

Marblehead Conservation Commission Minutes October 14, 2021

The 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.

The Hearing was called to order at 7:00 PM

Present were: Commission Members Brian LeClair, David VanHoven, Kate Melanson, David Oster, Jesse, Harlan 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.

Approval of Minutes:

May and September Minutes – Approved

DISCUSSION:

Minor Modification Request -

40-1400- 10 Corn Point Road – J. Hilary Rockett et ux - request to eliminate condition 112: install davit - Commission is not prepared to vote - homeowner needs to address issues of expeditious removal.

CERTIFICATE OF COMPLIANCE REQUEST:

40-1400- 10 Corn Point Road - J. Hilary Rockett et ux - Pier

40-1279 - 6 Broadmere Way - Richard Spenceley et ux, trs- new pier - Commission voted unanimously to approve

40-1455 - 1 Desmoulin Ln - J. David Leslie et ux - seawall work. -Commission voted unanimously to approve

ORDER OF CONDITIONS EXTENSIONS:

40-1350 - Doaks Ln - Limited Harbor Limited Partnership- Sewall Repair -Commission voted unanimously to approve

40-1400 - 10 Corn Point Rd - J Hilary Rockett et ux - Pier - Commission voted unanimously to approve

40-1368 - 14 Crowninshield Rd - Erin Trahan et al - new house - Commission voted unanimously to approve

40-1282- 151 Front Street - Sholly Kagen et ux - foundation

40-1295- 147 Front Street - Marblehead Harbor Condo Tr- facade, deck rehab

MINOR ACTIVITY PERMITS:

325 Ocean Ave - Hugh Scandrett et ux - adding addition to existing foundation -

To be added to the permit -

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.). 35, 36

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.

7 Mooring Road - Kristine A. Abati Tr - tree removal . Commissioners suggested replacing the trees with native species after consulting with arborist.

6 Nonantum Road - Valerie White- Install door and partition wall, repair pier - No issues with doors. The homeowner had an emergency certificate to previously repair the piers. There were no conditions in the emergency certificate. Approval of the doors, but not repair the pier.

CONTINUED PUBLIC HEARINGS:

40-1470 -12 Davis Road – The Commissioners unanimously approved moving this discussion to the November Meeting.

PUBLIC HEARINGS:

40-1493 - 65 Naugus Ave - Edward M. Breed et ux (DEP not comment available yet)- Steps - Commission requested additional details on the project and voted to continue the hearing in November.

40-1491 - 21 Cheever Ave - James A. Full - (DEP no comment) - garage. Previous permit was approved, and expired. Resubmission of exact proposal from 2005. Commission unanimously voted to close the hearing. Commission unanimously voted to approve the permit with the following special conditions.

32. This project shall not cause an increase in run-off onto adjacent properties or streets, either during construction or after completion. Appropriate measures shall be taken to prevent the movement of silt or debris onto adjacent properties, streets and Resource Areas.

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.

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.

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.

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".

ENFORCEMENT ORDERS:

13 Ramsey Road – Cheryl Brill – 310 CMR 10.00 Violation: alteration in a buffer zone to a resource area without filing a NOI – Ms. Brill had a wetland expert provide information to the Commission on what was done at the property. Did the Commissioners think a fine would be appropriate - all agreed that it would not be.

7 Kimball St - Ann Robie co. Brad Robie - 310 CMR 10.00 violation: alteration in a buffer zone to a resource area without filing NOI. Homeowner provided a restoration plan for work. Work could be conducted under a minor activity permit. If the homeowner files a NOI, they could include recurring plant trimmings. Plan would also need to be approved by the Parks and Recreation Commission.

Other items -

Request to pay the legal fees bill -Commission voted unanimously to approve.

Meeting was Adjourned

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