

Marblehead Conservation Commission
Minutes April 14, 2016

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, Michael Smith, Brian LeClair, and David VanHoven. 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 for approval of the meeting minutes of March 10, 2016 was made and seconded. All members voted in the affirmative.

Discussion Item: No one was present for the discussion of the Conservation land area at Ware Pond

Christian Tosi was present as a representative of the homeowner at 60 Beacon St, regarding a sunroom replacement with four season addition. There is a house between the proposed work and the resource area and there are no footprint changes proposed. The Commission voted in favor of the work proceeding under a Minor Activity Permit.

Heather Deschenes from HND Architects was present as a representative of 48A Cloutman's Lane, regarding a proposed bathroom addition. The situation is similar to 60 Beacon St with a structure between the proposed work and the resource area. The Commission voted in favor of the work proceeding under a Minor Activity Permit.

40-1234 6 Corn Point Road

Appeared: Scott Patrowicz, Patrowicz Land Development Engineering

Proposed: Vegetation management including the removal of invasive plants and the planting of indigenous plant.

Continued from 3/10/16.

Control Drawing: Pocharski Residence – 6 Corn Point Road, dated March 28, 2016 prepared by Carpenter Costin Landscape Management.

All members voted to close the 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.

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.**

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.**

53. This OOC specifies a vegetated buffer strip be planted along and abutting the coastal bank and/or the BVW. After the vegetated buffer strip has been planted, at the end of the second growing season, the applicant must submit a report to the commission evidencing that the plantings have reached a minimum 75% survival rate. If the 75% rate has not been achieved, the applicant will re-plant/replace all non-surviving plants at the start of the third growing season and verify such replanting by appropriate evidence to the commission. These reports are mandatory even after a COC has been issued. After the third growing season, the maintaining of a 75% survival rate, but not the reporting, is a surviving condition. **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"**.

XX. No mowing or other lawn care activities shall occur within the area demarcated by the perennial planting beds.

40-1235 1 Aldrich Terrace

Appeared: Joseph M & Amanda H Thibert, Scott Patrowicz, Patrowicz Land Development Engineering

Proposed: Site re-grading and construction of new boulder walls, stone steps, and pathways. Landscaping after construction including removal of invasive plants and planting of indigenous plants.

Continued from 3/10/16.

Control Drawing: Landscaping Plan to Accompany NOI Application #1 Aldrich Terrace, dated March 10, 2016 and revised on 3/29/2016, prepared by Leblanc Jones Landscape Architects, Inc.

Applicant presented revised plan.

All members voted to close the 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.).

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.

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.**

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.**

53. This OOC specifies a vegetated buffer strip be planted along and abutting the coastal bank and/or the BVW. After the vegetated buffer strip has been planted, at the end of the second growing season, the applicant must submit a report to the commission evidencing that the plantings have reached a minimum 75% survival rate. If the 75% rate has not been achieved, the applicant will re-plant/replace all non-surviving plants at the start of the third growing season and verify such replanting by appropriate evidence to the commission. These reports are mandatory even after a COC has been issued. After the third growing season, the maintaining of a 75% survival rate, but not the reporting, is a surviving condition. **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"**.

40-1237 263 Ocean Avenue

Appeared: Scott Patrowicz, Patrowicz Land Development Engineering
Proposed: Repairs and improvements to existing concrete seawall.

Control Drawing: Site Plan to Accompany NOI, 263 Ocean Avenue, dated March 30, 2016 prepared by Patrowicz Land Development Engineering.

No comments from DEP have been received and applicant is proposing to raise seawall.

All members voted to continue the hearing to the May 12, 2016 meeting.

RDA, 135 Jersey Street

Appeared: Paul Lynch and Walter Jacob representing the applicant
Proposed: Demolition of an existing shed and construction of a new dwelling.

Control Drawing: Site Plan for 135 Jersey Street, dated March 28, 2016, prepared by North Shore Survey Corporation.

Gitte Newmann of 142 Evans Road Extension noted that she did not receive a mailing, however, the Commission determined that one was not required for 135 Jersey Street, only 133 Jersey Street.

All members voted to close the hearing. All members voted to issue a Negative Determination with the following special conditions:

During construction:

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:

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XX. A revised plan shall be submitted showing that no new concrete slab is proposed at the entrance to the building. The building overhang will be supported by posts set in concrete sonotubes.

XX. Dumping of yard waste within the resource areas or wetlands buffer zone is prohibited.

40-1236 133 Jersey Street

Appeared: Paul Lynch and Walter Jacob representing the applicant

Proposed: Demolition of an existing screen porch and shed. Construction of a new house addition with porch. Construction of a new driveway

Control Drawing: Site Plan for 133 Jersey Street, dated March 28, 2016, prepared by North Shore Survey Corporation.

Applicant presented a plan to construct an addition to the existing house and a new driveway.

The Town of Marblehead Water and Sewer Commission submitted a letter dated April 14, 2016 noting that a major town drain exists on the property and review by the Water and Sewer Commission is necessary for any proposed structure within 15 feet of the existing drain pipe.

The Commission noted discrepancies in the presented plan and the plans presented to the ZBA. The Commission also noted that 3 PVC pipes can be seen on the property conveying water onto the property at the proposed location of the addition.

All members voted to continue the hearing to the May 12, 2016 meeting for the applicant to further investigate and revise the plan.

Emergency Certificates issued:

- Causeway Seawall, Town of Marblehead, to reposition excess cobble built up on the seawall. The Commission voted to ratify the emergency certificate.

Request for changes in project scope:

- 40-1195, 1 Front Street, Boston Yacht Club, field changes for concrete pad for dumpster approved by Conservation Administrator. A motion was made and seconded to approve the change. All members voted to approve as a minor design change.
- 40-1195, 1 Front Street, Boston Yacht Club, proposed change to add an enclosure for the dumpster. A motion was made and seconded to approve the change. All members voted to approve as a minor design change.
- 40-1219, 11 Bradlee Rd. No one was present so the Commission voted to continue to the May 12, 2016 meeting.
- 40-966, 7 Fort Sewall Terrace. Glenn Knickrehm, one of the property owners, presented proposed changes to the existing seawall (Control Drawing Seawall Stair Reconstruction Plan and Sections, dated March 21, 2016, prepared by Childs Engineering Corporation). The existing OOC already contains concrete special conditions. A motion was made and seconded to approve the change. All members voted to approve as a minor design change.

New Business:

- The Commission voted to authorize the Conservation Administrator to pay an invoice for \$504, \$4 over the limit of authorization of the Administrator.

Sign Documents: All documents per the agenda were signed including bills payable.

The meeting adjourned at 8:00 PM.