

**CONSERVATION COMMISSION
MINUTES OF AUGUST 10, 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 Walt Haug, Mark Klopfer, Betsy Rickards and Fred Sullivan (representing a quorum – see below Note). 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.

Note: The commission currently has only four 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.

Approve Minutes: The minutes of 07/27/06 were approved by three members. One member abstained since she was not present at the 07/27/06 meeting.

40-889 7 FORT SEWALL LANE CRAWFORD

Resource Area: Coastal Bank

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

Appeared: Paul Lynch, atty.

Control Drawing: Crawford Residence, Fort Sewall (Site and Locus Plan), dated 15 June 2006, prepared by Grazado Velleco Architects/

This is an existing property located entirely within a coastal bank. The house reconstruction will be entirely within the existing house footprint using the existing foundation. However, the existing chimney located exterior to the building will be removed and a new chimney constructed within the footprint of the house. A portion of the house will be torn down and this area will serve as a work site for construction debris and materials. This work site will subsequently be re-constructed as a two car garage. Work will commence in the Spring of 2007. Appropriate, pre-approved silt control methods will be employed to insure no materials enter the resource waters. 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 plan for containment of construction debris and materials to insure no debris or materials enter resource waters will be submitted to the commission for approval before any work is started. This plan shall be included in the construction contracts between the applicant and his/her contractor.

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.).
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.

40-894 CONSERVATION LAND ON SALEM HARBOR

Resource Area: Coastal Bank

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

Appeared: Don Morgan of the Marblehead Conservancy.

Control Drawing: Harbor Glade, page 5 of 7, dated 08/03/06

To prevent the proposed path from acting as a channel for storm water, the path will include some curves. At its juncture with the proposed steps adjacent to the beach, the path will incorporate a gentle berm to spread water flow across a wider area to prevent erosion. All benches will be made of massive, very heavy stone/granite. The three Eastern Red Cedar plants will be reviewed to insure if they are appropriate for this location. The necessity and/or feasibility of an interpretive sign will be further researched. All members voted to close this hearing. All members voted to issue an OOC with the following special conditions.

1. A revised sketch showing the new path routing will be submitted for approval before any work is started.

2. Soil samples will be analyzed for lead content. The results of this analysis will be submitted to the commission for approval before any work is started.
3. If an interpretive sign is proposed, its size, construction, location and message must be approved by the commission.

40-896 59 NAUGUS AVENUE CLARK

Resource Area: Coastal Bank

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

Appeared: W. Kelley of Kelley Marine Resources, Dan Lynch of D.J. Lynch, Engineers and James Emmanuel of james k. emmanuel associates.

Control Drawings: Land of Clark, Naugus Avenue, Proposed Deck, Pier, Ramp, Float, dated June 6, 2003, latest revision June 20, 2006, prepared by D.J. Lynch, Engineers and Landscape Plan, dated June 2006, prepared by james k. emmanuel associates.

The bank is ledge and does not supply any sediment to a beach (seaward of the bank is rocky intertidal shore). Emmanuel explained the sequence to be followed to remove the Japanese Knotweed on the bank. During the Fall of 2006, the Knotweed will be hand cut to ground level and Roundup will be applied directly to the individual protruding stems. It will not be sprayed. (Emmanuel stated the Roundup does not enter the surrounding earth but rather remains entirely within the root system.) (Jan Smith said MA Audubon has used Roundup on Knotweed, applied in the same manner, in their sanctuary in Marblehead. This method of eradication has proven to be ca. 90% effective.) The remaining root system of the Knotweed will be sufficient to stabilize the bank. In the Spring of 2007, a tarp will be placed on the bank to further inhibit any new growth of the Knotweed. This tarp will remain in place for about one year. In addition, a root barrier about 18 inches deep will be installed along the abutting neighbor's property to inhibit any growth from their Knotweed.

The erosion control will be constructed of silt socks. No hay bales will be used. In order to prevent/mitigate nutrients from entering the resource waters, a "berm" will be constructed along the top of the coastal bank (along the seaward side of the lawn). This berm could be made from cobble stones or other suitable materials.

Regarding the proposed retaining wall on the bank, this wall will be constructed of segmental wall block. It was suggested that geotextile material be layered between courses of the block, extending back into the earth. This would act as a "dead man" to further support the wall against the lateral pressure of the back-filled earth. All work on this wall will be done by hand.

Regarding the boardwalk, the existing cement walkway will remain in place except for the most seaward ten feet. This section will be replaced with crushed stone to dissipate surface sheet flow of storm water and mitigate erosion at the edge of the bank.

Regarding the pier, the bents for the pier will be pre-fabricated and brought to the site on a barge for installation. Discussion ensued about the means of raising/ removing the aluminum ramp due to storms. One member of the commission felt it imperative that a “gallows” or “A” frame of sufficient height be incorporated to allow the ramp to be raised off the float. The question was posed as to what would happen to such a ramp during a storm if it could not be secured by attaching guy lines to either side of the ramp. Sullivan will research this matter with the Marblehead Harbormaster.

Regarding the float, it will be secured by four 2,500 pound blocks with chains.

All members voted to close this hearing. Three members voted “yes”, one member voted “no” 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. Prior to commencement of construction activities, the Applicant shall submit a letter of approval from the Marblehead Harbormaster to the commission.
4. Prior to commencement of construction activities, the Applicant shall submit a copy of the Chapter 91 license to the commission.

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 construction material will be stored outside the resource area and its buffer zone or as far back from the resource areas as possible.
7. 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.
8. Any pressure-treated wood proposed to be used in the construction of the structure

shall be arsenic-free.

Post-construction/in perpetuity:

9. 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.
10. 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.
11. All floats/docks will be so constructed so as not to bottom out (rest) on the ocean floor at low tides (this does not apply for the four astronomical low tides). This condition shall survive this order.
12. 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.
13. 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.

40-895 83 NAUGUS AVENUE HERRING

Resource Area: Coastal Bank

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

Appeared: Matthew Herring and Bruce Greenwald, architect

Control Drawings: Plan of Land, 83 Naugus Avenue, Matthew & Sarah Herring, dated July 24, 2006, latest revision 8/8/06, prepared by Kane Land Surveyors and landscape plan "Herring Residence, dated July 2006, prepared by For Seasons Ecological Landscape Design

The landscape plan fulfills all details delineated in the Site and Project Description included with the NOI. In addition, a berm will be installed at the seaward edge of the lawn to prevent/mitigate nutrient runoff into the resource waters. A revised landscape plan showing this berm will be submitted. Referring to the list of plantings to be used, Key # 91, Russian Sage, will be removed from the list. Erosion control will be done by means of silt socks. No hay bales will be used. 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 (silt socks) 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. 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.

8. 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.

40-893 35 MARION ROAD O'CONNOR

Resource Area: BVW

Interest of the WPA and Bylaw: Protection of ground water supply, Prevention of pollution, Protection of wildlife habitat and Flood Control

Appeared: No one

Control Drawing: Site Plan, S1, latest revision June 6, 2006, prepared by Treehouse Design, Inc.

This was a continuance from 07/27/06. The DEP file number was received. All members voted to close this hearing. All members voted to issue an OOC with the special conditions as delineated in the minutes of 07/27/06.

Old/New Business:

Approve Minutes: See above.

Sign Documents: All documents per the agenda were signed.

Other Matters:

Pond Management: Jan Smith, Betsy Rickards and Walt Haug will coordinate the effort to define what/how to manage the ponds in Marblehead. The first pond to be reviewed will be Black Joe's Pond. The team will meet Wednesday, September 13 at 7:00 PM at Walt's house to layout the schedule and tasks to be performed. Subsequent to this meeting, a public meeting will be held with representatives from the state to determine how to proceed.

Regulation Changes: The changes defined in the minutes of 07/27/06 will be advertised in September for public review.

Enforcement Order: An Enforcement Order will be issued against the Marblehead Trading Company for un-permitted work done in the buffer zone to a coastal bank on Front Street. See the state Storm Water Guidelines for marinas.

Membership: Neal Mizner has officially resigned. Craig Smith was appointed by the Selectmen on August 9, 2006.

The meeting was adjourned at 10:30 PM.