

Marblehead Conservation Commission
Minutes February 9, 2017

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

Meeting was called to order at 7:10 PM

Present were: Commission Members Brian LeClair, Fred Sullivan, David Depew, Jesse Alderman, and David VanderHoven. Also present was Charles Quigley, 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.

Approval of Minutes:

Brian LeClair submitted the following changes (in italics) to the minutes:

Added to the section discussing NOI 40-125x, Offshore Atlantic Ocean

Jesse Alderman recused himself from the discussion.

Added to the section discussing NOI 40-125x, 57 Naugus Ave (in italics).

Applicant reminded that the Notice of Intent arose out of an Enforcement Order. It was pointed out that a detailed professional plan showing the work that had been done and the remedial work proposed was required. The inadequacies of the professional report provided were also noted. The likelihood of fines, and the fines being larger if adequate materials were not furnished was pointed out.

Brian suggested that the applicant seek approval by the abutters for the proposed remediation plan *on the abutters' land.*

A motion was made and seconded to approve the amended minutes of January 15, 2015. All members voted in the affirmative.

DISCUSSIONS:

Violation 10 Bradlee Road

Appeared: Mr. and Mrs. Ackerman

Deck/patio work was done in the resource area (a stream) without a permit.

All members voted to issue a permit.

Violation 18 Yorkshire

Appeared: Steven Granese

Tree removal/trimming in a resource area. Granese will provide a GIS map locating the tree work location and the distance from the resource area.

All members voted to continue the hearing to the March 9, 2017 meeting

HEARINGS:

NOI 40-125x, 1 Dock Ledge Way

All members voted to continue the hearing to the March 9, 2017 meeting.

NOI 40-1256, 18 Harborview

All members voted to continue the hearing to the March 9, 2017 meeting.

NOI 40-125x, 57 Naugus Ave. (Map 178 Parcel 4)

Appeared: Peter Lake and James Landergan (attorney)

As of the time of the meeting, the DEP had not posted a docket number on their website. This posting is necessary precondition for opening a hearing. Therefore the hearing was not opened.

The applicant was advised that it was his responsibility to verify that the DEP had been paid and that the DEP was provided the plan and other technical information so that it could review and issue comments on the application.

That applicant was advised that Commission required that the applicant provide a professional plan for the restoration of the cutting on the coastal bank and the replacement of the trees that were removed. The plan is required to show the location of the coastal bank cuttings and the trees in the resource areas that were removed and the location for the replacement trees. In addition, the location of the cutting on the coastal bank must be identified on the plan. The plan must also show the coastal bank, the buffer zones and topography as required by the Commission's regulations. The professional report must describe the removed trees in detail and the replacement trees in detail so that the Commission can determine the adequacy of the planned replacement trees. The professional report must also describe the cutting that was done on the coastal bank, including the types of plants and bushes cut, and whether the cut plants will restore themselves or whether restoration work should be performed.

This required plan and all technical documents need to be delivered to the Department of Environmental Protection by the March 9, 2017 deadline. The Commission will levy a \$500 fine if the required materials are not delivered in time for the March 9, 2017 hearing.

All members voted to continue the hearing to the March 9, 2017 meeting

NOI 40-125x, Offshore Atlantic Ocean

All members voted to continue the hearing to the March 9, 2017 meeting.

Request for Minor Modification

OOC 40-1232

All members voted to close the hearing. The Commission voted to approve the request.

Request for Determination

RDA 10 Gregory Street

Appeared: Jan and Christine Van Heek, Peter Ogren, Hayes Engineering

Requesting a Chapter 91. The applicant wants to obtain a Chapter 91 license and the DEP requires Commission input. The applicant stated there will be no construction, alteration or demolition activities. Only the same float that has existed historically will be launched and removed seasonally.

James Bryant (12 Gregory) appeared contesting the location of the float. The Commission stated that it only considers environmental issues, and does not consider ownership or other non-environmental issues related to floats. The Commission cannot authorize the locating of a float where it is not proper due to land ownership issues.

All members voted to close the hearing. All members voted to issue a negative determination with the following conditions:

The applicant must comply with all applicable law and regulations.

Request for Extension

NOI 40-977 Redd's Pond Flat Leaf Weed Control

All members voted to continue the hearing to the March 9, 2017 meeting.

Requests for Certificate of Compliance:

NOI 40-988 15 Kimball Street

NOI 40-564 15 Kimball Street

NOI 40-568 15 Kimball Street

NOI 40-473 10 Bradlee Road

NOI 40-1178 26 Harbor Avenue

All were approved by unanimous vote of the commission

Other matters

Chadwick Lead Mill Site

The Commission determined that the contractor does not need to appear before the Commission.

Meeting was adjourned at 8:15 PM.