

**Marblehead Conservation Commission  
Minutes September 11, 2014**

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

Meeting was called to order at 7:10 PM

Present were: Commission Members Fred Sullivan, Brian LeClair, David VanHoven, David Depew and Don Tritschler. Also present was Willy Lanphear, Conservation Administrator.

The hearings were conducted under the Massachusetts Wetlands Protection Act and the Marblehead Wetlands Protection Bylaw.

Note: The commission currently has six 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.

**Approve Minutes:** A motion was made and seconded "to approve the minutes of 14 August 2014." All members voted in the affirmative.

**Discussion Item:** Lead Mill Site, Conway School Project, status report. Becky Curran, Town Planner, gave a summary of the Lead Mills Conservation Area Design by the Conway School. Bob French, Marblehead Conservancy, voiced his support and cooperation for a Lead Mills project.

A discussion about editing the standard Order of Conditions, item #54, took place for improving communication between Owners, Contractors and the Conservation Administrator. Voted to revise condition #54 to include a reporting requirement by the record engineer at intervals to be determined by the Commission.

**ANRAD 40-1170 #0, 10, 12, 14, & 16 Doak's Lane**

A request was made to withdraw on 9/2/14. A motion was made and seconded to withdraw the application. All members voted in the affirmative.

**40-1178 26 Harbor Avenue**

Control Drawing: Seawall Repairs/Upgrades, 26 Harbor Avenue, dated June 13, 2014 prepared by Stephens Associates Consulting Engineers, Sheets 1-4.

A request was made to continue to the 10/9/14 meeting. A motion was made and seconded to continue the application. All members voted in the affirmative.

**(Local Bylaw Only) 13R Green St (Joel W. Reynolds Playground) off Lime St**

Control Drawing: Plans (4) to Accompany NOI, Reynolds Playground, prepared by Haley and Ward, Inc. dated August 26, 2014.

Appeared: Chip Osborne, Park & Rec, Scott Miller and Bethany Santangelo, Haley and Ward

Plan is to excavate peat deposits, raise the level of the ground surface, install a stormwater tank, and renovate the existing athletic fields.

Additional detail was requested by the Commission, including a cross-section of the field, detailed calculations, detail of the holding tank and condition and capacity of the existing drain that the tank will tie into.

Mike Costello, 14 Green St, noted that a large amount of standing water in the area during rain events and that the wetland in question is actually wet for most of the year.

A motion was made and seconded to continue the application to the 10/9/14 hearing. All members voted in the affirmative.

#### **40-1180 9 Corn Point Road**

Control Drawing: Site Plan to Accompany NOI, 9 Corn Point Road, prepared by Patrowicz Land Development Engineer dated April 23, 2014.

Appeared: Applicants Michael and Melissa Campbell, Curt Young, Wetlands Preservation, Inc.

Plan is to remove invasive plant species and re-vegetate area adjacent to coastal beach. The planning plan previously presented was reviewed.

DEP had not yet issued comments on this project. It being the Commission's policy to not close a hearing without DEP comments where the proposed work is within a resource area, a motion was made and seconded to continue this application to the October 9 meeting. All members voted in the affirmative.

#### **40-???? 11 Bartlett Street**

Control Drawing: Plan to Accompany NOI, 11 Bartlett Court, prepared by Hayes Engineering, Inc. dated August 26, 2014.

Appeared: Gillian Lieberman, applicant, Bob McCann, representing the applicant, Peter Ogren, Hayes Engineering, Inc.

Plan is to demolish existing house and construct a new house with a new driveway, retaining walls, walkways, patio, drainage system, landscaping and associated site work and amenities.

Peter Ogren presented the plan including stormwater and other mitigation.

Letters of support were presented to the commission for neighboring properties and given to the Conservation administrator.

Gregor McGregor, representing the owners of 40 Bartlett St, presented a letter dated September 11, 2014. He presented a summary of the letter contents including opposition to the project and any consideration the Commission might have for approving the project. Bob McCann rebutted,

noting his experience with the Commission approving projects in the 50' "No Build Zone" and the 25' "No Disturb Zone" where the land is already disturbed by lawn or structures.

The commission requested additional drainage area calculations and details on the plans showing new and existing impermeable areas. The commission also requested that any letters or reports be transmitted to all parties in advance of the meeting to allow for sufficient time to respond.

DEP had not yet issued a file number for this project. It being the Commission's policy to not close a hearing without a DEP file number, a motion was made and seconded to continue this application to the October 9 meeting. All members voted in the affirmative.

**Old Business:**

- None.

**New Business:**

- None.

**Emergency Certificates issued:**

- None.

**Enforcement Orders issued:**

- 40-1149, 39 Clifton heights, Matthew and Heather Finn A motion was made and seconded to ratify the enforcement order. All members voted in the affirmative. An as-built survey was requested to determine if construction was in compliance with the approved plan.
- 40-1037, 7 Mooring Road, Louisa and Nathaniel Greene. A motion was made and seconded to ratify the enforcement order. All members voted in the affirmative. A continuance was requested by the owner and approved by the Commission.

**Request for changes in project scope:**

- 40-1145, 28 Foster St, requested minor design change. A motion was made and seconded to approve the change pending submission of sketches by Patrowicz Land Development Engineer. Work would be allowed to proceed with Conservation Administrator notification. All members voted in the affirmative.
- 40-1168, 361 Ocean Avenue, requested minor design change for additional landscaping. Reference Plan by Timothy Lee Landscape Design dated June 24, 2014. A motion was made and seconded to approve the proposed changes. All members voted in the affirmative.
- 40-1126, 263 Ocean Avenue, requested minor design change to correct a drafting error showing the location of crawl space versus full basement area inside the proposed house. This change was approved by the Conservation Administrator. A motion was made and seconded to approve as a minor change. All members voted in the affirmative.
- 40-1177, 444 Atlantic Avenue, requested minor design change to add a return at both ends of the proposed block retaining wall. This change was approved by the Conservation Administrator. A motion was made and seconded to approve as a minor change. All members voted in the affirmative.

- 40-1153, 10 Cliff St, requested minor design change to scale back the work approved by the Commission. This change was approved by the Conservation Administrator. A motion was made and seconded to approve as a minor change. All members voted in the affirmative.

**Request for COC:**

- 40-1142, 40A Cloutman's Ln. A motion was made and seconded to approve. All members voted in the affirmative.
- 40-1124, 425 Ocean Avenue. A motion was made and seconded to approve. All members voted in the affirmative.

**Sign Documents:** All documents per the agenda were signed.

The meeting adjourned at 9:40 PM.