

**Marblehead Conservation Commission
Minutes 8 August, 2013**

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

Meeting was called to order at 7:15 PM

Present were: Commission Members David Depew, Don Tritschler, Brian Leclair, David Vanhoven, Ken Fisher and Walter Haug. Also present was Willy Lanphear, Conservation Administrator.

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

Note: The commission currently has seven 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 four members.

Approve Minutes: All members voted to approve the minutes of 11 July 2013 with corrections.

Discussion:

Fines: The chair introduced a suggestion to institute a lower fine schedule for elderly violators. He submitted a memo from L. Mead, dated July 1, 2013, addressing this suggestion. In order to avoid subjective and possible contradictory decisions regarding fines, the commission agreed not to pursue this suggestion.

Submission of information: The commission agreed on the following statement to regulate the timely submission of information and documentation for hearings: *In order for a hearing to be scheduled, all information and documentation must be received by the commission, at the latest, two weeks prior to the date of the next scheduled meeting and must be substantially complete. This is the deadline for submission to the local newspaper to meet the legal advertising. If the information and documentation is not substantially complete, even if the application is scheduled for the next meeting, the commission may elect to continue the hearing to the following scheduled meeting. The commission will hold the option of allowing changes to the submitted material to be entered at the hearing. This decision will depend on the magnitude/complexity of the changes.* This requirement will be relayed to every applicant at every appropriate occasion.

40-1145 28 FOSTER STREET 28 FOSTER ST. REALTY TRUST

Resource Area: Coastal Bank, Land Subject to Coastal Storm Flowage

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

Control Drawing: Site Plan, 28 Foster Street, dated July 21, 2013, prepared by Patrowicz Land Development Engineering and James K. Emmanuel Associates

Appeared: S. Patrowicz of Patrowicz Land Development Engineering and J. Emmanuel, landscape architect and M/M Kellogg

The lawn surface abutting the full length of the seawall will be 3-4 inches lower than the top of the seawall. Likewise, all lawn and garden surfaces abutting the top of retaining walls will be 3-4 inches lower than the top of these walls. The commission suggested that a proposed fence along the seawall be located directly behind the seawall and not on the cap of the seawall. Since this is an older seawall, the commission expressed the concern that drilling into the cap for the fence posts could weaken the cap and open it to future cracking. The applicant will consider this possibility. All members voted to close this hearing. Five members voted to issue an OOC with the following special conditions, one member voted against the OOC.

Pre-construction:

28. Any land disturbance of an area less than 40,000 square feet requires that Section II.C of the regulations pertaining to the Stormwater Management and Erosion Control Bylaw, Chapter 195 of the Marblehead Code must be followed and implemented.

29. All special conditions are to be included in the construction contracts between the applicant and his/her contractor.

30. 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. The erosion control must be in place, erected per the drawing, before any work is started on the site.

31. Prior to commencement of construction activities, the Applicant shall obtain all federal, state and local permits (in addition to this OOC) that may be required for the proposed project.

During construction:

XX. The lawn surface abutting the full length of the seawall will be 3-4 inches lower than the top of the seawall. Likewise, all lawn and garden surfaces abutting the top of retaining walls will be 3-4 inches lower than the top of these walls.

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.

XX. A landscape plan will be submitted to the commission for approval before any landscape work is started.

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.**

43. 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.**

49. 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.**

53. 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.

54. 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"**.

40-1144 444 ATLANTIC AVENUE BERIAN/CHAET

Resource Area: Coastal Bank, Land Subject to Coastal Storm Flowage

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

Control Drawing: Site Plan, 444 Atlantic Avenue, dated July 24, 2013, prepared by Patrowicz Land Development Engineering and Seawall Plan and Section, undated, prepared by Martel Engineering

Appeared: S. Patrowicz of Patrowicz Land Development Engineering and M. Martel of Martel Engineering and Berian/Chaet

Any reference to "sacrificial sand" will be removed from the documentation and revised documentation will be submitted to the commission. The railroad ties will be removed. The Japanese knotweed on the upper bank above the ties has been cut down. The entire bank (the railroad ties and the knotweed bank) will be replaced with gabions. It is anticipated the

knotweed will grow back up through the gabions but Martel does not think this will destabilize the gabion bank. All members voted to close this hearing. All members voted to issue an OOC with the following special conditions.

Pre-construction:

28. Any land disturbance of an area less than 40,000 square feet requires that Section II.C of the regulations pertaining to the Stormwater Management and Erosion Control Bylaw, Chapter 195 of the Marblehead Code must be followed and implemented.

29. All special conditions are to be included in the construction contracts between the applicant and his/her contractor.

30. 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. The erosion control must be in place, erected per the drawing, before any work is started on the site.

31. Prior to commencement of construction activities, the Applicant shall obtain all federal, state and local permits (in addition to this OOC) that may be required for the proposed project.

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.**

43. 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.**

49. 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.**

53. 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.

54. 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"**.

40-1143 265 OCEAN AVENUE 265 OCEAN AVENUE TRUST

Resource Area: Coastal Beach, Coastal Bank, Land Subject to Coastal Storm Flowage

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

Control Drawing: Sketch, Site Plan, 265 Ocean Avenue and sketch, Cross –section Foundation Repair, both dated 07/21/2013 and prepared by Patrowicz Land Development Engineering

Appeared: S. Patrowicz of Patrowicz Land Development Engineering and M. Sides

After discussion, all members voted to close this hearing. All members voted to issue an OOC with the following special conditions.

Pre-construction:

28. Any land disturbance of an area less than 40,000 square feet requires that Section II.C of the regulations pertaining to the Stormwater Management and Erosion Control Bylaw, Chapter 195 of the Marblehead Code must be followed and implemented.

29. All special conditions are to be included in the construction contracts between the applicant and his/her contractor.

30. 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. The erosion control must be in place, erected per the drawing, before any work is started on the site.

31. Prior to commencement of construction activities, the Applicant shall obtain all federal, state and local permits (in addition to this OOC) that may be required for the proposed project.

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.**

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43. 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.**

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53. 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.

54. 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"**.

40-1141 257 OCEAN AVENUE 257 OCEAN AVENUE TRUST

Resource Area: Coastal Beach, Coastal Bank, Land Subject to Coastal Storm Flowage

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

Control Drawing: Sketch, Site Plan, 257 Ocean Avenue and sketch, Cross –section Foundation Repair, both dated 07/21/2013 and prepared by Patrowicz Land Development Engineering

Appeared: S. Patrowicz of Patrowicz Land Development Engineering and M. Sides

After discussion, all members voted to close this hearing. All members voted to issue an OOC with the following special conditions.

Pre-construction:

28. Any land disturbance of an area less than 40,000 square feet requires that Section II.C of the regulations pertaining to the Stormwater Management and Erosion Control Bylaw, Chapter 195 of the Marblehead Code must be followed and implemented.

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During construction:

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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.**

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43. 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.**

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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”.**

40-1142 40A CLOUTMAN’S LANE DAVIS

Resource Area: Coastal Beach, Coastal Bank, Land Subject to Coastal Storm Flowage

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

Control Drawing: Sketch, Repairs to Steps to Beach for F. C. Davis, dated 07/16/2013 prepared by Fistel & Associates

Appeared: C. Davis and M. Fistel of Fistel Associates

An Enforcement Order dated June 19, 2013 had been issued for this site and had been ratified by the commission at the 11 July 2013 meeting. The commission voted to levy a fine of \$300.00 for failure to file for a permit. The applicant was advised to make the check out to the Town of Marblehead and deliver it to the Conservation Administrator within one week for the date of this hearing.

The commission then addressed the NOI. Fistel said the two steps which had already been poured will be removed. The existing steps to be repaired will be cleaned properly and prepared to accept forms and re-enforcement rods for new concrete. Fistel will inform Lanphear prior to any work being started to insure the contractor follows proper procedures. All members voted to close this hearing. All members voted to issue an OOC with the following special conditions.

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.).

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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.**

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Old Business: The letter from the commission to E. Moore, dated 31 July 2013 was read into the file.

Enforcement Orders:

40A Cloutman's Lane Davis: see NOI 40-1142 in these minutes

3 Anchorage Lane Livingston: S. Livingston appeared to discuss an Enforcement Order issued against her on 10 July 2013 (ratified by the commission on 11 July 2013). The commission voted to levy a fine of \$600.00 (\$300.00 for failure to file for a permit and \$300.00 for one day of violation of a resource area). She was advised to make the check out to the Town of Marblehead and deliver it to the Conservation Administrator within one week for the date of this hearing.

7 Mooring Road Greene: An Enforcement Order had been issued against Greene on 11 July 2013 and ratified by the commission on 11 July 2013. The E.O. required L. Greene to appear at the commission meeting of 8 August 2013 but she appeared at the 11 July 2013 meeting with her contractor. She wanted to expedite any resolution necessary so she could proceed forthwith with the project. She was instructed to remove the small stone that had been illegally dumped on the coastal bank and to replace this stone with the boulders originally agreed upon. (see emails: Greene to Haug dated July 9, 2013; Haug to Greene dated July 10, 2013; Lanphear to Haug dated July 11, 2013 and memo dated 11 July 2013 from Haug to file re 40-1037 – all documents included with these minutes).

Haug visited the site on 12 July 2013 to verify the removal of the small stone (which had been accomplished). See email dated 18 July 2013 from Haug to Greene; email dated 19 July 2013 from Greene to Haug and email dated 19 July 2013 from Haug to Greene. In this last Haug email, Greene was instructed to attend the 8 August 2013 meeting of the commission. Greene did not attend the 8 August 2013 meeting. The commission voted to issue a fine of \$300.00 for one day for a violation in a resource area. This applies to the one day from 11 to 12 July 2013 before the small stone was removed. The violation was for conveying silt from the stone into the resource waters containing eel grass beds. A letter will be sent to Greene informing her of the fine.

4 Nonantum Road Wonson: An Enforcement Order had been issued against Wonson on 25 July 2013. This E.O. was ratified by the commission on 8 August 2013. Since the disturbance

on the coastal bank was so minor and the “stairs” were pre-fabricated stairs used in a pool, the commission voted not to issue a fine.

Request for changes in project scope:

40-1064 212 Humphrey Street Oliver’s Pond Condominium Trust: Appeared S. Patrowicz of Patrowicz Land Development Engineering and Barbara Alex, a member of the Condominium Trust asking for permission to vista prune the bank to Oliver’s Pond on the waterside of the building. An Enforcement Order had been issued against this site on November 30, 2011. The E.O. included temporary measures to mitigate the damage to the wetlands until permanent measures were installed. An OOC was issued on May 2, 2012 for remediating the violations as specified in the E.O. Per the attending member of the Trust, to date no action has been taken to implement the conditions of the OOC. The commission told this member to submit in writing for the September 2013 meeting of the commission the time schedule of the Trust for the aforementioned implementation and to define what temporary measures to protect the wetland are still in place. The commission denied the request for vista pruning.

Sign Documents: All documents per the agenda were signed.

Other Matters: A letter dated 8 August 2013 from S. Patrowicz referring to in-the-field changes was submitted by same. In response, the commission referred to the minutes of 11 July 2013 wherein “The commission agreed to empower W. Lanphear to decide if a design change is minor, thereby not requiring an amendment.”.

The meeting was adjourned at 9:30 PM.