

**Marblehead Conservation Commission
Minutes November 13, 2014**

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

Meeting was called to order at 7:10 PM

Present were: Commission Members Fred Sullivan, Brian LeClair, David VanHoven, and David Depew. 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: A motion was made and seconded “to approve the minutes of 9 October 2014.” All members voted in the affirmative.

40-1178 26 Harbor Avenue

Control Drawing: Seawall Repairs/Upgrades, 26 Harbor Avenue, dated June 13, 2014 prepared by Stephens Associates Consulting Engineers, Sheets 1-4.

A request was made to continue to the 12/11/14 meeting. A motion was made and seconded to continue the application. All members voted in the affirmative.

(Local Bylaw Only) 13R Green St (Joel W. Reynolds Playground) off Lime St

Control Drawing: Plans (4) to Accompany NOI, Reynolds Playground, prepared by Haley and Ward, Inc. dated August 26, 2014.

A motion was made and seconded to continue the application to the 12/11/14 hearing. All members voted in the affirmative.

40-1184 50A Cloutman’s Lane

A request was made to continue to the 12/11/14 meeting. A motion was made and seconded to continue the application. All members voted in the affirmative.

40-1185 9 Roydon Road

A request was made to continue to the 12/11/14 meeting. A motion was made and seconded to continue the application. All members voted in the affirmative.

40-1186 25 Spray Avenue

Control Drawing: Site Plan to Accompany NOI for #25 Spray Avenue, dated October 21, 2014 prepared by Patrowicz Land Development Engineering

Appeared: S. Patrowicz of Patrowicz Land Development Engineering representing the Martha B. Willis 2012 Family Trust.

Plans were presented for demolition and substantial removal of existing in-ground pool, installing new garden wall on top of pool wall, backfill and re-grade yard, install new steps to existing patio, and replacing railing on seawall.

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

Special Conditions:

XX. A revised plan and project description shall be submitted to the Commission prior to demolition or construction activities.

YY. If voids are discovered requiring flowable fill, the applicant shall contact the Conservation Administrator prior to proceeding.

During construction:

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.

Post-construction/in perpetuity:

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.**

54. The control drawing/s for this project were prepared by a licensed Professional Engineer. The construction of this project shall be regularly inspected by said licensed professional to insure that the project complies with the control drawing/s. 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".**

102. A tarp will be laid down at the base of the seawall during all repair work to capture all construction debris. The tarp will be on the seaward side of the seawall. The tarp will be rolled up and dumped into a disposal trailer as required throughout the work day and will be removed at the end of each work day.

Old Business:

- None.

New Business:

- None.

Emergency Certificates issued:

- Gas House Ln, Town of Marblehead, roadway repair of storm damage. A motion was made and seconded to ratify. All members voted in the affirmative.

Enforcement Orders issued:

- 47 Chestnut St, Gail Doyle (appeared). A motion was made and seconded to ratify the enforcement order. All members voted in the affirmative. The owner presented description of work done and why. A motion was made and seconded to impose a \$300 fine for the offense. All members voted in the affirmative.
- 40-1037, 7 Mooring Road, Louisa and Nathaniel Greene. Paul Feldman appeared, representing the Greene's. The latest revised plan approved by the Commission was dated 6/26/2012. A revised plan dated 5/16/2013 had been submitted to the Commission office but had never been reviewed or approved by the Commission prior to construction. The plan measurements show additional pilings installed in the eelgrass area. There was a discussion of the possible need for a dive inspection of the eel grass, however, the piles being placed within the eel grass bed is not in dispute by the applicant. The Commission determined that the applicant must file a new NOI for the additional piles. The applicant asked whether multiple filings are going to be a problem for DEP. Commission suggested that it would not be a problem. A motion was made and seconded to impose a \$600 fine for the second offense by this applicant. All members voted in the affirmative. In addition, the Commission requested written confirmation that the applicant would allow the Commission's professional on the property for purposes of conducting inspections on behalf of the Commission. Receipt of the written confirmation will abate any discussions by the Commission of imposing fines related to this direct violation of the OOC.

Request for changes in project scope:

- 40-1149, 39 Clifton Heights Ln, Matthew and Heather Finn, requested minor design change. A motion was made and seconded to approve the change. All members voted in the affirmative.

Request for COC:

- 40-858, 5 Nashua Ave. A fine of \$300 was levied for failure to record the OOC prior to the start of work. A motion was made and seconded to approve. All members voted in the affirmative.
- 40-1158, 38 Ticehurst Lane. A motion was made and seconded to approve. All members voted in the affirmative.
- 40-466, 7 Foster St. A motion was made and seconded to approve. All members voted in the affirmative.
- 40-1172, 84 Harbor Ave. A motion was made and seconded to approve. All members voted in the affirmative.
- 40-1092, 95 Pitman Road. A motion was made and seconded to approve. All members voted in the affirmative.
- 40-1161, 354 Atlantic Avenue. A motion was made and seconded to approve. All members voted in the affirmative.

Sign Documents: All documents per the agenda were signed.

The meeting adjourned at 8:40 PM.