

Marblehead Conservation Commission
October 12, 2017

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

Meeting was called to order at 7:00 p.m.

Present were: Commission members Chair - Brian LeClair; Fred Sullivan; Michael Smith David Depew and Barbara Collins Rosenberg. Also present was Charles Quigley, Conservation Administrator.

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:

Motion to approve minutes of meetings held on September 14, 2017, and an Executive Session held on September 14, 2017, was made.

Discussion Items:

None

Request for Minor Modification

OOC 40-1277 65 Naugus Avenue – tree removal on coastal bank

Appearing Diane and Ned Breed; Scott Patrowicz, Land Development Engineer; Marc Bolcome for Carpenter Costin Landscape Management

Prior approval given for excavation of asphalt that tree roots are growing through; Breeds would like to remove tree.

Motion to close hearing, seconded, unanimous approval.

Request for Determination

None

Request for Extension

None

Request for Certificate of Compliance:

OOC 40-1189 158 Front Street, Ira and Judith Rosenberg

OOC 40-756 57 Naugus Avenue, Powelson

Charles Quigley, Engineer and Conservation Administrator reports no issues with any of the above; motion made to approve, motion seconded, unanimous approval to award COCs.

Continued Public Hearings

NOI 40-1269 37 Clifton Heights Lane

Applicant: Fenel Eloi

Proposed: Seawall stabilization and site work

Continued to November 9, 2017

NOI 40-1281 6 Bradlees End

Applicant: Thomas Eidson

Proposed: New Pool

Appearing: Curt Young, Wetlands Preservation

Mr. Young addressed prior concerns regarding more information on the nature of the vegetation down gradient of the project; erosion control [rain gardens and/or swales]; an attempt to move the pool outside the 100-foot buffer zone; and calculations of the impervious surface.

Motion to close was made, seconded and unanimously approved.

Motion to order a standard OOC with the following special conditions:

- 33 cement rinsing
- 34 permeable surfaces
- 36 store outside resource
- 40 fertilizers
- 45 pools
- 50 invasive plants
- 55 CoC

And the following non-standard condition:

All work to be done according to the new drawings dated September 29, 2017

NOI 40-1280 1 Beacon Street

Applicant: Stephen McHugh

Proposed: Roof, General Repairs

Appearing: Scott Patrowicz, Land Development Engineer

General repairs to existing home, extent to be determined as work proceeds/as needed.

Motion to close, seconded, unanimously approved.

Motion to order a standard OOC with the following special conditions:

- 33 cement rinsing
- 35 demolition removal
- 36 store outside resource

40 fertilizers
50 invasive plants
55 CoC

And the following non-standard condition:

Netting and tarps must be in place to collect and capture debris from falling into resource area; and all debris must be removed daily from site

NOI 40-1279 6 Broadmere Way

Applicant: OTR Realty Trust

Proposed: New Pier, Gangway, Float

Appearing: Scott Patrowicz, Land Development Engineer; Cheryl W. Coviello, P.E.
(Collins Engineers); Richard C. Spenceley, III

Pier redesigned and shifted according to an eelgrass survey performed at applicant's expense.
Motion to close, seconded, unanimously passed.

Motion to order a standard OOC with the following special conditions:

33 cement rinsing
35 demolition removal
36 store outside resource
37 100-year storm for pier
38 pressure treated wood
39 pier guide
40 fertilizers
46 gangway storage
47 gangway storms
48 bottom out
50 invasive plants
51 pier superstructure minor repairs
52 painted hot pilings
54 licensed professional engineer
55 CoC

NOI 40-1283 6 Harbor View

Applicant: Kevin and Holly Crosby

Proposed: Invasive Species management

Appearing: Scott Patrowicz, Land Development Engineer

Lauren Lautner of For Seasons Ecological Landscape Design, proposes plan to remove invasive species and repopulate with native plantings.

Motion to close, seconded, unanimously approved.

Motion to order standard OOC with the following special conditions:

40 fertilizers
50 invasive plants
55 CoC

And the following non-standard conditions:

Herbicide to be applied by a licensed company;

All cuttings to be removed to an offsite location where they will not reseed in the new location.

NOI 40-1282 151 Front Street

Applicant: Sholly and Cynthia Kagan

Proposed: Foundation/Seawall repair and general repairs to house as needed

Appearing: Scott Patrowicz, Land Development Engineer

Structural work can only be performed at low tide; material must be quick setting concrete.

Replace roof shingles and possible window/decking on top floor.

Motion to close, seconded, unanimously approved.

Motion to order standard OOC with the following special conditions:

- 33 cement rinsing
- 35 demolition removal
- 36 store outside resource area
- 40 fertilizers
- 41 pointing and repair
- 50 invasive plants
- 54 licensed professional engineer
- 55 CoC

And the following non-standard special conditions:

Netting and tarps used to catch and collect debris must be removed before tide places them underwater;

Quick setting cement must be used; quick setting cement must not be put in place less than 3.5 hours of mean high water;

Scaffolding must be removed if a serious storm in forecast

Public Hearings

NOI 40-1284 158 Front Street

Applicant: Judith A. and Ira J. Rosenberg (Trustees)

Proposed: New pool, Patio and landscape work

Appearing: John Dick, Land Surveyor and Wetland Scientist; and James K. Emmanuel, Landscape Architect

Plans presented, no issues.

Motion to close, seconded, unanimously approved.

Motion to order standard OOC with the following special conditions:

- 33 cement rinsing
- 34 permeable surfaces
- 35 demolition removal
- 36 store outside resource area
- 40 fertilizers
- 45 pools
- 50 invasive plants
- 55 CoC

And the following non-standard conditions:

The petitioner will comply with the requirements of the letter from the Town of Marblehead Water and Sewer Commission dated October 12, 2017.

NO1 40-12xx 14 Foster Street

Motion to continue seconded and unanimously approved to November 9, 2017

NOI 40-12xx 6 Nonatum Road

Motion to continue seconded and unanimously approved to November 9, 2017

NOI 40-12xx 329 Ocean Avenue

Applicant: Fran and Steven Lockwood

Proposed: Pool, patio and house additions

Appearing: William J. Emmanuel, Wetland Scientist; Paul Lynch, Attorney

No docket number and no DEP comments, decision to go through hearing

Pool and deck and second story addition, pool in in the buffer zone due to a revised FEMA map (2014)

Motion to close hearing with out comments seconded, unanimously approved.

Motion to order standard OOC with the following special conditions:

- 33 cement rinsing
- 34 permeable surfaces
- 35 demolition removal
- 36 store outside resource area
- 40 fertilizers
- 45 pools
- 50 invasive plants
- 55 CoC

The Conservation Agent requested to pay legal fees for file # 40-1260 57 Naugus Avenue, but was advised to get clarification as to whether Commission or Insurance carrier should pay.

Brian LeClair makes a motion for approval; motion is seconded and unanimously approved.

Documents signed.

Meeting is adjourned at 8:35 p.m.