

Marblehead Conservation Commission
Minutes July 12, 2012

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, Fred Sullivan, David VanHoven and Don Tritschler. Also present were Jan Smith and 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 six 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.

40-1025 and 40-1029: Due to a special request from the applicant of 15 Spray Avenue, this application was reviewed at the very beginning of the meeting.

Reference: Hayes Engineering letter dated June 28, 2012; Plan to Accompany NOI, 15 Spray Avenue, prepared by Hayes Engineering, dated December 15, 2010, latest revision June 26, 2012 and Landscape Plan for Residence 15 Spray Avenue, prepared by James Emmanuel (landscape architect) for Groom Engineering dated June 2012.

Appearing were D. Groom, P. Lynch and J. Emmanuel.

Referencing the June 28 letter, each requested change (#1 through #10) was reviewed separately to determine if the change could be considered a minor design change, not requiring an amendment or new NOI. Note that 40-1029 involves a SOC by DEP. The review results were voted on by the commission (all voted in favor) and are as follows.

- #1. Minor change. 40-1025
- #2. Minor change. 40-1025
- #3. Minor change. 40-1025
- #4. Minor change. 40-1025
- #5. Minor change but requires approval by DEP. 40-1029
- #6. Minor change but requires approval by DEP. 40-1029
- #7. Minor change but requires approval by DEP. 40-1029
- #8. Minor change. 40-1025
- #9. Minor change. 40-1025
- #10. Minor change. 40-1025 (Note: The circular drive will be pavers. The drive in front of the garage can be either pavers or bituminous concrete.)

The following neighbors spoke: Danforth, Goldberg and Walsh-Rogowski. The main concern expressed by them dealt with the location of four air conditioners (noise level) and landscaping which could block their view. See also a letter from S. & J. Sheldon dated July 10, 2012.

The commission explained that it did not have jurisdiction for noise levels or site views. Lynch explained that noise levels from a/c's were regulated by the Town via the Building Inspector. Regarding noise level, Groom said he would investigate sound deadening materials and various types of fences. Regarding a proposed line of shrubs along Spray Avenue, the commission was not able to offer any resolution.

The commission then addressed the landscape plan. All members voted to approve this plan.

40-1053 151 GREEN STREET MULDOON

Resource Area: BVW

Interests of the WPA and Bylaw: Flood Control, Protection of Wildlife Habitat and Prevention of Pollution

Control Drawing: Green Street Condominiums, sheets 1 through 4 dated April 12, 2012, latest revision June 28, 2012, prepared by RIM Engineering Co., Inc.

Note: Also submitted is the Application for a Land Disturbance Permit (LDP), signed by owner, Susan Muldoon, dated 06/01/2012. Note that the LDP Application has a note on the front "Revised June 28, 2012" but this date refers to the revisions of some of the following included supporting documents: Erosion & Sediment Control Plan, June 28, 2012; Stormwater Management Plan, latest revision April 7, 2012; Stormwater Operations and Maintenance Plan ...and Homeowners' Agreement, latest revision June 28, 2012; Inspection & Site Supervision, no date and Final Reports, no date.

Appeared: J. Muldoon and P. Lynch

This was a continuance from 09/08/2011, 10/13/2011, 11/10/2011, 12/08/2011, 01/12/2012, 02/09/2012, 03/08/2012, 04/12/2012, 05/10/2012 and 06/14/2012.

The chair explained he had thoroughly and completely reviewed and compared all data supplied for both the NOI and the LDP. He advised the members of the commission that he was prepared to present the conditions for both permits. In addition to the conditions for the NOI and LDP, the chair also submitted the document,

Documents & Reports for Land Disturbance Permit
(reference Attachment C)
for
Green Street Realty Trust
11 July 2012.

This document shows the documents that must be recorded prior to the start of any work.

For the NOI, Attachment B, the conditions are as follows.

40-1053
151 Green Street
Special Conditions for the Wetlands Protection Act

ATTACHMENT B

Pre-construction:

25. This project involves the disturbance of 40,000 square feet or more of land and as such requires a Land Disturbance Permit under the Town of Marblehead Stormwater Management and Erosion Control Bylaw, Chapter 195 of the Marblehead Code. This OOC, therefore, constitutes said Land Disturbance Permit as well as the necessary permit under the Massachusetts Wetlands Protection Act and the Marblehead Wetlands Protection Bylaw.

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

27. 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.

28. 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.

XX. Prior to beginning the wetland replication, the construction sequence for the wetland, see letter dated May 29, 2012, prepared by Environmental Consulting & Restoration, LLC, will be completed. This sequence includes the Wetland Replication Area Grading Schematic, dated March 5, 2012. The applicant shall notify the Commission and its Technical Representative within 24 hours after the erosion and sediment control measures are in place and stabilized.

XX. The wetland replication will be done according to the letters, dated March 5, 2012 and May 29, 2012 from Environmental Consulting & Restoration, LLC.

XX. The wetland replication will be directed and monitored by a professional wetland scientist. The name and contact information of the scientist will be supplied to the Conservation Commission before any replication work is started. Upon completion of the replication, the scientist will confirm in writing to the Conservation Commission that the replication has been successfully completed in accordance with the letters, dated March 5, 2012 and May 29, 2012 from Environmental Consulting & Restoration, LLC.

XX. Due to possible contamination at this site and, since the site consists almost entirely of non-native invasive plants, the re-use of onsite soils is not allowed. All replacement soil within the wetland replicated area must come from an offsite source. This replacement soil must be approved by a professional wetland scientist.

XX. The replicated wetlands will be monitored by a professional wetland scientist for a period of three (3) years from the date when the first full growing season ends after completion of the replication. The scientist will submit a written report to the Conservation Commission of the condition of the replicated wetlands, said report due at the end of the growing season of each year or no later than 15 December of that year. This report will indicate if the plantings/seed mix have/has reached a minimum 75% survival rate. If the 75% rate has not been achieved, the applicant will re-plant/reseed the replicated wetlands at the start of the next growing season and verify such replanting/reseeding by appropriate evidence to the commission.

These reports are mandatory for the full three (3) growing seasons even if a COC is issued prior to the end of this three (3) year period. After the third growing season, the maintaining of a 75% survival rate, but not the reporting, is a surviving condition. Finally, the last report at the end of the third growing season should also comment on the functioning of the replicated wetland as compared to the wetland which was destroyed.

XX. A Licensed Site Professional (LSP) will be engaged by and at the expense of the applicant to monitor any hazardous waste and its removal, if necessary. The name and contact information of this LSP will be provided to the Conservation Commission before any work is started.

XX. The aforementioned LSP will monitor the site for any illegal discharges, will alert the contractor and Conservation Commission if any exist and will confirm in writing to the Conservation Commission when said illicit discharges are removed. The LSP will also confirm in writing to the Conservation Commission that all measures have been taken to prevent contamination of stormwater discharges in the future. This must be done once all BMP's are installed and verified.

XX. Soil testing, per the Remediation Contingency Plan, prepared by SP Engineering, Inc., dated May 30, 2012 must be conducted on site and results submitted to the Con Com before any work is started. This plan deals with soil analysis before and during the site development and will be conducted by an LSP.

During construction:

29. 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.).

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

31. All demolition debris will be removed from the site ASAP and not stored within a resource area or a buffer zone. If a dumpster is used to contain the debris, the dumpster shall be covered. The debris shall be properly disposed of in accordance with applicable federal, state and local regulations.

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

34. Any pressure-treated wood proposed to be used in the construction of a structure for land - based use shall be arsenic-free.

Landscape plans for the entire development or any section thereof are required for approval by the commission before any landscaping work is started.

Post-construction/in perpetuity:

36. 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 Lawncare 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.

42. The area for snow dumping per the site plan will be permanently marked and provided with appropriate signage to insure no snow is dumped outside this area. The current and future owner(s) of the property is/are required to maintain the signage in good repair. This condition shall survive this order.

43. Invasive plants shall not be used or 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.

XX. No liquids or solids of any nature, including yard waste such as grass clippings, leaves, etc., shall be dumped into the wetland. This is a fineable offense and violators will be prosecuted to the full extent of the law. This condition shall survive this order.

50. 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 or other licensed professional to insure that the project complies with the control drawing/s. Upon completion of the work authorized by this OOC, said or other 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.

51. 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 requires 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"**.

103. All surviving conditions binding upon the current and all subsequent owners are herewith recorded with this Order of Conditions with the Essex South Registry of Deeds as a Restrictive

Covenant running with the land to be binding upon the present owner and all subsequent purchasers of the land or any lot or part thereof, and a reference to such restrictive covenant shall be included in the first deed out of the property or in the deed for all lots or subdivided portions thereof.

For the LDP, Attachment C, the conditions are as follows.

ATTACHMENT C

Marblehead Conservation Commission
Land Disturbance Permit
for
Green Street Realty Trust
(In conjunction with OOC 40-1053)

1. The approved Land Disturbance Permit (LDP) with supporting documents required thereunder must be recorded at the Essex Southern District Registry of Deeds by the property owner and at the expense of the property owner and proof thereof submitted to the Marblehead Conservation Commission (the Commission). Failure to provide said proof within thirty (30) days of issuance of the LDP shall be subject to fines per the Marblehead Stormwater Management and Erosion Control Bylaw (the Bylaw), Chapter 195, section 195-14.
2. A Home Owner's Association (HOA) *Green Street Realty Trust* will be established and duly recorded with the Essex County Registry of Deeds, said HOA being responsible for the maintenance, repair and reporting of the drainage system for their common properties. Maintenance will be performed per the Operation & Maintenance Plan (O&M Plan) dated April 9, 2012, latest revision June 28, 2012 and per the schedule specified in this Plan, said Plan duly recorded with the Essex County Registry of Deeds.
3. Proof of the recording of the Home Owner's Association must be submitted to the Commission before any construction work is started.
4. The Operation & Maintenance Plan (O&M Plan) for the Home Owner's Association, dated April 9, 2012, latest revision June 28, 2012 applies for the maintenance and repair of the drainage system for all properties and defines the procedures which must be implemented by the HOA. Failure of the HOA to comply with and perform all necessary maintenance as set forth in the O&M Plan shall be deemed a violation of the Bylaw and may result in a fine in accordance with the Bylaw Chapter 195, Section 195-14.
5. Per the Stormwater Management and Erosion Control Statute, Chapter 195, section 195-8, a document, Erosion and Sediment Control Plan, must be submitted to and approved by the Conservation Commission before any work is started.
6. Per the Stormwater Management and Erosion Control Statute, Chapter 195, section 195-9, a document, Stormwater Management Plan, must be submitted to and approved by the Conservation Commission before any work is started.

7. The Construction Stormwater Pollution Prevention Plan (SWPPP) is being compiled as a "living" document in accordance with the EPA guidelines and will be maintained current at <http://cfpub.epa.gov/npdes/stormwater/swppp.cfm> by the applicant. Before any work is started the applicant will confirm to the Commission that the SWPPP document has been filed with the EPA. All construction work will be conducted in accordance with this SWPPP.
8. Per the Stormwater Management and Erosion Control, Chapter 195, section 195-11, an Inspection & Site Supervision Plan (during construction) must be submitted to and approved by the Conservation Commission before any work is started.
9. Inspection & Site Supervision Plan (during construction): The applicant has agreed to pay for the services of a licensed civil engineer or qualified environmental monitor (Technical Representative) to assist the Commission in monitoring the performance of this application. This individual must be hired and in place no later than thirty (30) days prior to the completion of the erosion and sediment control measures [see event (1) in paragraph 19 of this document]. This individual shall remain involved with this project until the completion of the construction.
10. During the construction phase, the drainage reports recorded and maintained on site and available to the EPA for review with copies to the Commission will replace any HOA reports. No HOA reports are required prior to the periods stated in paragraph six (6) of this permit.
11. The first HOA reporting period shall begin upon completion of the construction and landscaping (the Reporting Period). All HOA inspections of the drainage system will be conducted by an appropriately qualified person, said person to be identified with qualifications to the Commission each and every time a new/different person is employed for the inspections.
12. During the first reporting year, the first HOA report is due six (6) months after the start of the Reporting Period and the second report is due twelve (12) months after the start of the Reporting Period.
13. Inspections will be conducted and reports submitted to the Commission by the HOA at their expense at a minimum of once a year in perpetuity or the longest period allowed by law.
14. Prior to the start of any work on the site, the HOA shall establish a Maintenance & Repair financial account in accordance with the document, Declaration of Covenants and Easements, as filed with the Commission on _____ via the letter from _____. Proof of recording of the Declaration of Covenants and Easements must be submitted to the Commission before any construction work is started.
15. The entire drainage system shall remain under the ownership, control and responsibility of the Home Owner's Associations in perpetuity or the longest period allowed by law.
16. A preconstruction meeting will be held prior to the start of any construction. Participants shall include, among others, the applicant and/or his technical representative, the general contractor, a representative of the Commission and the Commission's Technical Representative. The permitted plans and proposed implementation shall be reviewed to the understanding of all parties.

17. The Commission and/or its Technical Representative, as set forth in paragraph 9 above, shall make periodic inspections to approve that portion of the work completed at the time of the inspection or to notify the applicant wherein the work fails to comply with the approved plans. Said periodic inspections shall include, at a minimum, the events listed in paragraph 19 of this document.

18. A copy of the approved plans and conditions signed by the Commission shall be maintained at the site at all times.

19. The applicant shall notify the Commission and its Technical Representative within 24 hours after each of the following events.

- (1) Erosion and sediment control measures are in place and stabilized.
- (2) Inspection, prior to backfilling of any underground drainage or storm water conveyance structures
- (3) Rough grading has been substantially completed.
- (4) Final grading has been substantially completed.
- (5) Close of the construction season.
- (6) Final landscaping (permanent stabilization) and project final completion.

20. The applicant or his/her agent shall conduct and document, on proper forms, inspections of all erosion control measures no less frequently than weekly and prior to and after anticipated storm events.

21. Any defects, failures or anticipated necessary corrections of the components of the storm drain and erosion control system will be corrected/made immediately so as not to compromise the goals of the LDP and will be reported to the Commission and its Technical Representative within 24 hours of the discovery of the defects, etc.

22. The applicant or his/her agent shall submit monthly reports to the Commission and its Technical Representative, said report to be a compilation of the weekly inspections (see paragraph 20 of this document).

23. Upon completion of the work, the applicant shall submit a final report, including certified, as built construction plans, from a registered professional engineer certifying that all requirements of the LDP and any approved changes and modifications thereto have been completed in accordance with the conditions of the approved LDP. In addition, the submitted final report by the registered professional engineer shall confirm that the drainage system has been tested and is functioning as designed.

24. The Commission will issue a Certificate of Completion upon approval of the final report. The certificate will be recorded at the Essex Southern District Registry of Deeds by the property owner and at the expense of the property owner and proof thereof submitted to the Commission. Failure to provide said proof within thirty (30) days of issuance of the certificate shall be subject to fines per the Bylaw, section 195-14.

25. All conditions binding upon the current and all subsequent owners are herewith recorded with this Land Disturbance Permit with the Essex South Registry of Deeds as a Restrictive

Covenant running with the land to be binding upon the present owner and all subsequent purchasers of the land or any lot or part thereof, and a reference to such Restrictive Covenant shall be included in the first deed out of the property or in the deed for all lots or subdivided portions thereof.

26. Prior to the start of any work on the site, the applicant will provide the Town of Marblehead with a Surety Bond insuring the completion of the entire project and protecting the Town of Marblehead from any financial liability.

- No work shall commence hereunder until proof of recording of the following documents has been provided to the Commission:

Green Street Realty Trust, Restrictive Covenant, Home Owner's Association, Operation & Maintenance Plan and Declaration of Covenants and Easements.

All members voted to close this hearing. All members voted "to approve the conditions as delineated under Attachment B for the NOI and Attachment C for the LDP and to issue an OOC with these conditions".

40-1088 151 GREEN STREET TOWN OF MARBLEHEAD – BOARD OF HEALTH

Resource Area: BVW

Interests of the WPA and Bylaw: Flood Control, Protection of Wildlife Habitat and Prevention of Pollution

Control Drawing: As submitted with the NOI

Appeared: S. Wright of Kleinfelder

Wright appeared on behalf of the Marblehead Board of Health to request permission to perform a series of test pits in a BVW and its buffer zone. This work relates to the capping of the town landfill. Permission has been granted by the owner of the site.

All members voted to close this hearing. All members voted to issue an OOC with the following special condition. The wetlands will be restored to their prior condition after the test pits are completed.

Re: Kleinfelder letter dated June 26, 2012: At this time, the commission agreed to review the RDA issued 10/08/2009 for 151 Green Street and to permit two additional test borings under this RDA.

RDA 7 MOORING ROAD GREENE

Resource Area: Coastal Bank

Interests of the WPA and Bylaw: Protection of Wildlife Habitat and Prevention of Pollution

Control Drawing: As submitted with the NOI

Appeared: L. Greene

The length of the fence will be ca. 150 feet. The fence will have 2-3 small openings at the bottom to allow for passage of small animals.

All members voted to close this hearing. All members voted to issue a negative determination with the condition that the fence will have 2-3 small openings at the bottom to allow for passage of small animals.

40-1089 9 CORN POINT ROAD ROCKETT

Resource Area: Coastal Bank and Isolated BVW

Interests of the WPA and Bylaw: Protection of Wildlife Habitat and Prevention of Pollution

Control Drawing: Site Plan, #9 Corn Point Road, dated June 24, 2012, prepared by Patrowicz Land Development Engineering

Appeared: C. Young of Wetlands Preservation Inc.

Young reminded the commission that site preparation for this site had been permitted under 40-1070. The proposed house lies essentially outside the 100 foot buffer zones of both resource areas. The discussions dealt only with the proposed surface drainage and the rain gardens. The rain gardens will be built in accordance with Vol. 2, Chapter 2, Structural BMP Specifications for the MA Stormwater Handbook (pages 23-35). 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.

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 or streets.

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.**

49. This OOC specifies a vegetated rain garden be planted along and abutting the coastal bank and/or the BVW. After the vegetated rain garden 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.**

50. 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.

51. 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".

Old/New Business:

Fines: 40-1064 212 Humphrey Street: Reference email from W. Haug to W. Mirrione and W. Lanphear dated 22 June 2012: The commission voted all in favor to allow the fine of \$13,800.00 to be paid in installments per this email. Haug will formalize this in a letter to Mirrione.

Enforcement Order: 40-1052 14 Indianhead Circle:

Appeared C. Booth, site owner, J. Lawler, contractor and R. Griffin of Griffin Engineering. All members voted to approve the E.O. dated 07/03/2012. The E.O. was hand delivered by Lanphear on 07/05/2012 and adequate erosion control was installed on 07/07/2012. This violation impacted the wetland resource area and, per the fine guidelines, a fine of \$300.00 per day for 2 days for a total of \$600.00 was levied. All members voted to approve this amount. The coastal bank was seriously damaged and denuded. A restoration plan will be submitted by the applicant for approval.

Requests for Changes in Project Scope:

40-1025/40-1029 15 Spray Avenue: see above

RDA 151 Green Street: see above

40-1043 26 Harbor Avenue: See Hayes Engineering letter of June 27, 2012. P. Ogren asked that this matter be tabled pending further discussion with his client.

40-1078 12 Rolleston Road: P. Ogren of Hayes Engineering explained the client wishes to repair the existing patio to its previous length. This length is behind the existing seawall as previously approved for repair. There will be no extension of the seawall. All members voted to regard this as a minor change in work scope.

40-1052 14 Indian Head Circle:

Appeared C. Booth, site owner, J. Lawler, contractor and R. Griffin of Griffin Engineering. Griffin presented the drawing, "Booth Residence - 14 Indian Head Circle", dated June 14, 2012. On behalf of Booth, Griffin requested a series of changes as shown on the drawing.

The following were allowed as minor changes:

Replace proposed 2 1/2" caliper Birch trees with 1 Bradford Pear and 2 Dogwoods.

Add a 4 foot high wood fence, ca. 50 feet in length, this fence to mate with an existing fence on the eastern side of the lot line. Provide 2-3 small openings for small animals.
Rebuild wall and install A/C condenser on westerly side of the property.
Add a 6 foot high fence, ca. 30 feet in length along the westerly side of the property.

The commission did not approve the rebuilding of a retaining wall on the seaward side of the house nor did it approve the building of a new retaining wall to accommodate a patio (replacing an existing wooden deck) seaward of the house. These structures will require a new NOI. A revised drawing eliminating these structures will be submitted to the commission for its files.

Requests for COC:

40-997 33 Clifton Heights Lane: All members voted to approve this COC.

40-969 396/400 Ocean Avenue: All members voted to approve this COC.

40-1027 396/400 Ocean Avenue: All members voted to approve this COC.

40-844 2 Crowninshield Road: All members voted to approve this COC.

Sign Documents: All documents per the agenda were signed.

Approve Minutes: All members voted to approve the minutes of 06/14/2012.

The meeting was adjourned at 9:50 PM.