

**CONSERVATION COMMISSION  
MINUTES OF MARCH 22, 2007**

Meeting was held in the lower conference room at the Mary A. Alley Building, 7 Widger Road

Meeting was called to order at 7:15 PM

Present were: Commission Members Walt Haug, Fred Sullivan and Mark Klopfer. Also present were Jan Smith, Associate Members 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.

**40-0000 316 OCEAN AVENUE CHRISTIAN**

Resource Area: BVW

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

Appeared: Peter Brennan of Environmental Pools, Inc. representing the applicant, Michael Christian

Control Drawings: Undated excerpt from overall site plan as drawn by S. Patrowicz from NOI 40-608 specifically, Lot 4.; Proposed Pool Scape for M/M Christian, no date, prepared by Environmental Pools, Inc.; typical details of pool construction, by Environmental Pools, Inc. dated 07/23/03

No DEP file number had been received. The representative was informed that the hearing could not be closed but would be discussed. The pool will be maximum four feet deep below the existing ground level elevation. Since ground water level can vary with the season, before construction is started, the level of ground water will be determined. No excavation will commence until the level of ground water is below the lowest elevation of the proposed excavation. No de-watering will be done. Per the NOI 40-808 site plan, the ground water level is 40.8. After excavation, the hole will be filled with approximately twenty tons of 2 inch diameter crushed stone. The pool will contain a hydrostatic relief valve to allow any rising ground water to enter the pool until the pool is filled. Thereafter, this valve will be permanently sealed. The bottom of pool will sit about the nominal ground water level. Filtration will be done via a non-back flushing system, using cartridge filtration. In lieu of chlorine, a salt sanitation system will be employed. This uses ordinary table salt. Once per year, the pool water will be lowered

by discharging 2,000 – 3,000 gallons of water over an eight hour period. The point of discharge will be outside the 100 foot Buffer Zone. The discharge will be designed so as to avoid any erosion. The shape and size of the apron around the pool will be per the excerpt as defined under “Control Drawings”.

Per the agreement of the representative, all members voted to continue this hearing to April 12, 2007. In the event an OOC is issued, it will contain 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. The pool will not affect the flood storage capability of the surrounding land.
4. A landscape plant list will be submitted to the commission for approval before any work is started.

**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. 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.

9. The annual discharge of pool water will exit outside the 100 foot Buffer Zone and will be done in such manner as to prevent any erosion.
10. When a pool/spa/hot tub is 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. 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.
11. 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).
12. 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.

#### **40-916 22 CLIFF STREET SULLIVAN**

Resource Area: Coastal Bank

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

Appeared: P. Lynch, representing the applicant and M/M Sullivan

Control Drawings: Topographic Plan of Land, 22 Cliff Street, Sullivan, dated February 23, 2007, prepared by North Shore Survey Corp

It was noted that the new construction is located landward of the existing house, drains to the street and, at 166 sq. ft., represents an almost negligible increase in impervious surface. 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. 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.

**40-917 69 BEACH STREET FREJ**

Resource Area: Salt Marsh, Land Subject to Coastal Storm Floware

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

Appeared: P. Lynch, representing the applicant and L. Frej

Control Drawings: Plan of Land, for Lawrence & Constance Vallis-Frej, dated March 6, 2006, latest revision 01/24/07, prepared by Rural Land Surveys – existing and proposed sites.

The site drawing for the proposed project must show the erosion control fencing. The proposed construction is landward of the 50 foot No Build Zone and is estimated to increase the impervious surface by less than 10-15 %. The salt marsh is protected from all properties along this border by a town-owned box culvert, thereby inhibiting any flow off these bordering properties into the marsh. No new landscaping is proposed. 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. 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.

**40-0000 133 FRONT STREET D’AMELIO**

Resource Area: Rocky Intertidal Shore, Coastal Bank, Land Under the Ocean

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

Appeared: No one

Control Drawings: Proposed Replacement of Pier, Ramp and Float – Land of Junonia Realty Trust, M. D’Amelio, trustee, dated 01/26/07, prepared by D.J. Lynch, engineers; Planting Plan for D’Amelio Residence, dated September 2006, prepared by For Seasons Ecological Landscape Design

No DEP file number had been received. In addition, a letter from the National Heritage and Endangered Species Act allowing this project is required. At the request of the applicant, all members voted to continue this hearing to April 12, 2007.

**Old/New Business:**

**Approve minutes:** The minutes of March 8, 2007 were approved.

**Request for Extension:** A letter from Dwight Grader, dated March 13, 2007 requested an extension of 40-808. All members voted to grant an extension of one year.

**Request for COC:** Lawrence Markell, atty., requested a COC for 40-008. Originally, the town of Marblehead intended to install a drain across the property in question, thus originating 40-008. No drain was installed on this property. The COC is for work not performed. All members voted to issue an OOC.

**Sign Documents:** All documents per the agenda were signed.

**Stormwater Management and Erosion Control Bylaw:** The commission reviewed a document, “Enforcement”, listing the boards/departments/commissions which will enforce the proposed bylaw.

The meeting was adjourned at 8:35 PM.