

Marblehead Conservation Commission
Minutes April 8, 2021

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 VanHoven, Michael Smith and Jesse Alderman. 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 five 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:

A motion to approve minutes of the Hearing held on March 11, 2021 was made, seconded and minutes were approved.

DISCUSSION:

- Mooring Field – The map is difficult to decipher. Dave Vanhoven will look into GIS mapping. Jesse Alderman to draft a narrative detailing the agreement with the harbor master. Will present at may meeting for a vote
- Un-permitted Floats – Need to identify floats that are un-permitted. Add list of permitted floats to the agenda for the May meeting.

Enforcement Order:

0 Beacon Street – Town of Marblehead School Dept. – 310 CMR 10.00 violation: alteration in a resource area without filing a Notice of Intent [NOI]

0 Beacon Street – Pat Milner – 310 CMR 10.00 violation: alteration in a resource area without filing a NOI

0 Beacon Street – Edward Harvey- 310 CMR 10.00 violation: alteration in a resource area without filing a NOI

All three enforcement orders are being continued to the May meeting. There is a meeting taking place between the conservancy and bike Marblehead and a proposal is being created to present to the commission. The Commission voted to continue the Enforcement Orders to the May meeting

Minor Modification Request:

40-1367 37 Bradlee Rd – Jack Tatelman – [GZA]-pier, float steps

- Cheryl Coviello of GZA presenting
- Minor changes to stairs and piles
- Below mean high water concrete work

The Commission voted (3 to 1, Dave Vanhoven opposed) to approve Minor Modification Request. and add special conditions 111. (See attached list of Special Conditions)

40-1434 29 Clifton Heights Ln- Lor Groipen et al-[Patrowics] pool and patio reconfiguration

- Scott Patrowics presenting
- Bigger pool moved closer to ocean

The Commission voted to approve the Minor Modification Request subject to submitting a revised plan showing a swale to treat water runoff

Order of Conditions Extension Request:

40-1330 226 Ocean Ave-Steven Miller-landscaping, maintenance

The extension request was approved by unanimous vote of the commission.

Requests for Certificate of Compliance:

40-472 Town wide drainage – Town of Marblehead – [Charles Quigley, P.E.] – drain ditch maintenance

40-1120 21 Goodwin's Ct-Stephen Gallagher et ux – steps, landing, gangway and float

40-1388 28 Foster Street-James Kellogg et ux- seawall repairs, sitework, landscaping

40-1365 25 Spray Av- William Willis et ux tr's.- sitework

40-1404 100 Evan's Rd – Sheldon Frisch – [Jeff Tucker]- partial COC for hardscape and house only

All were approved by unanimous vote of the commission.

Minor Activity Request:

2 Manataug Tr – Jeff Freedman et ux – tree removal.

- 7 tree removed. Subject to 2 replacement native trees
- The Commission voted to approve the request.

18 Rainbow Rd – Mark Rowe et ux [DeRosa]- 2nd fl. add'n. in existing footprint

- Owner decided to retract this request and will be submitting NOI

68 Pond St – Laura Freysinger – patio

- Install bluestone patio and replace stepping stones. Maintain 1 foot separation from railroad tie with option to add plantings
- The Commission voted to approve the request.

228 West Shore Drive – Carlos Gusmao et ux – fence

- Stockade fence 6" off ground
- Subject to removal if directed by highway department in area of drain easement
- The Commission voted to approve the request.

CONTINUED PUBLIC HEARINGS:

NOI 40-1470 12 Davis Rd – Davis Point LLC-[Hayes] – [DEP; no comments]- seawall modification sitework, retaining wall, landscaping

- Peter Ogren presenting
- The commission is not in favor of the additional upper wall
- This hearing is continued to the May Meeting

PUBLIC HEARINGS:

NOI 40-1478 16 Harbor Ave– Seaver 2000 Realty Tr. [Patrowics]- [DEP: no comments] – seawall, house and deck maintenance and landscaping

- Scott Patrowics presenting
- Tarps will be used if there is any debris falling, cleaned daily
- The large oak tree cannot be removed. Only one tree will be removed and replaced with 2 trees.
- The work will not damage the tree

All members voted to close the hearing. The Commission voted to approve the request and issue an OOC with the following special conditions. 33, 34, 35, 36, 40, 41, 42, 44, 50, 55, 102, 105, 107, 109 and 111 (See the attached list of Special Conditions)

The Commission voted to add the following special conditions.

- 2 Replacement 3-4” caliper trees to replace the 1 being removed

NOI 40-1479 26 Pequot Rd – 26 Pequot Rd LLC – [Patrowics]-[DEP: no comments available yet]-house, deck reconstruction and additions, sitework, landscaping

- Scott Patrowics presenting

All members voted to close the hearing. The Commission voted to approve the request and issue an OOC with the following special conditions. 33, 34, 35, 36, 40, 41, 42, 44, 50, 55, 107(See the attached list of Special Conditions)

NOI 40-1480 30 Crestwood Rd – 30 Crestwood Rd LLC – [DeRosa]-[DEP: no comments available yet]- landscaping

- Tyler Ferrick of DeRosa Environmental presenting
- Dave Vanhoven suggested a swale at base of walkway
- Brian LeClair requested a revised plan be submitted showing the swale with plantings to catch runoff behind the new wall

All members voted to close the hearing. The Commission voted to approve the request and issue an OOC with the following special conditions. 33, 34, 35, 36, 40, 50, 55, 107(See the attached list of Special Conditions)

The Commission voted to add the following special conditions.

- A revised plan must be submitted showing the swale with plantings to catch runoff behind the new wall
- Any herbicide for invasive eradication must be on DEP list and dabbing must be performed by a licensed applicator

NOI 40-1481 151 Green Street –John Muldoon– [DEP: no comments available yet]- re file for an expired Order of Conditions.

- DEP comments regarding waiting for a fee. Bruce Poole explained that the check was sent, tried calling but has not heard back.
- Brian LeClair explained that the commission can proceed as long as the fee is received before recording
- Brian LeClair suggests issuing an order of conditions identical to the existing order of conditions

All members voted to close the hearing. The Commission voted to approve the request and issue an OOC with the special conditions the same as the existing order. Charlie Quigley to provide docket number.

The Commission voted to add the following special conditions.

- Subject to confirmation of payment

NOI 40-1477 230 Ocean Av – Ward Osgood – [Hayes]-[DEP: no comments]- prop. garage

- This hearing is continued to the May Meeting

NOI 40-1448 Bennet St [end] –Ocean Park Civic League of M’head, Inc.– [DEP: no comments available yet]- pier, ramp and seawall repairs.

- There was 1 comment from DEP regarding the amount of the fee.

All members voted to close the hearing. The Commission voted to approve the request and issue an OOC with the following special conditions. 33, 35, 38, 46, 47, 50, 55, 105, 109, 111(See the attached list of Special Conditions)

Meeting was adjourned at 10:07 PM.