

**CONSERVATION COMMISSION
MINUTES OF FEBRUARY 8, 2007**

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, Betsy Rickards, Craig Smith, Fred Sullivan and Mark Klopfer. Also present were Jan Smith, Associate Member and 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 only five 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 three members.

Discussion: Tom Blackler appeared to request an opinion regarding a lot on Village Street which he owns and which abuts the wetland behind the Village Street Middle School. His information was insufficient for the commission to make any comments. Saal and Haug will walk the site with Blackler, take appropriate measurements and report back to the commission.

40-915 90 NAUGUS AVENUE LESSARD

Resource Area: Coastal Beach, Coastal Bank

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

Appeared: Mr. Lessard

Control Drawing: Single Family House Re-Construction Plan, 90 Naugus Avenue, dated January 14, 2007, prepared by Paul Lindholm, P.E.

Lessard stated there will be a small increase in the amount of pervious land, as determined in his review with the Building Inspector. He also stated there will be no filling of the existing depression located in the south corner of the lot so as to maintain the ability of this depression to properly channel storm water. Mrs. Frazer, representing the Naugus Head Association, voiced the approval of the Association for this project. All members voted to close this hearing. All 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.

During construction:

3. 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.).
4. 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.
5. 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:

6. 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.
7. 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.
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.

Approve Minutes: The minutes of 01/25/07 were approved without change.

Enforcement Order: An Enforcement Order was issued against the Marblehead Recreation, Park and Forestry Department on 02/06/07, specifying an NOI with their plan for remediation must be filed on or before 03/08/07.

40-XXX RDOA 11 DENNETT ROAD GALANTE

Resource Area: BVW

Interest of WPA and Bylaw: Prevention of Pollution, Protection of Wildlife Habitat, Flood Control

Appeared: Mr. Galante and James Emmanuel of James K. Emmanuel Associates

Control Drawing: Landscape Plan, L-1, for Galante Residence, 11 Dennett Road, dated January 2007, prepared by James K. Emmanuel Associates and with Plant Schedule

The commission pointed out the control drawing did not show the existing trees on the property or the two swales at the back of the property abutting the Audubon Sanctuary wetland. One of the swales was constructed by the Marblehead Water & Sewer Department when they installed a below-ground drain pipe in the drainage easement on the property of 7 Dennett Road. The other swale was installed partially on the property of Galante by the neighbor of Galante (15 Dennett Road), without his permission. This swale drains water off the property of this neighbor. A revised landscape plan will be submitted for approval showing existing trees and the one(s) which will be removed and will also show additional plantings in the 25 foot No Disturb Zone. Note: this area is already planted with a struggling grass (very little sunlight). These additional plantings will be berry bearing to provide food for birds. No fertilizers will be applied in this zone in the future so as to prevent nutrients from reaching the wetland.

All members voted to close this hearing. All members voted to issue a negative determination with the following special conditions.

Pre-construction:

1. A revised landscape plan will be submitted for approval before any work is started. This plan will show additional plantings in the 25 foot No Disturb Zone, incorporating berry bearing plants. The plan will also show the existing tree(s) which is/are to be removed.
2. No fertilizers will be applied in the 25 foot No Disturb Zone at any time in the future so as to prevent nutrients from reaching the wetland.
3. Outside the 25 foot No Disturb Zone, 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.

Old/New Business:

Approve Minutes: see above

Request for Extension: 40-802 Whittier Ponds: All members voted to extend this OOC for one more year to allow for the application of the herbicide/algaecide specified in the OOC. The Year End Report for 2006, dated January 11, 2007 submitted by Aquatic Control Technology, was read into the file. Per the commission, Haug will send a letter to ACT informing them of the study program being conducted on Black Joe's Pond and stating additional extensions to 40-802 might not be granted, contingent on the outcome of this study program.

Minor Activity Permit: 4 Stevens Road Hare: Saal reviewed this permit with the commission.

Sign Documents: All documents per the agenda were signed.

Other Matters:

Storm water Management and Erosion Control Bylaw: The commission agreed to be the Authorized Enforcement Authority for the bylaw. Saal will so inform Dana Snow of the Marblehead Water & Sewer Department.

Seawall Committee: C. Smith agreed to be the representative for the commission on this committee.

Fine Funds: There is currently \$6,000 in this fund. Per the commission, Haug will contact the Marblehead Conservancy to determine those projects on conservation lands which need funds. He will request the Conservancy to report to the commission.

Meeting Date: There is currently only one NOI filed for the meeting on February 22. If no additional NOI's are received by Friday, February 9, and with the agreement of the applicant who has already filed, no meeting will be held on February 22.

The meeting was adjourned at 8:30 PM.