

Marblehead Conservation Commission
January 14, 2021

This hearing was held remotely in accordance with Governor Baker's March 12, 2020 Order Superseding Certain Provisions of the Open Meeting Law, G.L. c.30A, section 18 and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place.

Meeting was called to order at 7:03 PM

Present were Commission Members Chair Brian LeClair; David DePew, David Van Hoven, Jesse Alderman, Michael Smith and William Colehower. Also present was Conservation Administrator and Town Engineer, Charlie Quigley.

MINUTES

The minutes of December 2020 were voted upon and approved unanimously.

DISCUSSION

Order of Extension Request

OOO 40-865 – 63 Beach St. – Douglas Schulter – house renovations, sitework – Motion to approve; motion seconded; all members voted to approve.

Minor Modification Request:

OOO 40-400 – 10 Nonantum Rd. – Bessom Assoc. – [Patrowicz] – Additional conc. deck constructed in 1997 (per c. 91 license) – The applicant explains that a Chapter 91 License for the project was issued 3 months after the Order of Conditions. The Chapter 91 License shows a concrete slab not shown on the OOC Plans. Charlie inspected the slab and found no issues. Motion to approve; motion seconded; all members voted to approve.

OOO 40-1350 – 18 Doak's Ln – Little Harbor Realty Limited Trust – seawall modification – Tony Capichetti for the applicant. A revised plan of the seawall was shown. The plan is to backfill behind the existing wall where wooden cribbing is failing. The approved plan was to backfill with crushed stone and concrete. The proposed plan is to use concrete retaining wall blocks. The limit of work and area of concrete work is not changing. The chair notes there already is a 'no cement rinsing condition' on the Order. Motion to approve; motion seconded; all members voted to approve.

Certificate of Compliance Request

40-1440 1 Parker Ln — William Nutt — [Hayes] — retaining wall repairs

40-1371 75 West Shore Dr — Tower School — [Huntress Assoc.] — field and school renovations

40-254 50C Cloutman's Ln — formerly Gowell — roof, siding

40-561 0 Nonantum Rd — Bessom — [Patrowicz] — Drainage system

40-66 2 Nonantum Rd — Bessom — [Patrowicz] — No Work done

40-954 6 Nonantum Rd – Bessom [Patrowicz] – House/Deck repairs [old \$300 fine paid]

40-1013 – 6 Nonantum Rd – Bessom [Patrowicz] – No Work Done

40-134 – 18 Nonantum Rd – Bessom [Patrowicz] – House rehab

40-1003 – 26 Nonantum Rd – Bessom [Patrowicz] – Repairs to concrete deck/seawall/steps

40-1030 – 20 Nonantum Rd – Bessom [Patrowicz] – House reconstruction

40-1152 – 20 Nonantum Rd – Bessom [Patrowicz] – Seawall repairs

40-193 – 21 Nonantum Rd (across) – Bessom [Patrowicz] – No Work done

40-1276 – 24 Nonantum Rd – Bessom [Patrowicz] – House reconstruction

40-400 – 10 Nonantum Rd – Bessom [Patrowicz] – New house/concrete decks (after fire)

The Conservation Agents reports no issues with any inspections. Motion to approve all Requests for COCs; motion seconded; all members voted to approve.

Requests for Minor Activity Permit

24 Harbor Avenue – Ken Martin – tree removal – Applicant shows picture of large mature evergreen tree in apparent good condition, and states that roots are threatening the foundation. He would like to replace with arborvitae. The Commission states that it would like to inspect or have evidence of root structure threatening the home. For such a mature tree, it would like in kind replacement of a like tree elsewhere on the property, if feasible – perhaps 2:1. Continued.

11 Susan Rd — Steve Browning — tree removal — The tree requested for removal is seriously damaged according to Conservation Agent. Several commissioners note the ongoing concerns with the property, including the most recent potential enforcement issue with prohibited machinery on site in the resource area. Mr. Van Hoven reports he has pictures. The Applicant denies. The Enforcement Matter will be discussed at a subsequent meeting. Motion to approve Minor Activity to Remove *only* the identified damaged tree; motion seconded; all members voted to approve.

2 Manataug Tr — Jeff Freedman et ux — tree removal – The Chair and other members of the Commission note that the filing lacks specificity of how many and what types of trees are requested for removal. The Commission needs to know the species, for instance if the trees are invasive, and would like in-kind replacement too. The request was continued until members of the Commission can conduct a site visit.

PUBLIC HEARING(S):

NOI 40-1333 – 15 Kimball St. — Adele Gault et ux - [Hayes Eng'g Inc.] – [DEP No Comments] – amendment to an existing Order of Conditions to construct garage addition and wall. The Commission did not have concerns with the plans proposed in the NOI.

Motion to close hearing; second. Motion to approve Amendment; motion seconded and approved.

NOI 40-1467 – 10 Harvard St. — James L, Tedford III et ux - [Patrowicz] – [DEP No Comments] – test probing in Marblehead harbor for future pier. The Chair notes members have received the plans and a Response from the Division of Marine Fisheries. Mr. Patrowicz states there is no eel grass in the area proposed for probing. He reports all that is requested to “test the harbor floor.”

Mr. Alderman requests that the BMPs noted in the DMF Letter should be included as a special condition if we approve.

Several abutters speak in opposition to locating a pier because of its proximity to the public Harvard Street beach. Ms. Erin Pararas states that she is opposed. She states the pier would be a visual and access restriction to the beach. Ms. Lisa Glen also states the pier would damage the “special public” beach. She suggests any pier should be relocated to the South. Kathy Bednar and Thomas Millet also oppose.

The Chair responds that he is concerned about the proliferation of piers in Marblehead. He suggests the abutters concerns are likely relevant to any future NOI before the Commission and also that they should comment during the Chapter 91 process if the applicant proposes to construct a pier.

Motion to close hearing; second. Motion to approve an Order of Conditions with the following Special Conditions: 55 and the following additional conditions:

1. The BMPs in the Proposed Scope of Work and DMF Letter must be followed;
2. Debris may not enter a Resource Area;
3. The Barge is not permitted to ground;
4. No work is permitted in sea or wind conditions where the barge cannot be controlled.

All members vote to approve.

NOI 40-1466 – Offshore — Edge Cable Holdings, Inc. - [ERM] – [DEP No Comments] – install buried fiber optic submarine cable 4 miles offshore. Lexia O’Brien and Christina Hoffman of ERM for the Applicant. After presentation, the Chair asked the Applicant to specify its plans for notification to the Lobster Fleet before any grappling or clearing occurs. He asks not general outreach mentioned in the NOI, but specific outreach focused on the fleet. Mr. Van Hoven notes that the outreach process described for the survey phase of the permitting is what would be good for the lobster fleet.

The Chair also suggests that Fall is the worst season for shellfish and lobster habitat if it can be avoided. The Applicant reports that work in Massachusetts will take one week, with one day of work in Marblehead, but they can’t commit to the season because the project is so large. Mr. Alderman notes that the DMF Comment letter mentions a gravel bed area for Cod spawning. The applicant clarifies that the gravel bar is in Manchester, not Marblehead.

Motion to close hearing; second. Motion to approve an Order of Conditions with the following Special Conditions: 55 and the following additional conditions:

1. Applicant must duplicate the notice that it used in the process of surveying so that the Lobster Fleet removes equipment before grappling and cabling occurs.

All members voted to approve.

DISCUSSION

Lead mills bike activity public discussion. A lengthy discussed occurred with numerous public comments regarding the process to seek approval of construction of a bike facility on Conservation Land and whether the Lead Mills is appropriate.

Meeting Adjourned