

**CONSERVATION COMMISSION
MINUTES OF JANUARY 26, 2006**

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: Neal Mizner, Walt Haug, Mark Klopfer, Miller Shropshire, Margo Carey and Fred Sullivan (representing a quorum). Also present were: Doug Saal, Conservation Administrator and Jan Smith, Associate Member

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

HEARING: 40-869 20 GREGORY STREET GESSNER

Resource Area: Coastal Bank

Interest: Storm damage prevention

Appeared: Mr. Gessner

Control Drawing: Drawings as included with the NOI, including "Modified Timber Pile Pier Ramp & Float, dated Dec. 28, 2005, revised Jan. 23, 2006, drawn by Charles Gessner

The DEP web site indicated this application is under review. The applicant was informed the hearing could not be closed until the review is complete. According to the drawings submitted, this pier has been licensed. The repairs will neither expand the size nor change the use of the pier. Mr. Gessner has not yet chosen a contractor to perform the repairs so he could not be specific as to the repair procedures to be followed. 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. Plans for the actual repair techniques to be followed will be submitted to the commission for approval before any work is started.
3. Plans for containing debris to prevent it from entering resource waters will be submitted to the commission for approval before any work is started.

During construction:

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.
6. 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.
7. Any pressure-treated wood proposed to be used in the construction of the structure shall be arsenic-free.
8. 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.).

Post-construction/in perpetuity:

9. 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. This condition shall survive this order.
10. All floats/docks will be so constructed so as not to bottom out (rest) on the ocean floor at low tides. This condition shall survive this order.
11. 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.), which will require an NOI. This condition shall survive this order.

All members voted to continue this hearing to 9 February 2006.

HEARING: 40-870 7 FT. SEWALL TERRACE SAWTELLE

Resource Area: Coastal Bank

Interest: Storm damage prevention

Appeared: Ted Peach

Control Drawing: Exhibits B through E, dated 01/05/06, prepared by E. Peach

The DEP web site indicated this application is under review. The applicant was informed the hearing could not be closed until the review is complete. The intertidal shore in front of this seawall is ledge, large boulders and some cobble. After reviewing the application and its exhibits, the commission recommended that more detailed drawings/information be submitted. This should include a description and location of wetland areas (Top of Coastal Bank, V zone, and 100 year flood elevation), how the seawall will be repaired, equipment used and access, etc. All members voted to continue this hearing to 02/09/06.

Old/New Business:

Approve Minutes: The minutes of 01/12/06 were approved as amended.

Requests for COC: All members voted to issue the COC for 40-686

Sign Documents: All documents per the agenda were signed.

Other Matters:

ConCom Annual Report: The ConCom Annual Report for the Town Annual Meeting 2006 was approved with amendments.

Bylaw Change: A proposed change in the Bylaw regarding minor activities was re-scheduled for further discussion on 02/09/06. All members will be prepared to offer their suggestions at this time.

Board of Health: A letter dated 01/19/06 was sent to the Board of Health by the commission stating they will require any applicant wishing to apply herbicides to review their request with the Board prior to a hearing with our commission.

The meeting was adjourned at 8:40 PM.