

**CONSERVATION COMMISSION  
MINUTES OF AUGUST 24, 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, Craig Smith 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 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.

**Approve Minutes:** The minutes of 08/10/06 were approved.

**40-722 GOLDTHWAIT RESERVATION:** Goldthwait Reservation Inc., in a letter dated 18 August 2006 from Glenn Chalek, President, requested a one year extension to 40-722 to allow for flail mowing of the Phragmites. This letter enclosed a draft proposal, 338A, from the Northeast Massachusetts Mosquito Control and Wetlands Management District. This draft proposal included ditch maintenance as well as the flail mowing. However, the request for extension applies only to the mowing. It is possible an NOI will be submitted at a later date for the ditch maintenance. The commission expressed concern about the manner in which the spoils from the ditch maintenance is proposed to be handled, specifically, the location for stockpiling the spoils as well as the possibility of Phragmites seeds in the spoils. Saal will relay these concerns to Mr. Chalek.

All members voted to extend 40-722 by one year to 9/20/2007.

**40-713 322 OCEAN AVENUE:** Mr. Robert McNeil appeared to request a one year extension to 40-713. All members voted to extend 40-713 by one year to 9/4/2007.

**40-890 8 BASS ROCK LANE:** Saal visited this site and confirmed the OOC has been fulfilled. All members voted to issue a COC.

**RFD 199 OCEAN AVENUE BRAKELEY**

Resource Area: Coastal Bank and Beach

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

Appeared: Susan Allen of Elizabeth K. Allen, Inc.

Control Drawing: See NOI

Saal and Haug have visited the site twice with Marblehead Recreation, Park and Forestry Department personnel and the applicant. All proposed work as described in the NOI is temporary (maximum duration of 24 hours) and of a minimal nature. The location is entirely within the buffer zone. All members voted to issue a negative determination with one special condition.

The post-event condition of the site will remain the same as the pre-event condition.

**Old/New Business:**

**Minutes:** See above.

**Request for COC:** See above.

**Request for Extension:** See above.

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

**Other Matters:**

**Goldthwait Reservation:** See above.

**Bylaw Regulation Changes:** The changes as delineated in the minutes of 07/26/06 will be reviewed at the regular meeting of September 14, 2006. The proposed changes will be advertised twice.

**Docks in Coastal Storms:** Per the discussions from 08/10/06, Sullivan checked with the Harbormaster and he has no guidelines for securing docks, gangways, etc. during coastal storms. In order to address this issue, the commission agreed to generate a new special condition as follows: All gangways, docks or other items not permanently secured to the earth shall be properly secured and/or removed in the event of a major storm so as to prevent them from causing any damage to other structures or to the resource area. This condition shall survive this order.

**Guidelines for Fines:** In order to establish a set of criteria for levying fines, the following items were agreed upon.

Reasons for fines: No permit

Failure to comply with OOC

Determination of amount of fine: buffer zone

resource area

repeat violation

willful violation (contractor, developer,  
private party)

effect on resource area (interests of the  
WPA and the Bylaw)

possible alternatives available

expansion of house, lawn area, etc. to the  
detriment of the resource area

time from start or discovery of violation  
to filing of NOI

A list of contractors involved with violations will be maintained as well as a history of all violations/fines for all violators.

**Enforcement Order against the Marblehead Trading Company:** The date this violation was first observed by Haug and Sullivan was August 10, 2006.

**Craig Smith:** Craig was welcomed on board by all. His email is:  
[craiglius@yahoo.com](mailto:craiglius@yahoo.com).

The meeting was adjourned at 8:15 PM.