

Marblehead Conservation Commission
December 8, 2016

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

Meeting was called to order at 7:06 PM

Present were Commission Members Chair Brian LeClair; Fred Sullivan; Barbara Collins-Rosenberg; David VanHoven; Michael Smith and Jesse Alderman. Also present was Charlie Quigley, Town Engineer.

Minutes for the meetings of October 13, 2016; November 10, 2016 were unanimously approved.

DISCUSSION

Don Morgan of the Marblehead Conservancy explained conditions at Harbor Glade, a clearing on Salem Harbor in the Wyman Woods Conservation Area.

Mr. Morgan explained that there is an erosion problem due to water running down the current trail.

The Conservancy requested permission to:

1. Install water bars;
2. Install a 10" curbstone;
3. Place gravel fill;
4. Install wooden stairs;
5. Install a 3' x 3' x 3' natural stone bench;
6. Fill "guttered" portion of trail with soil; and
7. Add woodchips to trail, all as more particularly shown on the "Harbor Glade Plan" (Option 4b) submitted to the Commission.

The Commission commended the applicant for the tremendous work in maintaining Town conservation areas.

Motion to close, Motion 2nd, unanimous vote to approve plan.

HEARINGS

NOI 40-1251 – Riverhead Beach (Map 93, Parcel 1A)

Appearing: Town of Marblehead Recreation and Park Commission.

Proposed: Tree Bonfire and associated preparation and cleanup activities.

The location of the bonfire will be immediately adjacent to boat ramp on the hard-pack gravel. All bonfire, setup and cleanup activity will avoid the sand dunes.

Parks & Rec reports that all ash from the cleanup will be transported to Abbott Hall for use on the property as a bio-layer for the soil.

Under Review from DEP. No Questions or Comments from Public.

Motion to close, Motion 2nd, unanimous vote to approve Order of Conditions with standard conditions, and the following Special Conditions:

- 1) The location and size of the fire will be as depicted on the plan submitted with the NOI;
- 2) The charred remains of the bonfire will be removed from the beach as soon as possible;
- 3) The remains of the bonfire will be removed for use as enriching soils as the Town may see fit, or otherwise to the Recycling Center.

NOI 40-1252 – 9 Bartlett Street (Map 27, Parcel 24)

Appearing: Robert McCann, Attorney and Peter Ogren, Hayes Engineering, Inc., on behalf of applicant Stephen Petersen

Proposed: Remodel single family home

Attorney McCann reported “extensive history” with abutter. Abutter represented by counsel who expressed concern over notice. Return certified mail receipts, e-mails and newspaper advertisement submitted into record to demonstrate proper notice provided.

Foundation of home is in the 100’ buffer zone. Remodeling work will extend approximately 10’ into buffer.

Under Review from DEP. No Questions or Comments from Public.

Motion to close, Motion 2nd, unanimous vote to approve Order of Conditions with standard conditions.

NOI 40-1253 – 15 Sunset Road (Map 140, Parcel 20)

Return receipts for abutter notification not provided to Commission.

Motion to Continue; Motion 2nd, unanimous vote to continue application hearing to January 12, 2017 Meeting.

NOI 40-1254 – 4 Coolidge Road (Map 47, Parcel 39)

Appearing: Susan St. Pierre, St. Pierre Consulting Services on behalf of Applicants David and Davin Wedel.

Proposed: Renovations to residence.

Ms. St. Pierre explains that applicant received a prior Order of Condition for sewer line replacement. The applicant owns two lots: lot 4 on which the residence is constructed, and lot 2, which has no structures.

The chair questioned the need to expand the footprint of the residence eastward into the 25' foot no build zone.

Ms. St. Pierre stated that although there is an expansion into the 25' foot zone, there is only a net increase of 65 feet of impervious surface.

Mr. Sullivan notes that the seawall on this property is deficient. The applicant will be returning for an NOI to repair the seawall.

The chair questions why there are no erosion control measures. Ms. St. Pierre stated that the area is already landscaped.

No comments from DEP. No Questions or Comments from Public.

Motion to close, Motion 2nd, unanimous vote to approve Order of Conditions with standard conditions.

NOI 40-1232 – 99 Goldthwait Road, Goldthwait Reservation

Appearing: Michael J. DeRosa, DeRosa Environmental on behalf of Geoffrey Lubbock, applicant.

Proposal: Request for Approval of Minor Modification to Order of Condition on record for MassDEP File Number 40-1232.

As described more particularly in the submitted Request, the applicant requests permission for:

- 1) Maintenance dredging in additional ditches;
- 2) Removal of additional wetland fill from Goldthwait Marsh;
- 3) Removal of utility poles and boulders from the parking lot;
- 4) Replacement of culvert pipes and repairs to headwall at Phillips St.

The Commission commended the applicant for the tremendous work in restoring the marsh.

Motion to close, Motion 2nd, unanimous vote to approve request for Minor Modification to Order of Conditions.

NOI-40-865, 83 Beach Street

Appearing: Paul Lynch, representative on behalf of applicant Douglas Schulter

Proposal: Request for Extension.

Mr. Lynch reports that work has not been completed under the Order of Conditions, but that a letter from a certified wetlands inspector confirms that the delay is causing no damage to the wetlands.

The chair notes that the Commission has received a phone call about a snow fence on the property. The Town Engineer visited the property and the issue is unrelated to the Request for Extension. The applicant is informed that if there is a problem, it will be dealt with by an enforcement order from the Commission.

Motion to close, Motion 2nd, unanimous vote to approve request for extension.

NOI-40-125??, 57 Naugus Ave. (Map 178 Parcel 4)

The chair informs Mr. Lake, the representative of the applicant, Robert Powelson, that the NOI filing is inadequate and not in compliance with regulations. The Commission does not consider the submission to have been made in good faith. At a minimum, the NOI required a professional engineering plan that lists what was illegally removed and what will be done to replace it. The application is going to be continued until the January 12, 2017, Commission meeting, at which point the applicant is ordered to have submitted an application in compliance with applicable regulations. The applicant is in receipt of an enforcement order, and the chair instructs him to comply with it.

Motion to Continue; Motion 2nd, unanimous vote to continue application hearing to January 12, 2017 Meeting.

REQUESTS FOR CERTIFICATES OF COMPLIANCE

Engineer letters were submitted and site visits conducted for the following:

40-1130: 22 Nonantum Road, John Amoroso
40-1238: 4 Coolidge Road, David and Davin Wedel
40-1204: 2 Foster Street, Norman Lavoie

Engineer letters were submitted and site visits conducted for the following. Applicant representative Chris Kennedy and Peter Ogren note that one of the Orders was superseded by DEP, who has requested an additional 8 plantings. Chair directs applicant to receive certified copies of the Certificates of Compliance with the Conservation Agent for the following:

40-986: 2-4 Eustis Road, Cornelia Stutz
40-994: 2 Eustis Road, Cornelia Stutz

40-476: 3 Eustis Road, Cornelia Stutz

Motion to Issue Certificates of Compliance; 2nd; Unanimous.

Documents signed.

Meeting adjourned.