

Marblehead Conservation Commission
Meeting Minutes
April 11, 2019

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

Meeting was called to order at 7:04 PM

Present were: Commission Members Brian LeClair, David Depew, Michael Smith, Lindsey Serafin, Bill Colehower, and David VanHoven. Also present was Conservation Administrator and Town Engineer, Charles Quigley.

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 March 14, was made and minutes were approved.

REQUESTS FOR CERTIFICATE OF COMPLIANCE

The below were all approved by the Commission:

- **40-11067**, 17 Edgemere Road – John Washek – house and seaway repairs
- **40-1302**, 99 Ocean Ave [Devereaux Lot] – Town of Marblehead – drain repairs

ORDER OF CONDITIONS EXTENSION REQUEST:

- **40-1129**, Naugus Head Association Inc. – beach activity and property maintenance.
Approved for 1 year extension from [7/3/2019](#) to [7/3/2020](#).

REQUESTS FOR MINOR MODIFICATION

The below were all approved by the Commission:

- **40-1314**, 0 Brackett Place – Glover landing – seawall repair modification. Approved subject to submission of a revised plan showing revised length of seawall and also subject to submission of additional fee to reflect revised length
- **40-1363**, 2 Coolidge Road – Kleiman, Macklen (Beaver Enterprises, Inc.) – Updated landscape design shows reduction in impervious surfaces from previously approved plan

PUBLIC HEARINGS:

NOI 40-1389, 30 Pequot Road– John McIver

Appeared: John Dick representing John McIver; B. LeClair recused himself from voting

Proposed: Construct gangway, ramp and bottom-moored flat for private area. Comments from DEP: Use of float stops should be considered to prevent the float from resting on the substrate at low water.

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

- i. A Minor Modification Permit will be required to build stairs
- ii. Float shall have skids

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

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

38. Any pressure-treated wood proposed to be used in the construction of a structure for land-based use shall be arsenic-free. Any pressure-treated wood proposed to be used in the construction of a structure for salt water contact shall be treated with Chromated Copper Arsenate (CCA) or other preservative approved by the EPA and/or the MADEP which is less polluting and harmful to the salt water and its environment.

40. 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.**

46. All gangways, docks or other items not permanently secured to the earth shall be stored during the “off season” (late fall, winter, early spring) so as to prevent them from causing any damage to other structures or resource area. **This condition shall survive this order.**

47. All gangways, docks or other items not permanently secured to the earth shall be properly secured and/or removed in the event of a major storm so as to prevent them from causing any damage to other structures or to the resource area. **This condition shall survive this order.**

48. All floats/docks will be so constructed so as not to bottom out (rest) on the ocean floor at low tides. **This condition shall survive this order.**

50. 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. **This condition shall survive this order.**

55. 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”.**

NOI 40-1391, #5 Gilbert Heights Road– Judith Schmid

Appeared: Heather Souza, Architect; Peter Ogren, Hayes Engineering; Judy Schmid

Proposed: Raze two existing dwellings and construct new house and studio buildings

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

- i. Maximize storage when constructing spreaders
- ii. Approval subject to submission of landscaping plans including impervious area calculations

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

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

40. 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.**

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NOI 40-1390, 67 Nanepashemet Street– Francis J. McNamara et ux.

Appeared: Scott Patrowicz; Bill Emanuel, Wetlands & Land Management; Frank & Lisa McNamara

Proposed: Landscaping

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

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35. All demolition debris shall 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.

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50. 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. **This condition shall survive this order.**

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Continued Hearings:

NOI 40-1392, #46 Gallison Avenue– Fabrice Durand ex al

Appeared: Ann McMenemy, Hancock Associations; Marianne Durand, Linda Hale

Proposed: Garage, grading, realignment of driveway

All members voted to continue the hearing until next month to evaluate potential mitigation measures to help offset the increase in impervious area.

Meeting was adjourned at 8:11pm.