

**Marblehead Conservation Commission**  
**Minutes November 18, 2010**

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, Deb Payson and Ken Fisher. 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:** A motion was made and seconded to approve the minutes of 10/14/2010. All voted in the affirmative.

**Sign Documents:** All documents per the agenda were signed.

**Fines Policy:** The chair read the following statement: "Until further notice fines will be levied only for unpermitted work or failure to perform work as specified in an OOC in buffer zones or resource areas. All other fines are temporarily on hold. It is the intention to remove this hold no later than January 1, 2011." The chair asked the members to approve this statement, with an explanation to follow as soon as possible. Four members present (Payson arrived after this) voted to approve the statement.

**40-1012 8 CORN POINT ROAD - HARKINS**

Resource Area: Coastal Bank

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

Appeared: Richard Kirby of LEC Environmental Consultants, Inc.

Control Drawing: Coastal Bank Stabilization Plan, dated 09/22/10, latest revision 10/14/10, prepared by Keith LeBlanc Landscape Architecture, Inc.

(Note: The latest revision was issued to show a new shed which had not been included or approved in any earlier OOC's.)

Mass DEP commented: Mass DEP does not recommend Rosa Rugosa. The commission reminded Mr. Kirby the temporary hold on certain fines applies to the outstanding violations already delineated for this site, with the exception of the shed violation. A fine of \$600.00 was

approved and levied by the members for the shed violation. The new shed will be allowed to remain in place due to compensating measures to be made, viz., a row of hedge will be extended across the top of coastal bank (toeb) in the vicinity of the shed up to the property line to prevent human traffic on the bank. Note that the commission agreed to allow Rosa Rugosa to be planted as hedge along certain sections of the toeb since about 50% of the toeb is already planted with this shrub.

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

**Pre-construction:**

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.

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

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:**

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.

**Post-construction/in perpetuity:**

By voluntary agreement with the applicant, only organic fertilizers are to be used on the lawn 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.

No fertilizers or other chemicals will be applied on the coastal bank. This is a surviving condition.

The existing row of Rosa Rugosa near the new shed will be extended along the top of the coastal bank to the property line.

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](http://www.mnla.com) or [www.newfs.org](http://www.newfs.org).

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 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".

#### **40-1014 8 FOUNTAIN INN LANE - ARNOLD**

Resource Area: Coastal Bank

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

Appeared: William Kelley of Kelley Marine Resources and John Arnold

Control Drawing: Footing Repairs, 8 Fountain Inn Lane, dated September 13, 2010 as submitted with the NOI.

A revised control drawing showing the resource area and its buffer zones was submitted. The DEP commented: "Under review". Kelley said he has tried multiple times to reach DEP for further information without success. If the commission were to follow its standard policy re: resource area comments, this would mean a second delay in issuing this OOC. In light of the delays caused by the DEP and the confidence of the commission in its decision, the commission voted to close this hearing and voted to issue an OOC with the following special conditions.

#### **Pre-construction:**

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

A containment system to prevent any removed mortar or other debris from entering the resource waters shall be approved by the commission prior to the start of any work.

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:**

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.).

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.

**Post-construction/in perpetuity:**

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.

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.

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 OOC, whichever 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".

**40-1015 25 PINECLIFF DRIVE - McKIERNAN**

Resource Area: Coastal Bank

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

Appeared: Thomas McKiernan, applicant and Lauren Lautner of For Seasons Landscape Design

Control Drawing: McKiernan residence, 25 Pinecliff Drive, dated September 2010, prepared by For Seasons Landscape Design

DEP had no comments. Mr. McKiernan said the only work he intends to do is to hand cut some of the overgrowth on the bank, pull out poison ivy and keep the existing cow path down to the

beach open. There will be no clear cutting or spraying of chemicals. No new path will be established. All members voted to close this hearing. All members voted to issue an OOC with the following special conditions.

**Pre-construction:**

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.

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:**

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.

**Post-construction/in perpetuity:**

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.

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](http://www.mnla.com) or [www.newfs.org](http://www.newfs.org).

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".

**40-1017 26 HARBOR AVENUE - MARBLEHEAD WATER & SEWER DEPT.**

Resource Area: Coastal Bank

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

Appeared: Chuck McCollum, Superintendent of Marblehead Water and Sewer Department

Control Drawing: Red Gate Outfall Repair Detail, dated September 15, 2010, prepared by Haley & Ward, Inc.

The DEP had no comments. Mr. McCollum reviewed the narrative accompanying the NOI. After this review, Mr. Norman Lavoie, an abutter to the site, asked whether the entire length of the culvert box should be repaired and whether a "T" could be inserted at the outlet of the drain pipe to prevent stones from entering and clogging the pipe. McCollum replied that such work is not within the scope of this project but he invited Lavoie to visit the W&S Department for further discussion.

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

**Pre-construction:**

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.

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

No erosion control is practical on this site and none is considered necessary.

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:**

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.

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.).

All demolition debris will be removed from the site as soon as possible and not stored within a resource area or a buffer zone. A tarp will be spread on the ground on either side of the work

area to collect debris and the debris will be removed daily. The debris shall be properly disposed of in accordance with applicable federal, state and local regulations.

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:**

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-???? 10 MARINER'S LANE - DARING**

Resource Area: Coastal Bank

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

Appeared: Scott Patrowicz of Patrowicz Land Development Engineering

Control Drawing: None

No DEP file number or comment was received. The application can be discussed but not closed. This project was intended to be a re-pointing of the seawall but the Marblehead Building Inspector expressed concerns about the structural integrity of the seawall. Therefore, Patrowicz asked for a continuance pending a review of the wall by a structural engineer. All members voted to continue this hearing to January 13, 2011.

**40-1019 99 PITMAN ROAD - THOMPSON**

Resource Area: Coastal Bank

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

Appeared: Scott Patrowicz of Patrowicz Land Development Engineering

Control Drawing: Plot Plan, 99 Pitman Road, Thompson, dated October 20, 2010, prepared by North Shore Survey Corporation

DEP comment asked for a coastal bank profile and details for the proposed retaining wall. Patrowicz said the entire approach to rebuilding the walls, etc. is being reviewed and he asked for a continuance. All members voted to continue this hearing to December 9, 2010.

#### **40-1016 6 FOSTER STREET - WEISE**

Resource Area: Coastal Bank

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

Appeared: Jill Weise, B. Comak, contractor and Christopher Mello of Eastern Land Survey

Control Drawing: Site Development Permit Plan, Peter & Jill Weise, dated October 26, 2010, prepared by Eastern Land Survey Associates.

DEP commented that this application is under review. The commission requested a drawing showing a cross section of the proposed patio wall. The commission then discussed the lawn area adjacent to the seawall. In the interest of preventing pollution (lawn chemicals) from entering the resource waters (the ocean), the commission requested a vegetated planting bed along the seawall. Weise stated there is a ten (10) foot wide easement immediately adjacent to and along the entire length of the wall. This easement provides access to neighbors for a pier. After discussions, it was agreed with the applicant to use the suggestion made by Comak to capture pollutants flowing across the lawn. This suggestion envisions digging a trench drain immediately along the seawall and embedding a perforated drain pipe in crushed stone and covered with geotextile material. An occasional drain will also be incorporated into the drain pipe. Pollutants/lawn chemicals can then filtrate into the drain system and ground and not enter the resource waters directly. All members voted to continue this hearing to December 9, 2010.

#### **40-1018 OCEAN AVENUE (CAUSEWAY) - TOWN OF MARBLEHEAD**

Resource Area: Coastal Bank

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

Appeared: Anthony Sasso, Town Administrator

Control Drawing: Ocean Avenue Causeway, Revetment Repairs, dated October 2010, prepared by Pare Corporation (2 sheets)

DEP had no comments. Sasso said two events are happening at the seawall. First, the boulders used as rip-rap are being moved by wave action during heavy storms. Second, cobble continues to be thrown up to the top of the seawall, forming almost a ramp up to the seawall. To mitigate the first problem, Pare recommends the replacement and/or repositioning of some of the rip-rap boulders to more effectively dissipate wave energy. The rip-rap footprint of the initial design



will be maintained and will not be enlarged. For the second problem, the only solution is to periodically reposition the cobble back onto the beach. The commission agreed with both solutions and all members voted to close this hearing. All members voted to issue an OOC with the following special conditions.

**Pre-construction:**

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.

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

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:**

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.

**Post-construction/in perpetuity:**

During storms, cobble is often moved up to and over the rip-rap and to the top of the seawall. This cobble can be repositioned back onto the beach as often as required. This condition shall survive this order.

As a result of severe storms, occasional revetment boulders might be moved out of their design position, thereby diminishing their ability to dissipate wave energy. These boulders can be replaced or relocated as necessary. However, the original footprint of the revetment shall not be increased. Should major sections of the revetment ever become displaced, a new Notice of Intent may be required. This condition shall survive this order.

For any cobble or revetment repairs allowed under this Order, the beach must be restored to it's prior condition after the repair is complete. This condition shall survive this order.

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".

## **40-1020 150 FRONT STREET - HOWARD**

Resource Area: Coastal Bank

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

Appeared: Scott Howard (applicant) and Peter Ogren of Hayes Engineering, Inc.

Control Drawing: Site Plan, 150 Front Street, Scott Howard, dated October 7, 2010, prepared by North Shore Survey Corporation

Refer to the DEP form for their complete comments. Ogren will address these comments and copy the ConCom. Ogren did not show any buffer zones because he said the property is actually located between two coastal banks, with one of the banks being far removed landward from the property. Proposed house construction details were discussed and the commission pointed out these must meet all applicable state and local requirements. All members voted to close this hearing. All members voted to issue an OOC with the following special conditions.

### **Pre-construction:**

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.

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

No erosion control is practical on this site.

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:**

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.

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.).

All demolition debris will be removed from the site on a daily basis 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.

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:**

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.

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:** see above

**Requests for Extension:** It was agreed to postpone any actions on these requests awaiting final response from DEP regarding the Permit Extension Act.

**Requests for COC:**

**40-953 24 Crestwood Road:** All members voted to issue a partial COC.

**40-857 24 Foster Street:** All members voted to issue a COC and temporarily withhold any action on a fine.

**40-976 25 Marion Road:** All members voted to issue a COC.

**40-1006 239 Ocean Avenue:** All members voted to issue a COC.

**40-355 15 Spray Avenue:** All members voted to issue a COC and temporarily withhold any action on a fine.

**40-935 47 Foster Street:** All members voted to issue a COC.

**40-947 47 Foster Street:** All members voted to issue a COC.

**Eastern Yacht Club 47 Foster Street:** The following OOC's are being addressed separately from the above two EYC 47 Foster Street applications. Robert McCann, attorney

for the EYC, had researched 40-241, 40-353, 40-581, 40-768 and 40-842 prior to any action by the commission. Once the violations (primarily failure to apply for/record COC's and one amendment) were brought to light, the commission determined it would levy fines for each violation. See a memo to file referring to a meeting on Monday, 31 August 2010 among McCann, Ogren, Lanphear and Haug. The commission determined a fine total of \$1,800.00. The commission subsequently recognized the attempts by McCann on behalf of the EYC to voluntarily report the EYC violations in advance of any action by the commission and the commission has agreed to establish a condition in its fine guidelines as follows: Applicants who voluntarily report their failure to apply for/record a COC before discovery by the commission will not be fined for this particular violation. Other fines will still be levied per the fine schedule in the fine guidelines approved by the commission on 08/12/2010. All members voted to approve this condition.

The commission recommended that the fine of \$1,800.00 on the EYC be voided to coincide with the foregoing fine policy change. The EYC via McCann refused this recommendation and insisted on making a donation of \$1,800.00 to the Marblehead Conservation Commission. There was no prior agreement or understanding or collusion between the commission and the EYC or between McCann and Haug regarding the \$1,800.00.

The new condition will be advertised to the public in general.

**Sign Documents:** see above

The meeting was adjourned at 10:10 PM