

Marblehead Conservation Commission
Minutes May 12, 2011

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, Brian LeClair, Don Tritschler, Ken Fisher and Deb Payson. Also present was Willy Lanphear, Conservation Administrator and Jan Smith, associate member.

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.

Discussion Items:

40-993 Mound Road: P. Ogren of Hayes Engineering verbally answered the last remaining question concerning the proposed revision to the "turn around" at the end of Mound Road. Answer: The cross hatch area was the amount of surface the M'hd Fire Department required for a "turn around". The final amount of surface is represented by the double line for the "turn around". A motion was made and seconded "to approve the proposed "turn around" as shown on the Topographic Plan, Showing Revised Turnaround, dated November 17, 2010." All members voted in the affirmative. An earlier email from Ogren had supplied the following answers. The new area without asphalt will be grass. The drainage will remain essentially the same.

40-930 Lead Mills: Following is an email to document this action.

From: WALTER S HAUG [mailto:konrad_13@msn.com]
Sent: Friday, April 29, 2011 2:52 PM
To: Dan Garson; William Lanphear
Cc: Sergio Bonilla; kevinl@valhi.net; Mike Battistelli; Mike Apfelbaum
Subject: RE: Request to Modify Coastal Planting Plan to Protect/Preserve
Cair Logs

Dan. Thanks for this update. I spoke with Willy after his site visit with you and Sergio and Willy concurred that the plantings on the coastal bank appear in good order and sufficient. Please accept this email on behalf of the Marblehead Conservation Commission as approval to locate the 36 trees to another suitable area.

All members voted to accept this decision.

40-1015 25 Pinecliff Drive: Steve Martin, landscaper, appeared on behalf of the McKiernans. Martin explained that the applicant wishes to add a stone retaining wall to the NOI. He submitted a sketch showing the wall and its construction. All members voted to review this addition as an amendment to be heard on 9 June 2011.

40-1012 8 Corn Point Road: Haug explained to the commission the proposed landscape plan change which entails spacing the approved Virginia creeper closer together on the coastal bank. All members voted to accept this change.

40-1031 Glover Landing: All members voted to include the following special condition to the OOC. "Maintenance pointing of existing stone masonry walls including the replacement of occasional, missing stones in the wall is allowed as a surviving condition to the Order of Conditions. 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. The future razing, any rebuilding of entire wall sections or enlarging of the subject wall(s) will require the filing of a new Notice of Intent. This condition shall survive this order."

40-1029 15 SPRAY AVENUE GROOM

Resource Area: Coastal Bank

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

Appeared: P. Lynch

Control Drawing: No final drawing is yet available

This was a continuance from 03/10/2011 and 04/14/2011. Various data/information needs to be supplied before the hearing can continue. The consultant to the ConCom, Carlos Pena of CLE Engineering, met on site on Thursday, 12 May 2011 with Peter Ogren of Hayes Engineering to discuss the missing data/information. A revised site plan and additional engineering evaluation will be submitted to the ConCom. The date for receipt of this material has not yet been determined. All members voted to continue this hearing to 9 June 2011.

40-1033 LITTLE HARBOR ISLAND (AKA: GERRY ISLAND) NOYES

Resource Area: Coastal Bank

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

Appeared: Peter Noyes (applicant) and Peter Ogren of Hayes Engineering.

Control Drawing: Little Harbor Island (Gerry's Island), dated March 30, 2011, latest revision dated May 12, 2011, prepared by Hayes Engineering.

Additional Documents: Compilation "Little Harbor Island aka Gerry Island, List of Related Correspondence – DEP File 40-1033 (5/12/2011 – as of 2:30 PM)". ConCom "Memo to File" documenting the site visit of Tuesday, 19 April 2011. DEP Notification of Wetlands Protection Act File Number dated April 20, 2011.

B. LeClair recused himself for this hearing because of a possible conflict of interest. This is a continuance from 04/14/2011.

The chair read the following statements at the outset of the hearing.

1. The commission does not consider any financial aspects of a project in its reviews and determinations. A question of a financial nature was incorrectly assigned to the chair over the course of the publicity regarding this application.
2. A remark was made to the chair that the final decision of the commission will involve both environmental and political interests and, that, most likely political interests will prevail. The decision of the commission will, as always, be based solely on the interests of the WPA and our local bylaw.

Note that the matter of access over the causeway is not a topic of this NOI. There are wetland issues that will be addressed if the causeway is introduced.

The chair then informed the meeting that the ConCom cannot consider any aspects dealing with legal or aesthetic issues. He then explained how the hearing will proceed. 1. The proposed use of the island by the applicant will be reviewed. 2. The site plan will be reviewed. 3. The interests and performance standards of the Wetlands Protection Act and the Marblehead Wetlands Protection Bylaw will be reviewed in so far as they apply to this application.

1. USE:

Noyes stated that this island is zoned for marine use. He intends to store and maintain his boats (ca. 12 boats, the longest being 40 feet) on the island. He said he has no intention at this time to store the boats of others. Maintenance work will include scrapping, painting, washing, engine overhauls and all ancillary work associated with boat maintenance. He acknowledged that there are federal and state regulations governing such maintenance and he said he will abide by them. He will bring a crane/hydraulic trailer onto the island for hauling and launching his boats. He has not yet determined the exact location on the island from which to do the hauling and launching. The size of the crane/hydraulic trailer will have to accommodate the largest boats. He said he will not store the Hannah Glover on the island as this would require much more facility for hauling. He acknowledged that the winter storage of boats on the island, which is subject to very severe storms and is located in "V" zones, will require special accommodations to prevent them from being swept away. This applies also to any equipment left on the island. He did not identify the specific equipment or facilities he might have to construct to house any equipment. He said there are codes governing storage and he will abide by said codes. Regarding utilities for the island, he said he would file a separate NOI for them. He is currently

investigating the use of the causeway for access to the island. If he cannot use the causeway, he will access the island by barge. Whether by causeway or barge, he will enter the island via the proposed ramp/pad as depicted on the site plan. He said his boat traffic would not significantly add to the existing boat traffic.

The audience then raised the following issues. Wondolowski: How will you protect the lobster nursery? Anderson: Will the proposed ramp extend out into the water? Whalen: How big will the crane be? Arbo: Will the barge be propeller or jet powered? Scheffreen: Will your traffic to the causeway endanger children on the beach? Cole: What is the real end use? Moriarty: Can the ConCom take into account the character/history of an individual in their decision? (to this question, the ConCom answered “no”.)

2. SITE PLAN :

The letters from Wetlands Preservation Inc., (Curt Young) dated May 10, 2011 and from Frank McElroy, dated May 5, 2011 were referred to in the discussion of the site plan.

The site plan, dated March 30, 2011, latest revision May 12, 2011 is the topic of this discussion. Comments included the following.

The topographic information is from July 24, 1987. This information should be current within a few years of 2011.

The coastal banks should be shown as current within a few years of 2011.

The site plan does not show which seawall sections are still standing and which need to be replaced.

The site plan and narrative refers to “stabilization” of the island but Ogren said there has been little erosion since 1987. What is being stabilized?

The profile showing the proposed ramp does not show how much fill and what type will be required in order to accomplish the indicated ramp slope. How will a 3” minus gravel pad withstand storm wave erosion? Currently, this area is a source of beach nourishment.

Areas of erosion are not indicated on the site plan.

The area containing shell fish (the lobster nursery) is not shown.

Construction work and storage areas are not shown.

No containment systems for construction debris are shown.

How will cement be produced? How will any excess be contained?

The site plan now identifies the coastal banks as Figure 4 from the DEP Wetlands Policy 92-1. It is questionable that all coastal banks can be defined by this one configuration.

The discrepancy of coastal bank length, (1,190 vs. 1,800 lineal feet), must be clarified.

The area of 3,344 sq.ft. of LSCSF which will be impacted is not shown.

The site plan shows one section of a proposed seawall at 7 feet above H.W.M. Does this apply to the entire proposed seawall? If not, the site plan should show the seawall height at various locations.

The site plan says that existing vegetation will be mowed. If all existing vegetation is mowed how will that “stabilize” the island? How will the surface of the island be protected to prevent all topsoil from being swept away over multiple storms? Note: The island is mostly ledge with a relatively thin cover of topsoil.

As an “isolated” island, it can be reasonably assumed that a certain amount of wildlife exists on the island and might even provide habitat for this wildlife. The site plan does not indicate any protected areas.

In order to review these comments, a site visit is scheduled for Tuesday, 17 May at 5:00 PM. Those attending will include the ConCom members, the applicant, Ogren, Young and Tom Allen, representing the Friends of Little Harbor.

The commission voted to continue this hearing to 9 June 2011. The location could be changed to accommodate the amount of attendees.

40-1034 22 FOSTER STREET SEVINOR

Resource Area: Coastal Bank

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

Appeared: Peter Ogren of Hayes Engineering, W. Dimento, atty., C. Young of Wetlands Preservation Inc., T. Siemasko and P. Muldoon.

Control Drawing: Proposed Conditions Plan, dated April 26, 2011, prepared by Hayes Engineering, Inc.

After review and discussion, all members voted to close this hearing. All members voted to close this hearing. Five members voted to issue an OOC (one abstained) with the following special conditions.

Special Conditions:

20. In accordance with General Condition No. 9 contained in this Order of Conditions, the applicant shall record this original Order of Conditions and any subsequent amendments thereto at the Registry of Deeds in Salem and shall submit the recording information to the Conservation Commission on the form for said information found at the end of the Order of Conditions prior to the commencement of any work authorized by this Order of Conditions or any amendments

thereto. Failure to submit said recording information prior to the commencement of work may result in a fine issued against the applicant in accordance with Marblehead Bylaws Chapter 194, Section 11E. See Attachment "C" for "Schedule of Fines".

21. Prior to any work authorized by this Order, a sign (1'x 2') shall be displayed in a conspicuous place at the site with the words "DEP File 40-1034"

22. Prior to any demolition, construction or earth moving activities on the site, the applicant shall make an appointment for a site inspection by the Conservation Administrator to review the proposed work and the conditions contained in this Order.

23. A copy of the Order of Conditions as well as the final approved plan/s shall be available for inspection on site while activities regulated by the Order are underway.

24. This Order of Conditions is issued under the Wetlands Protection Act and its Regulations (MGL Chapter 131, Section 40 and 310 CMR 10.00 et. seq.), and under the Town of Marblehead Wetlands Protection Bylaw (Marblehead Bylaws Chapter 194) and its Regulations (Wetlands Protection Bylaw Regulations for Administering Marblehead Bylaws Chapter 194, Sections 194-1 through 194-14). As such this Order constitutes a wetlands permit both under the Act and under the Bylaw.

25. The project shall be performed in accordance with the final approved plans and other documents referenced in Attachment A to this Order of Conditions, except as the project may be altered or amended by these Special Conditions. Any deviation from this Order of Conditions and the approved construction plan/s and documents requires authorization from the Conservation Commission prior to implementation. Any deviation from the approved construction plans and documents commenced prior to authorization is subject to a fine of up to \$300 per day, issued against the applicant in accordance with Marblehead Bylaws Chapter 194, Section 11E. See Attachment "C" for "Schedule of Fines".

26. The project shall be performed in accordance with the representations made by the applicant and his/her representative(s) and in accordance with the requirements of the Marblehead Conservation Commission, all as reflected in the public hearing record as documented in the minutes of the Marblehead Conservation Commission referenced in Attachment A to this Order of Conditions, except as the project may be specifically altered or amended by these Special Conditions.

27. These Special Conditions relate equally to both the Wetlands Protection Act and the Marblehead Wetlands Protection Bylaw unless herein indicated otherwise.

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 will be constructed as permeable surfaces to allow water to infiltrate through their surfaces into the ground on site.

35. All demolition debris will 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 will be stored outside the resource area and its buffer zone or as far back from the resource areas as possible.

Post-construction/in perpetuity:

37. 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.

38. Maintenance pointing of existing stone masonry walls including the replacement of occasional, missing stones in the wall is allowed as a surviving condition to the Order of Conditions. 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. The future razing, any rebuilding of entire wall sections or enlarging of the subject wall(s) will require the filing of a new Notice of Intent. This condition shall survive this order.

39. 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.

40. If the control drawings for this project were prepared and stamped by a licensed Professional Engineer, licensed Professional Land Surveyor, licensed Professional Architect or licensed Professional Landscape Architect, the construction of this project shall be regularly inspected by said licensed professional to insure that the project complies with the control drawings. 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 drawings and setting forth any deviations that may exist between the completed work and the plans approved the Conservation Commission.

41. 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".

RFA 5 BARNEGAT LANE OLSON

Resource Area: BVW

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

Appeared: Scott Olson and Georgia Olson

Control Drawing: Barnegat Lane, Scott & Georgia Olson, stamped April 29, 2011

This project is totally outside the 50 foot No Build Zone. The work and the area will not impact the resource area. All members voted to close this hearing. All members voted to issue a negative determination with the one following special condition.

42. When a pool/spa/hot tub is to be drained, no chlorine or other chemicals are to be added to the pool water for a period of at least four (4) days prior to draining to allow for the chlorine and other chemicals to dissipate; and there shall be an appropriate sign placed permanently at or immediately adjacent to the pool/spa/hot tub drainage valve or mechanism indicating this requirement. The method of pool drainage shall be such as to prevent any soil erosion by the draining water and to allow the draining water to seep into the ground prior to entering any resource waters. No direct discharge to resource waters is allowed. This condition shall survive this order.

40-1035 24 HARBOR AVENUE MARTIN

Resource Area: Coastal Bank

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

Appeared: S. Patrowicz of Patrowicz Land Development Engineering

Control Drawing: None

This was the NOI required from the Emergency Order (E.O.) issued 04/07/2011 to repair a breach in a seawall. All members voted to close this hearing. All members voted to issue an OOC with the following special conditions.

During construction:

32. 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.).

Post-construction/in perpetuity:

33. 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.

34. Maintenance pointing of existing stone masonry walls including the replacement of occasional, missing stones in the wall is allowed as a surviving condition to the Order of Conditions. 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. The future razing, any rebuilding of entire wall sections or enlarging of the subject wall(s) will require the filing of a new Notice of Intent. This condition shall survive this order.

35. 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".

40-1036 3 ANCHORAGE LANE LIVINGSTON

Resource Area: Coastal Bank

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

Appeared: S. Patrowicz of Patrowicz Land Development Engineering and Dave Riordan, contractor

Control Drawing: Marked up Sketch, "Site Plan, 3 Anchorage Lane", dated April 26, 2011, marked up by Patrowicz.

This project is for new siding and window replacement. Because the project is so large and requires substantial scaffolding over the coastal bank the commission decided it should be reviewed as an NOI and not an RFA. After discussion, all members voted to close this hearing. All members voted to issue an OOC with the following special conditions.

Special Conditions:

20. In accordance with General Condition No. 9 contained in this Order of Conditions, the applicant shall record this original Order of Conditions and any subsequent amendments thereto at the Registry of Deeds in Salem and shall submit the recording information to the Conservation Commission on the form for said information found at the end of the Order of Conditions prior to the commencement of any work authorized by this Order of Conditions or any amendments thereto. Failure to submit said recording information prior to the commencement of work may result in a fine issued against the applicant in accordance with Marblehead Bylaws Chapter 194, Section 11E. See Attachment "C" for "Schedule of Fines".

21. Prior to any work authorized by this Order, a sign (1'x 2') shall be displayed in a conspicuous place at the site with the words "DEP File 40-1036"

22. Prior to any demolition, construction or earth moving activities on the site, the applicant shall make an appointment for a site inspection by the Conservation Administrator to review the proposed work and the conditions contained in this Order.

23. A copy of the Order of Conditions as well as the final approved plan/s shall be available for inspection on site while activities regulated by the Order are underway.

24. This Order of Conditions is issued under the Wetlands Protection Act and its Regulations (MGL Chapter 131, Section 40 and 310 CMR 10.00 et. seq.), and under the Town of Marblehead Wetlands Protection Bylaw (Marblehead Bylaws Chapter 194) and its Regulations (Wetlands Protection Bylaw Regulations for Administering Marblehead Bylaws Chapter 194, Sections 194-1 through 194-14). As such this Order constitutes a wetlands permit both under the Act and under the Bylaw.

25. The project shall be performed in accordance with the final approved plans and other documents referenced in Attachment A to this Order of Conditions, except as the project may be altered or amended by these Special Conditions. Any deviation from this Order of Conditions and the approved construction plan/s and documents requires authorization from the Conservation Commission prior to implementation. Any deviation from the approved construction plans and documents commenced prior to authorization is subject to a fine of up to

\$300 per day, issued against the applicant in accordance with Marblehead Bylaws Chapter 194, Section 11E. See Attachment "C" for "Schedule of Fines".

26. The project shall be performed in accordance with the representations made by the applicant and his/her representative(s) and in accordance with the requirements of the Marblehead Conservation Commission, all as reflected in the public hearing record as documented in the minutes of the Marblehead Conservation Commission referenced in Attachment A to this Order of Conditions, except as the project may be specifically altered or amended by these Special Conditions.

27. These Special Conditions relate equally to both the Wetlands Protection Act and the Marblehead Wetlands Protection Bylaw unless herein indicated otherwise.

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 containment system will be erected prior to the commencement of work to prevent any material from entering the resource waters. The applicant will request the conservation administrator to inspect said system for approval before work is started.

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.

32. The scaffolding shall be properly secured or removed in the event of a major storm so as to prevent it from causing any damage to other structures or to the resource area.

During construction:

33. 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.

34. 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 will 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 will be stored outside the resource area and its buffer zone or as far back from the resource areas as possible.

Post-construction/in perpetuity:

37. 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.

38. Maintenance pointing of existing stone masonry walls including the replacement of occasional, missing stones in the wall is allowed as a surviving condition to the Order of Conditions. 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. The future razing, any rebuilding of entire wall sections or enlarging of the subject wall(s) will require the filing of a new Notice of Intent. This condition shall survive this order.

39. 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:

Approve Minutes: All members voted to approve the revised minutes of 03/10/2011.
All members voted to approve the minutes of 04/14/2011.

Requests for Extension:

40-948 Stramski Pier: Lanphear said DEP has approved the change to the pier. This is not a request for an extension.

40-888 Glover Landing: Lanphear will tell Glover Landing management to submit their proposed work plan for 2012 and to submit their report for 2011 before any extension is granted.

Requests for COC:

40-1014 8 Fountain Lane: All members voted to issue a COC.

40-594 5 Barnegat Lane: All members voted to issue a COC.

40-959 239 Ocean Avenue: All members voted to issue a COC.

40-370 Glover Landing: All members voted to approve the COC issued 01/26/2000.

40-371 Glover Landing: All members voted to approve the COC issued 01/26/2000.

40-735 Glover Landing: All members voted to issue a COC. There will be no fine because of self disclosure by the applicant prior to discovery by the ConCom.

40-793 Glover Landing: All members voted to issue a COC. There will be no fine because of self disclosure by the applicant prior to discovery by the ConCom.

40-821 Glover Landing: All members voted to issue a COC. A fine of \$600 is levied since the OOC was not recorded and this applicant is a repeat violator.

Enforcement Orders:

40-986 2 Eustis Road: This is governed by a DEP SOC and a Notice of Non-Compliance is being issued by DEP.

Sign Documents: All documents per the agenda were signed.

Other Matters:

Regulation Changes: L. Mead and Sec. 5.5 Coastal Bank need to be addressed.

The meeting adjourned at 11:00 PM.