

## **Marblehead Conservation Commission Minutes June 9, 2022**

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 Chair Brian LeClair; Jesse Alderman, David Van Hoven, Kate Melanson, Carole McCauley, Kristopher Meola, David Oster, and Conservation Agent 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:**

The May 2022 minutes were approved unanimously.

### **ORDER OF CONDITIONS EXTENSION REQUEST:**

**40-1329**      **21 Harbor Ave** – Steve Peabody – garage addition. The Commission voted unanimously to approve.

### **MINOR ACTIVITY REQUEST**

- **15 Brown St** – Patrick Jancsy – tree removal. The applicant was not present
- **Front St near Fort Beach** – William Park – concrete stairs step replacement. The request is specifically 3 Fort Sewall Terr. Homeowners are going to be paying through a Town donation account. Formal approval from the Town may be necessary as Conservation Commission approval does not grant that permission. Town will be signing the minor activity permit. The Commission voted to approve with the following special conditions:
  - 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. 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.

- 102. A tarp will be laid down at the base of the seawall during all repair work to capture all construction debris. The tarp will be on the seaward side of the seawall. The tarp will be rolled up and dumped into a disposal trailer as required throughout the work day and will be removed at the end of each work day.
- **0 Beacon St / Green Street** – Recreation and Parks Dept[owner] – Bike MOR[ applicant] – installation of bike trails in the woods at the corner of Green and Beacon Sts. Rick Smyers appeared to request approval of Minor Activity Permit. Discussion was had to require erosion control to be installed longer than just during construction. Applicant clarified that only two downed trees will be cut. The Commission voted to approve with the standard conditions and the following special conditions
  - XXX. Requirement for a revised plan showing the placement of erosion control for agent approval.
  - XXX. Periodic inspections following rainfall events required to visually confirm that erosion is not occurring and to take action if it is occurring.

## **HEARINGS:**

### **NOI 40-1515 28 Pequot Rd – Andrew Thompson et ux**

Appeared: Bill Manuell, Wetlands and Land Management Inc.

Proposed: New decks and landscaping.

Control Drawing: Proposed Site Plan, 28 Pequot Road, 6/9/22 Conservation Submission by Wetlands and Land Management Inc.

It was suggested to clarify the request for work associated with the dock and float. All members voted to continue to the July meeting with a revised plan with proposed mitigation and impervious area calculations.

### **NOI 40-1509 10 Harvard St-Jamie Tedford et ux**

Appeared: Scott Patrowicz, Patrowicz Land Development Engineering

Proposed: New pier.

Control Drawing: Site Plan #10 Harvard Street, Rev #1 5/14/22 (2 sheets) by Patrowicz Engineers

Revised plans to be submitted that remove the buried concrete block and notes about decking and steps. Paul Feldman with Davis Malm appeared to note the regulatory requirements opinions of the applicant. The applicants presented the composite projects for their property. Erin Pararas, 89 Harbor Ave, made a statement quoting the Marblehead bylaws inclusion of recreation. Brooks Glahn, 9 Andrews Lane, made a statement noting the concerns in the submitted letter and noted the preference for the pier to be as far south as possible. Nick Walden, Harbor Ave, posed questions about property rights and shellfish restrictions. John Corbino, 6 Harvard St, made a statement about the history of the location with storm events and concerns of project unknowns. George Pararas-Carayannis, 80 Harbor Ave, made a statement about the public access and uniqueness of the location to not approve the project. Andrew

Burton, 87 Harbor Ave, made a statement in support of the project. Jack Attridge, 67 Beach St, made a statement in support of the project.

All members voted to continue to the July hearing.

**NOI 40-1510 102 Harbor Ave-Janet Himmel**

Appeared: Scott Patrowicz, Patrowicz Land Development Engineering

Proposed: Pier repair.

This hearing was requested to be removed from the agenda.

**NOI 40-1511 0 Bracket Pl Bldg'21 #6- Glover Landing Condo Tr**

Appeared: Scott Patrowicz, Patrowicz Land Development Engineering

Proposed: 2nd means of egress.

All members voted to continue to the July hearing without opening.

**NOI 40-1512 0 Bracket Pl Bldg'21 #8- Glover Landing Condo Tr**

Appeared: Scott Patrowicz, Patrowicz Land Development Engineering

Proposed: 2nd means of egress.

All members voted to continue to the July hearing without opening.

**NOI 40-1513 0 Bracket Pl Bldg'21 #7B- Glover Landing Condo Tr**

Appeared: Scott Patrowicz, Patrowicz Land Development Engineering

Proposed: 2nd means of egress.

All members voted to continue to the July hearing without opening.

**NOI 40-1514 0 Bracket Pl Bldg'21 #7A- Glover Landing Condo Tr**

Appeared: Scott Patrowicz, Patrowicz Land Development Engineering

Proposed: 2nd means of egress.

All members voted to continue to the July hearing without opening.

**ENFORCEMENT ORDERS:**

- **32 Nonantum Rd – Lester McLaughlin** – alteration to resource area without a permit per 310 CMR 10.00. The Commission voted unanimously to ratify enforcement order. Lester McLaughlin appeared and will discuss filing a minor modification.
- **45 Wharf Rd – Dolphin Yacht Club** – alteration in the buffer zone to a resource area without a permit per 310 CMR 10.00. Jesse and David V. recused from the item. The remaining five (5) Commission members voted unanimously to ratify enforcement order.

Jeff Tucker representing the Dolphin Yacht Club appeared and will request a minor activity permit.

**Meeting Adjourned**