need Conservation Commission approval.

Brian LeClair asks that the word “railing” be added to the plans.

Vote to continue for DEP comments.

Move to continue for August was seconded and voted unanimously, without opening the hearing.

NOI 40-??? 131 Jersey Street

Continued to August

Request for Determination

Applicant: Goldthwait Reservation

Proposed: to remove the rocks that have been pushed onto the marsh.

Motion to issue a negative determination was seconded and voted unanimously.

Old and New Business

Request for changes in project scope:

- 40-1232, Goldthwait Reservation, (Call Geoff Lubbock re: drain repair at Phillips Street) pending

Request for Extension:

- 40-1120, 21 Goodwin’s Ct., Steve and Lisa Gallagher
- 40-1137, 21 Goodwin’s Ct., Steve and Lisa Gallagher

Ongoing work on house and float: Motion to issue a one year extension on float, Commission will see if we can issue a two year extension on house.

- 40-1140, 7 Bradlee Rd., Charles and Christine Trowbridge

Requesting an extension on landscaping, file does not show that a landscape plan was ever submitted. Minutes will be checked to see if plan was submitted; Commission has no problem with a one year extension, reminded Christine Trowbridge, that plantings are plants, and not “boulders.”

Requests for a Certificate of Compliance:

- 40-966, 7 Fort Sewall Tr., Glenn KnicKrehm
- 40-1183, 4 Corn Point Road, Velji Burke
- 40-580, Barnegat Lane, Bird Realty Trust/Howard
- 40-1201, 6 Foster, Peter Weise
- 40-1222, 5 Mooring Road, Fluen Point Association
- 40-1225, 11 Crown Way, Andrew Oliver

Motion to issue Certificates of Compliance, approved as a block vote was seconded and voted unanimously.

Discussion Items:

- Review Conservation Regulations changes – to be discussed at next meeting
- 75 Beach Street, discussion post issuance, Paul Lynch appearing, buried construction debris has been found in rain garden, must be removed and replaced. Site visit to be made by building department. All parties must be notified, new building owner, Kimberly Trudel
- 10 Coolidge Rd., Daniel Riccio, proposed house additions, Paul Lynch appearing – prior determination in 2012, as long as work is kept within the bounds of what was presented on 8/29/2012, as noted in minutes, work can continue.
- 53 Rockaway Ave., David and Mira Kucharsky, fallen tree limb and encroachments, tree limbs are considered habitat and should not be removed, Commission advised David Kucharsky, William Hewig, and Howard Carey to get in touch with the Conservancy to work on wetlands behind Rockaway Avenue properties.
- Update 151 Green Street – finished pulling out bottle dump, awaiting testing

Documents signed.

Meeting adjourned at 9:20 p.m.

