

Marblehead Conservation Commission Minutes

December 14, 2023

This hearing will be 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.

Present were Commission Members David VanHoven (Chair), Kristopher Meola, Dave Oster, Carole McCauley, Jesse Alderman, Jessica Norton, and Conservation Agent Charles Quigley.

The hearing was 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 hearing is therefore four members.

The hearing was called to order at 7:04 PM.

DISCUSSION:

The Commission voted unanimously to approve the minutes of the prior hearing: November 9, 2023

40-1528 16 Liberty St – 16 Liberty LLC, - [Patrowicz] – landscape plan **Commissioner Kris Meola recused himself from this matter. Jeff Tucker presented the landscape plan for the project, which was approved at a prior meeting but has been updated with more specificity on different plantings and the lawn area. The updated plan includes a keystone driveway, a fair amount of lawn, an existing fence, and a lot of plantings flanking the site. The Commission voted unanimously to approve.**

40-1556 2 Nonantum Rd – Bessom Assoc. Inc. – [Patrowicz] – coastal bank restoration plan **Scott Patrowicz presented a plan for coastal bank restoration. Chair David VanHoven expressed concern that the presented plan does not show the rest of the landscaping, leading to some debate about whether this restoration plan should be presented separately or alongside the landscape plan. It was decided that Scott will present both plans at the January meeting.**

40-1470 12 Davis Rd – David Point LLC – [Emmanuel] – landscape plan **James Emmanuel presented a landscape plan for the property detailing the installation of a permeable garage and courtyard area with permeable pavers, the establishment of a planted area with native plants and shrubs, and the creation of a rock garden embankment. The plan also included the removal of one tree and the planting of three new trees. The Commission had previously approved the addition, the water quality swale, and the rock garden embankment. David VanHoven entertained a motion to approve the submitted landscape plan. Commission member Dave Oster did not participate in the roll call vote due to coming into the meeting too late. The remaining commissioners voted unanimously to approve.**

ORDER OF CONDITIONS EXTENSION REQUEST[S]:

The Commission voted unanimously to approve the following extension requests:

40-1377 18 Gregory St - Trevor G. Eddy et ux – seawall repair, landing
40-1378 11 Crown way – Robert P. Jacobs – new house
40-1379 45 Beacon St - Jonathan Putnam et ux – seawall repair
40-1414 20 Crowninshield Rd – David A. Rosenzweig, Tr. - embankment work
40-1453 5 Stone Terr – Michael McLaughlin et ux – revetment repair

CERTIFICATE OF COMPLIANCE REQUEST[S]:

40-1507 Beacon St and side streets - Coneco Engineers & Scientists, c/o/ Michael Toohill – gas main repairs/replacement **The Commission voted unanimously to approve.**

MINOR ACTIVITY PERMIT REQUEST[S]:

Chandler Hovey Park – Town of Marblehead Rec and Parks Dept. – invasive species removal **Chair David VanHoven expressed desire for more details. Charles Quigley will request someone from Rec and Park be present at the next meeting to discuss the project and provide more information. The Commission voted unanimously to continue this permit request to the January meeting.**

34 Crestwood Rd – Patrick Andreasen – repair/reconstruct stone retaining wall **Patrick Andreasen presented a plan to repair a stone retaining wall on the property where some stones are starting to push out. There would be little to no new material added overall and the sandstone look should remain the same. The Commission voted to approve.**

<u>DEP file#</u>	<u>ADDRESS</u>	<u>APPLICANT</u>	<u>PROJECT DESCRIPTION</u>
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CONTINUED PUBLIC HEARINGS:

40-1562 29 Pinecliff Dr – Dwight Groom et ux – [Patrowicz]-[DEP: no comments]-single family home, landscaping **Scott Patrowicz and James Emmanuel represented the applicant. Scott presented the landscaping plan, which includes replacing 11 birch trees with a one-to-one replacement, not adhering strictly to the tree policy formula. He also discussed the planting of 30 trees, including red oaks, river birches, red maples, and flowering dogwoods. James further elaborated on the plan, detailing the placement of the trees and other plantings, with a focus on using 90-95% native plants. The team also discussed the need to resubmit the landscape plan for better legibility, particularly in the quantity column.**

There were no members of the public in the audience who wanted to comment or discuss. Jesse Alderman noted he is ineligible to vote as he missed the prior meeting and has not watched the recording. The rest of the Commission voted to close the hearing. David VanHoven entertained a motion to approve an order of conditions (OOC) with special conditions. Carole and Jessica Norton voted no, and so the necessary majority of four “yes” votes to approve the motion was not reached. There was a discussion of the tree policy and whether the hearing could be reopened. The Commission voted to reopen the hearing. Carole noted that replacing smaller trees with larger ones could take a long time, and diseased trees should not be treated in the same way as healthy ones. Dave agreed to contact the town's tree officer for further discussions. Carole expressed concerns about potential precedents and the need to protect their community. Scott will discuss with the applicant and recalculate the tree count before the next meeting. David proposed to continue the hearing to the January meeting. Jesse suggested that any applicant seeking to deviate from the

default policy would need a serious and credible arborous report detailing the health of each tree. There was agreement on the need for more specificity and credibility in future reports. The Commission voted to continue this hearing to the January meeting. The exhibits used by

PUBLIC HEARINGS:

40-1564 0 Brackett Pl – Glover Landing Condo. Tr. – [Patrowicz] - [DEP: no comments available yet] – emergency exit installation. **The Commission voted to continue this hearing to the January meeting without opening.**

40-1563 181 Green Street – Town of Marblehead - [Rick Smyers NEMBA]-[DEP: no comments] - 2 pedestrian / bicycle bridges **The Commission voted to continue this hearing to the January meeting without opening.**

ENFORCEMENT ORDER[S]:

40-1192 Ralph Sevinor – [Phil Helms] – work performed outside the scope of the approved plans. **Phil Helms, representing Ralph Sevinor, gave an update on the progress of a protection plan for the existing conditions at the property for the winter and a new survey of the property. The commission decided to continue the enforcement order for this property until the submission of a revised notice of intent (NOI). He requested to continue this matter to the February meeting to have time to incorporate experts' comments from prior meetings and new pre-existing conditions into the NOI. Michele Hunton spoke to her understanding that the enforcement order will not be reissued, but asked to confirm the amended NOI will address the issues abutters brought up in prior meetings. David VanHoven confirmed this to be the case and that the commission will be looking for those issues to be addressed when reviewing the amended NOI once it is submitted. The Commission voted to continue this matter to the February meeting.**

DISCUSSION:

Other matters as may appropriately be brought before the Commission.

Performance standards for new piers. **No new updates were provided.**

The hearing was voted to be adjourned at 8:17 PM.