

DRAFT
Marblehead Conservation Commission
September 14, 2017

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

Meeting was called to order at 7:01 PM

Present were Commission Members Chair Brian LeClair; David DePew; Fred Sullivan; Barbara Collins-Rosenberg; David VanHoven; Michael Smith and Jesse Alderman. Also present was Conservation Administrator and Town Engineer, Charlie Quigley.

Mr. LeClair made a motion to close the public meeting for the purpose of executive session. All members present seconded and voted to close the public meeting for the purpose of executive session: Mr. LeClair, Mr. Depew, Ms. Collins-Rosenberg, Mr. Alderman.

EXECUTIVE SESSION

See executive session minutes for 9/14/2017.

Following discussion of matters reserved for executive session, Mr. LeClair made a motion to close the executive session and re-open the public meeting; motion seconded; all members present voted to close the executive session and re-open the public meeting: Mr. LeClair, Mr. Depew, Mr. Van Hoven, Mr. Sullivan, Mr. Smith, Ms. Collins-Rosenberg and Mr. Alderman.

MINUTES

The minutes of August 10, 2017 and July 13, 2017 were voted upon and approved.

DISCUSSION

Schooner Ridge Sump Pump Encroachment

Mr. Quigley explained that the owner of 33 Cloutman's Lane, with the Town's assistance, helped install a sump pump in a drainage basin. The pump drains via a pipe across conservation land along an easement out onto Schooner Ridge. The issue has attracted complaints from Schooner Ridge residents about pooling water and ice, who have circulated a petition.

James Deland, who has Power of Attorney for the Owner of 33 Cloutman's Lane and Mark Duffy of 31 Cloutman's Lane appeared. Mr. Deland explained that the pump system, of which a pipe crosses the Town easement, is necessary because the interior of the home receives 3-4 feet of water in heavy rain events. Mr. Deland believes the flooding problem was precipitated by the development of the Schooner Ridge homes on land that collected flood waters. Mr. Deland has had to turn off electricity at the property and remove the elderly resident.

Mr. LeClair noted that the Conservation Commission is not likely the proper party to be involved. The ConCom only has jurisdiction over the conservation land (easement) that the pipe

crosses, and the ConCom is not intending to prevent the Cloutman Lane residents from pumping. Mr. LeClair noted that the Town Department of Public Works should attempt to address a solution to the drainage problem.

Requests for Minor Modification

OOC 40-1187 – 44C Cloutman’s Lane – Cole’s Pier Association, Pier elevation and pile replacement: Milton Pastel appeared on behalf of the applicant. The changes to the project call for raising the pier deck from 16 feet to 19 feet, and to replace four (4) existing wooden piles. The applicant represents that there is no eel grass in the project area. Motion to approve; motion seconded; all members voted to approve.

OOC 40-1264 – 42 Ticehurst Lane – William Paly – Change type of retaining wall: Mr. Paly seeks a minor modification to replace an earth retaining wall. Mr. Paly would like to change the project plans to (1) use a “VERSA-LOK” technique; (2) to build the wall 8 to 10 inches further into the Resource Area; and (3) to add a 10-foot extension to the existing footprint of the retaining wall.

The Commission will not allow the additional 8-to-10-inch extension into the resource area by way of an application for a minor modification because such applications are not reviewed by DEP.

Motion to approve a minor modification allowing (1) use a “VERSA-LOK” technique and (2) addition of a 10-foot extension to the existing footprint of the retaining wall subject to the following conditions:

1. A revised Site Plan shall be submitted to the Town Engineer to show erosion control measures on the additional 10-foot section of wall and the expanded scope of work; and
2. Payment of the additional fee for NOI based on the addition of 10 linear feet to the project.

Motion seconded; all members voted to approve.

Requests for Extension

OOC 40-1007 – 12 Liberty Rd – Jo-Ann and James Andalaro – Seawall repair, landscaping, fencing

Motion to approve; motion seconded; all members voted to approve.

Requests for Certificate of Compliance

Mr. Quigley visited all sites and confirmed compliance except for COC 40-1090. The layout of the wall did not match what was shown on the plans approved by the Commission. To approve compliance, the Town Engineer will require an as-built plan and the applicant will have to make a request for approval of a minor modification.

COC 40-1260 – 57 Naugus Avenue – remedial work [Powelson]

Motion to approve and accept settlement check from applicant; motion seconded; all members voted to approve and accept settlement check from applicant.

COC 40-1009 – 26 Coolidge Road – 2nd Floor addition [Baratz]

Motion to approve; motion seconded; all members voted to approve.

COC 20-1122 – 3 Point O’Rocks Lane – Reissue missing unrecorded COC; original COC issued 12/12/2013

Motion to approve; motion seconded; all members voted to approve.

COC 40-1205 – 16 Indianhead Cir. – Pier, ramp and floats [Paschetag]

Motion to approve; motion seconded; all members voted to approve.

COC 40-1090 – 14 Indianhead Cir. – Retaining wall [Booth]

No action taken.

COC 40-1052 – 14 Indianhead Cir. – Pier, ramp and floats [Booth]

Motion to approve; motion seconded; all members voted to approve.

COC 40-926 – 7 Redstone Lane. – Seawall repairs [Smith]

Motion to approve; motion seconded; all members voted to approve.

HEARINGS

NOI 40-1269 – 37 Clifton Heights Lane

Applicant: Fenel Eloi

Proposed: Seawall stabilization and site work.

The applicant requested a continuance through his engineer. Mr. LeClair makes a motion to continue the hearing to the October 12, 2017 meeting; motion is seconded; all members voted to continue.

NOI 40-1278 – 3 Dock Ledge Lane

Applicant: James Mazareas

Proposed: Roof Replacement.

The applicant explained that the roof product used on his home was determined to be defective. He proposes to replace the existing roof with asphalt shingles.

Mr. LeClair makes a motion to issue the Order of Conditions with all standard conditions, the following special conditions: 33, 34, 35, 36, 40, 50, 55, and the following nonstandard conditions: “a shaped platform will be constructed to contain all debris and debris will be cleaned and removed from the platform daily;” “nothing will be stored in the resource area;” and “work will be suspended in storm or high wind conditions.”

Motion seconded; all members voted to approve.

NOI 40-1281 – 6 Bradlees End

Applicant: Thomas Eidson.

Proposed: New pool.

Curt Young from Wetlands Preservation, Inc. appeared on behalf of the applicant. The applicant proposes to construct an in-ground swimming pool behind the house in an area currently occupied by vegetated cover (lawn). Construction access would occur through an existing landscaped area.

The Commission notes that the application does not include impervious surface calculations as required by the Town Wetlands bylaw.

Mr. LeClair instructs the applicant that the Commission would prefer to see more of the pool outside of the 100-foot buffer zone. This notion was seconded by Mr. Alderman. Mr. Sullivan noted that buffer zone area proposed for construction is currently all grass.

The applicant was instructed to return with:

1. More information on the nature of the vegetation downgradient of the project
2. More information on erosion control, such as rain gardens or swales
3. An attempt to move the pool outside the 100-foot buffer zone
4. The required impervious surface calculations

Mr. LeClair makes a motion to continue the hearing to the October 12, 2017 meeting; motion is seconded; all members voted to continue.

NOI 40-1280 – 1 Beacon Street

Applicant: Stephen McHugh.

Proposed: Roof, general repairs.

The applicant requested a continuance without opening the hearing. Mr. LeClair makes a motion to continue to the October 12, 2017 meeting without opening the hearing; motion is seconded; all members voted to continue.

NOI 40-1279 – 6 Broadmere Way

Applicant: OTR Realty Trust.

Proposed: New pier, gangway and float.

Scott Patrowicz, Patrowicz Engineering, John Shea, Charlie Natale, and Cheryl Coviello appeared on behalf of the applicant.

The applicant proposes to construct a 256-goot pier to extend beyond eel grass surveyed in 2012. There will be a 60-foot gangway with a hoist and floating dock that is 40-feet by 20-feet. The Commission that a Letter from the Commonwealth Division of Marine Fisheries came in that same day addressed to the Commission and carbon-copying Ms. Coviello. The Division made a negative determination and strongly suggested that the applicant reach a settlement to share a pier with Deborah and Jack Tatelman, whose pier was recently approved subject to a DEP Superseding of Conditions and a showing of no adverse effects on eel grass after a new survey.

The Commission strongly urged the applicant to share the pier to the maximum extent possible.

The applicant requested a continuance. Mr. LeClair makes a motion to continue to the October 12, 2017 meeting; motion is seconded; all members voted to continue.

NOI 40-12xx – 6 Harbor View

Applicant: Kevin and Holly Crosby.

Proposed: Invasive species management.

The applicant requested a continuance. Mr. LeClair makes a motion to continue to the October 12, 2017 meeting; motion is seconded; all members voted to continue.

NOI 40-12xx – 151 Front Street

Applicant: Sholly and Cynthia Kagan.

Proposed: Foundation/Seawall repair.

The applicant requested a continuance. Mr. LeClair makes a motion to continue to the October 12, 2017 meeting; motion is seconded; all members voted to continue.

OTHER MATTERS

The Conservation Agent requested approval to pay \$777.00 in legal fees in connection with DEP # 40-1260.

Mr. LeClair makes a motion for approval; motion is seconded; all members voted to approve.

Meeting was adjourned.