

Marblehead Conservation Commission Minutes December 10, 2015

Meeting was held in the lower conference room at the Mary Alley Building, 7 Widger Road. Meeting was called to order at 7:05 PM.

Present were: Commission Members Fred Sullivan, Michael Smith, Brian LeClair, David VanHoven, David Depew and Barbara Collins Rosenberg. Also present was Willy Lanphear, Conservation Administrator.

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

Approve Minutes: Approval of the meeting minutes of October 8, 2015 was continued to December 10, 2015. All members voted in the affirmative.

All members voted to approve minutes of October 8, 2015.

All members voted to approve minutes of November 12, 2016.

Discussion Items: Meeting calendar for 2016 was distributed, and accepted.

Conservation Commission has no issue with the proposed 4th grade school project to label plants and other items at Robinson Farm; will advise to place labels on back of entry signage.

40-1223, 140 Evans Road Extension

Appeared: Aaron Lord, Applicant; John Dick, Senior Wetlands Scientist, Hancock Associates; Carl D. Goodman, Attorney, representing abutter; Gitte Nueman

Proposed: Additions to and re-construction of the existing house. Install wood decking over an existing concrete deck and construct a new wood patio. Construct new walkways, a driveway, seasonal parking area and landscaping.

Existing house is in 50' no build zone, work being performed to mitigate impact on surrounding wetlands, including to correct damage incurred when prior owner illegally filled property with gravel to extend driveway. Approximately 400 square feet of the southerly end of the driveway will be restored to appropriate buffer zone vegetation. Owing to high groundwater, the area cannot serve as a rain garden. Existing gravel will be removed to a minimum depth of six inches below the surface and raked and seeded with a perennial wildflower seed mix and planted with native shrubs on 12' centers. Species might include arrowwood, highbush blueberry and witch hazel.

Additionally, a roof recharge will be installed with run off into existing irrigation field.

The property began as a shop, then morphed into a house, then a larger house, all building was allowed, but the Abutter, Gitte Nuemann and her attorney Carl Goodman, presented concern that the area has a history of pooling. Abutter from across the street on Evans Road Extension, Ben Gatchell, has lived in his home for forty years, and also expressed concern that the work to be done will have a negative impact on the water table. Lastly, submitted to the committee, was an

email from Hooper and Joan Cutler, 145 Evans Road Extension, again, with concern regarding groundwater tables.

Four members voted to close the hearing, with one negative vote. The motion for the OOC passed with the following special conditions:

xx. The existing driveway shall be removed to a point adjacent to the rear of the “proposed addition” and a revised plan shall be submitted to the Commission for approval prior to the start of construction.

xx. Drainage calculations shall be submitted to the Commission for approval showing that the mitigation measures are sufficient to handle any anticipated runoff so that there is no net increase in runoff or groundwater levels.

xx. The “25’ No Disturb” boundary shall be permanently marked via a fence or field stone wall to prevent future intrusion into this area.

32. This project shall not cause an increase in run-off onto adjacent properties or streets, either during construction or after completion. Appropriate measures shall be taken to prevent the movement of silt or debris onto adjacent properties, streets and Resource Areas.

33. 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.).

34. To the maximum extent possible, all driveways, terraces, patios or similar ground-level surfaces shall be constructed as permeable surfaces to allow water to infiltrate through their surfaces into the ground on site.

35. All demolition debris shall be removed from the site as soon as possible and not stored within a resource area or a buffer zone. If a dumpster is used to contain debris, the dumpster shall be covered after each work day. The debris shall be properly disposed of in accordance with applicable federal, state and local regulations.

36. All construction material shall be stored outside the resource area and its buffer zone or as far back from the resource areas as possible.

40. 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 Lawn care 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.**

49. The 25’ No Disturb Zone boundary shall be permanently marked on the site in an

appropriate manner via a post & rail fence, a field stone wall, or an approved equal to insure against inadvertent encroachment into this zone. The current and future owners of this property are required to maintain this permanent marking. **This condition shall survive this order.**

50. 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.**

54. The control drawing/s for this project were prepared by a licensed Professional. The construction of this project shall be regularly inspected by said licensed professional to insure that the project complies with the control drawing/s. Progress reports shall be submitted by said professional at regular intervals while work is progressing on the project. The reporting interval shall be determined by the Conservation Administrator based on the scope and anticipated duration of the project. Upon completion of the work authorized by this OOC, said licensed professional shall submit a written statement to the Conservation Commission certifying that the completed work is in substantial compliance with the control drawing and setting forth any deviations that may exist between the completed work and the plan approved by the Conservation Commission.

55. Upon completion of the work allowed under this Order of Conditions the applicant shall apply for a Certificate of Compliance (COC) (a) within 30 days after completion of the work or (b) thirty (30) days prior to the expiration date of the original or extended OOC, whichever time comes sooner. If no work was started under the OOC or if some of the work will not be performed, the applicant must still apply for a Certificate of Compliance at least 30 days prior to the expiration of the OOC. The Conservation Commission may require the submission of an "as built" drawing (signed and stamped by a licensed Professional Engineer or licensed Professional Land Surveyor) with the application for the COC. Failure to submit an application for a COC shall result in a fine issued against the applicant in accordance with Marblehead Bylaws Chapter 194, Section 11E. **See Attachment "C" for "Schedule of Fines".**

RDA 263-269 Pleasant Street

Applicant Lisa Mansuso

No notice to abutters, continued to January 14, 2016, must re-advertise.

NOI 40-1226, 37 Bradlee Road

Applicant: Jack and Deborah Tatelman

Continued, will try to reappear January 14, 2016, notified that revised plans must be in by December 28, 2015.

NOI 40-1229, 131 Front Street

Appearing: Syndey P. Jerabek, Trustee of the 131 Front Street Realty Trust; Molly Frey, Architectural Designer; and Scott Patrowicz of Patrowicz Land Development Engineering

Proposed: Additions and renovations to the existing house.

All members voted to close the hearing. All members voted to issue an OOC with the following special conditions:

32. This project shall not cause an increase in run-off onto adjacent properties or streets, either during construction or after completion. Appropriate measures shall be taken to prevent the movement of silt or debris onto adjacent properties, streets and Resource Areas.

33. 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.).

35. All demolition debris shall be removed from the site as soon as possible and not stored within a resource area or a buffer zone. If a dumpster is used to contain debris, the dumpster shall be covered after each work day. The debris shall be properly disposed of in accordance with applicable federal, state and local regulations.

36. All construction material shall be stored outside the resource area and its buffer zone or as far back from the resource areas as possible.

40. 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 Lawn care 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.**

41. Maintenance pointing and repairs of existing stone masonry walls and concrete walls including the replacement of an occasional missing stone or patching cracks and minor defects in a concrete wall are allowed as a surviving condition to this Order of Conditions. **The property owner shall inform the Conservation Commission in writing at least seven days prior to any proposed repointing or repair work on existing walls.** All dislodged and removed mortar/cement will be immediately contained and removed from the work site to prevent any such material from entering the resource waters. Any future razing, rebuilding or enlarging of the subject wall(s) will require the filing of a new Notice of Intent. **This condition shall survive this order.**

42. The repair/replacement of small sections of damaged caps on seawalls is allowed as a surviving condition. All dislodged and removed caps will be immediately contained and removed from the work site to prevent any such material from entering the resource waters. Prior to any work, the scope of the proposed repair/replacement must be approved by the Conservation Commission. If the cap on a major length or on an entire wall needs to be repaired/replaced, this requires an NOI. **This condition shall survive this order.**

50. 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.**

54. The control drawing/s for this project were prepared by a licensed Professional. The construction of this project shall be regularly inspected by said licensed professional to insure that the project complies with the control drawing/s. Progress reports shall be submitted by said professional at regular intervals while work is progressing on the project. The reporting interval shall be determined by the Conservation Administrator based on the scope and anticipated duration of the project. Upon completion of the work authorized by this OOC, said licensed professional shall submit a written statement to the Conservation Commission certifying that the completed work is in substantial compliance with the control drawing and setting forth any deviations that may exist between the completed work and the plan approved by the Conservation Commission.

55. Upon completion of the work allowed under this Order of Conditions the applicant shall apply for a Certificate of Compliance (COC) (a) within 30 days after completion of the work or (b) thirty (30) days prior to the expiration date of the original or extended OOC, whichever time comes sooner. If no work was started under the OOC or if some of the work will not be performed, the applicant must still apply for a Certificate of Compliance at least 30 days prior to the expiration of the OOC. The Conservation Commission may require the submission of an "as built" drawing (signed and stamped by a licensed Professional Engineer or licensed Professional Land Surveyor) with the application for the COC. Failure to submit an application for a COC shall result in a fine issued against the applicant in accordance with Marblehead Bylaws Chapter 194, Section 11E. **See Attachment "C" for "Schedule of Fines".**

NOI 40-1230, 24 Gregory Street

Appeared: Kathryn Jean Whiton, applicant; Bob McCann, Attorney; and Scott Patrowicz, Patrowicz Land Development Engineering

Proposed: Additions and renovations to the existing house.

All members voted to close the hearing. All members voted to issue an OOC with the following special conditions:

32. This project shall not cause an increase in run-off onto adjacent properties or streets, either during construction or after completion. Appropriate measures shall be taken to prevent the movement of silt or debris onto adjacent properties, streets and Resource Areas.

33. 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.).

35. All demolition debris shall be removed from the site as soon as possible and not stored within a resource area or a buffer zone. If a dumpster is used to contain debris, the dumpster shall be covered after each work day. The debris shall be properly disposed of in accordance with applicable federal, state and local regulations.

36. All construction material shall be stored outside the resource area and its buffer zone or as far back from the resource areas as possible.

40. 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 Lawn care 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.**

41. Maintenance pointing and repairs of existing stone masonry walls and concrete walls including the replacement of an occasional missing stone or patching cracks and minor defects in a concrete wall are allowed as a surviving condition to this Order of Conditions. **The property owner shall inform the Conservation Commission in writing at least seven days prior to any proposed repointing or repair work on existing walls.** All dislodged and removed mortar/cement will be immediately contained and removed from the work site to prevent any such material from entering the resource waters. Any future razing, rebuilding or enlarging of the subject wall(s) will require the filing of a new Notice of Intent. **This condition shall survive this order.**

42. The repair/replacement of small sections of damaged caps on seawalls is allowed as a surviving condition. All dislodged and removed caps will be immediately contained and removed from the work site to prevent any such material from entering the resource waters. Prior to any work, the scope of the proposed repair/replacement must be approved by the Conservation Commission. If the cap on a major length or on an entire wall needs to be repaired/replaced, this requires an NOI. **This condition shall survive this order.**

44. The back-filling of small areas of erosion landward of a seawall is allowed as a surviving condition provided the erosion is not on a coastal bank. This back-filling applies to areas defined primarily as Land Subject to Coastal Storm Flowage. Any work on a coastal bank requires an NOI. The back-fill material must be clean and compatible with the eroded material. Prior to any back-filling, the scope of the proposed back-filling must be approved by the Conservation Commission. **This condition shall survive this order.**

50. 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.**

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Not shown on existing plans, and therefore not permitted at this time, is a future plan to install air conditioning units on existing ledge. Two abutters, William Rochford, and Mr. Gessner, expressed concern that their placement will interfere with their view/sightlines. Applicant has been advised that when the air conditioning plans are made, a new NOI must be filed and abutters must be notified.

NOI 40-1228, 12 Davis Road

Applicant HR Davis Road Holdings, LLC

Appearing: Scott Patrowicz, Patrowicz Land Development Engineering

Continued until FEMA determination received.

NOI 40-1227, 87 Beacon Street

Applicant: Lance and Moira James

Appearing: Lance and Moira James, Applicants; Curtis R. Young, President, Wetlands Preservation Inc.; Joseph H. Orzel, Senior Wetland Specialist, Wetlands Preservation, Inc.

Proposed: Cutting and pruning of trees and shrubs and management of invasive plants in order to establish views corridors.

Continued to January 14, 2016 (DEP: Under review)

RDA 2 Shorewood Road

Applicant: Christopher Leake

Appearing: Applicant Christopher Leake

Proposed: Removal of an existing wood deck to be replaced with a new stone patio.

Continued to January 14, 2016 or February 11, 2016, plan shows new stone patio going into a town easement.

Old and New Business**Request for changes in project scope:****40-1205, 16 Indianhead Circle**

Appearing: Carl Paschetag, Applicant, and Robert H. Griffin, Griffin Engineering Group, LLC

Approved as minor design change, different materials for pier replacement, pursuant to prior issued order of conditions.

40-1197, 10 Harbor View

Applicants: Michael and Dian Christian

Appearing: Scott Patrowicz, Patrowicz Land Development Engineering

Scott Patrowicz reported on work outside of the buffer zone, advised Commission of the installation of three geothermal wells, inside footprint of house.

Request for Extension**40-865, 63 Beach Street**

Applicant: Doug Schluter – did not appear, deferred to January 14, 2016

40-1094, 5 Woodfin Terrace, Town Land Fill Capping Project, Marblehead Board of Health

Appearing: Andrew Petty, Director of Public Health

Petty reports that existing leaf pile will be ground.

Extension for project granted to January 25, 2017.

Requests for a Certificate of Compliance**40-1004, 1 Beacon Street, Stephen McHugh**

All members voted to issue the COC.

All documents signed.

Meeting adjourned at 9:30 p.m.