

Marblehead Conservation Commission  
March 9, 2017

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

Meeting was called to order at 7:10 p.m.

Present were: Commission members Chair - Brian LeClair; Fred Sullivan; David Depew; David VanHoven; Jessie Alderman and Barbara Collins Rosenberg. 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:**

Motion to approve minutes of meeting held on February 9, 2017, was made and minutes were approved.

**Public Hearings:**

NOI 40-12xx 42 Ticehurst Lane;  
NOI 40-12xx 6 Harborview;  
NOI 40-12xx 8 Gregory Street;  
NOI 40-12xx 26 Harbor Avenue

All of the above listed hearings were **Postponed** until the April 13, 2017 meeting awaiting DEP file numbers and DEP Comments.

Motion to continue without opening Hearing; motion to continue to April.

NOI 40-1258 279 Ocean Avenue

Appearing: James Emmanuel, Landscape Architect and John Dick, on behalf of the applicants Adam R. and Sinthisone K. Satin  
Commissioner Jessie Alderman recused himself from this discussion.

Proposed: Deck addition; patio; replacement of wooden steps; removal of cinderblock wall; and landscape enhancement.

Messrs. Emmanuel and Dick were told to return with a more detailed plan of the work to be done, including: identifying existing conditions-noting what will be removed, what will be replaced, included impervious areas – again, what is existing and what is proposed. All members voted to continue this request to the April 13, 2017 meeting.

NOI 40-12xx 133 Front Street

Appearing: James Emmanuel, Landscape Architect and John Dick, on behalf of applicant David Rosenberg.

The audience included many of the abutters to the property at 133 Front Street.

No DEP #, no DEP comments.

Given the lack of comments; the nature of the physical location of the site; the lack of plan regarding work methods and sequencing of the work; the late notice to abutters; it has been determined to:

- Schedule a site visit, which will take place at 133 Front Street on Tuesday, March 21, at 5:30 p.m.;
- Wait for DEP comments;
- Messrs. Emmanuel and Dick were advised to insure that all abutters were notified of the new hearing date, April 13, 2017.
- Messrs. Emmanuel and Dick were advised to bring in a more detailed plan including report from a structural engineer regarding propose infinity pool.

Motion to continue Hearing to April 13, 2017, was seconded and approved by all Commission members.

### **Continued Public Hearings**

NOI 40-1257 1 Dock Ledge Way

Appearing Scott Patrowicz, Land Development Engineer on behalf of applicant Linda Crane Wallace.

Proposed: Repair and replacement of existing garden steps.

Seawall to be upgraded and replace steps, all work to be done in the lawn area, hay bales to protect area, and a tarp will be used to protect the left embankment.

Motion to close, motion seconded, all members voted to close hearing despite not yet having received DEP comments.

Motion made and passed to issue the following order of special conditions:

- 33 – cement rinsing;
- 35 – demolition removal;
- 36 – store outside resource area;
- 40 – fertilizers;
- 41 – pointing and repair;
- 50 – invasive plants;
- 55 – CoC;

With the special condition of tarps lining staircase, anchored by existing handrail.

NOI 40-1256 18 Harborview

Appearing Scott Patrowicz, Land Development Engineer on behalf of applicants Michael and Diane Christian.

Proposed: Demo and replace existing concrete pier.

Hearing is limited to work to be done on concrete pier only. Work will include the sawing off of 12” on the pier sides, to then pour 6” concrete, and 6” stone veneer.

A modified plan must be submitted by Patrowicz that removes references to a new gangway.

Brian LeClair notes that plans have not been signed or sealed, Scott Patrowicz acknowledges and will remediate immediately.

Motion to close hearing was seconded with all members voting to close subject to the following order of special conditions:

- 33 – cement rinsing;
- 35 – demolition removal;
- 36 – store outside resource area;
- 37 – 100 year storm for pier;
- 38 – pressure treated wood;
- 39 – pier guide;
- 40 – fertilizers;
- 41 – pointing and repair;
- 46 – gangway storage;
- 47 – gangway storms;
- 50 – invasive plants;
- 51 – pier superstructure minor repairs;
- 54 – licensed professional engineer;
- 102 – seawall tarp

With the special condition that all concrete sawing is done with a wet saw.

NOI 40-125X 57 Naugus Avenue (Map 178 Parcel 4)

Appearing James Landergan, attorney for Robert Powelson property owner; and Ashley A. Andrade, attorney for Peter Lake.

Work, including tree and vegetation removal, was completed without prior approval of Conservation Commission.

Commission received a revised submitted plan letter that was found to be lacking.

Brian Leclair stated that “within two weeks a letter must be sent to the Conservation Commission, the abutting property owners and to their attorney describing proposed replaced trees and that these trees must be as comparable as reasonable to the trees that were cut.

Applicant must obtain permission of the abutters, Denis V. and Mary M. Boucher to go on their property and to diligently and promptly obtain their permission.

All work must be completed by June 1, 2017, but, before the work begins, the applicant must receive written communication from the Conservation Commission regarding replacement trees and plantings.

Motion to close hearing , all members voting to close hearing with the following special conditions:

- 40 – fertilizers;

Letter within two weeks alerting the Commission, the Bouchers and the Bouchers’ attorney about the work to be done;

All work complete by June 1, 2017;

No vista pruning without permit or order from the Conservation Commission.

Motion to levy fines on Robert Powelson – [Peter Lake], \$9,000 (nine thousand dollars), to be paid by June 1, 2017. Fine was based to begin from the date of the enforcement order, issued on August 18, 2016, seven months. All members voted to approve this fine.

NOI 40-1259 Offshore Atlantic Ocean

Appearing Dan McPherson for applicant Neptune LNG LLC.

Proposed: sub-marine infrastructure discontinuance/removal.

Commissioner Jessie Alderman recused himself from the hearing.

No DEP comments.

Motion to continue to April 13, 2017 meeting, all members except Jessie Alderman voted to continue.

### **Request for Minor Modification**

N/A

### **Request for Determination**

N/A

### **Request for Extension**

40-977 Continued – Redd's Pond flat leaf weed control – Town of Marblehead

Appearing Ben (Biff) Martin

Motion to extend permission to treat pond only when weed appears, seconded and approved by all members.

### **Request for Certificate of Compliance**

40-918 316 Ocean Avenue, Diane Christian, new pool (Patrowicz)

40-1017 26 Harbor Avenue, J. Taylor Crandell, Outfall pipe repair (Patrowicz)

40-1043 26 Harbor Avenue, J. Taylor Crandell, seawall repair (superceded see 40-1178) (Patrowicz)

40-825 204-208 Ocean Avenue, Brakeley and Buttitta, Additions and Planting (Patrowicz)

40-826 204-208 Ocean Avenue, Brakeley and Buttitta, Additions and Planting (Patrowicz)

All above work complete and approved, motion to issue COC, seconded, and all members voted to approve.

### **Other matters as may be appropriately be brought before Commission**

Charlie Quigley briefed Commissioners on his meeting regarding 18 Yorkshire, Steven Granese, delineating state wetlands rules and not taking action to make changes to property in a resource area without gaining permission of the Conservation Commission.

Chadwick Lead Mill Site – final status, looking to close matter, overall the project has met the 75% goal of replanting. Information on how to close funds must be gained from someone on the Finance Commission.

Charlie Quigley notified the Commission that he has now received the funds for, and purchased a \$3,000 (three thousand) scanner that can scan documents as large as 48" wide at 1,200 (twelve hundred) DPI.

Charlie Quigley notified the Commission that the Marblehead Selectmen have increased the Conservation Commission's revolving fund to \$75,000 (seventy five thousand) without having to go before the Selectmen.

**Documents were signed as needed**

**Meeting adjourned at 8:45 p.m.**