

Marblehead Conservation Commission
July 12, 2018

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 7:10 PM

Present were Commission Members Acting Chair David DePew; David VanHoven; and Jesse Alderman. Also present was Conservation Administrator and Town Engineer, Charlie Quigley.

The Commission recognized the life and tremendous contributions to the Commission and the Town of Fred Sullivan.

MINUTES

The minutes of June 14, 2018 were voted upon and approved.

DISCUSSION

1. Barnacle Restaurant

The Commission received an anonymous letter regarding the Barnacle restaurant performing work in the resource area without an Order of Conditions. Jay Sahagian, owner of the Barnacle, appeared to explain he worked on deck repairs and replacing an awning. With regard to the deck repairs, he will be filing an NOI retroactively. He will remember to seek a permit next time.

2. 44 Gallison Road Enforcement Order

The owner has performed emergency work on a dune without a permit, but was required to file a NOI within 60 days. The NOI has not been filed. The abutter alleges and it appears from a visual inspection that the owner, Earl Dumas, has built up the dune and added invasives.

The owners appeared and claims the invasives already were growing there. They also need guidance on property boundaries and the type of machinery needed to restore the dune to its original condition.

The Conservation Agent notes that he has observed soil on the beach, and invasives growing. The Commissioners will do a site visit to look at the proximity of the elevated dune and invasives to the property. The property owner will have until September to file an NOI. No work should occur until then.

3. 19 Neptune

The Conservation Agent was informed by the Building Department about the construction of a wall in the resource area. The wall appears to be a 10-foot high wall on a Coastal Bank. The

Commission ratified an Enforcement Order. Motion to ratify the Enforcement Order; motion seconded; all members voted to approve.

Requests for Certificate of Compliance

OOO 40-1325 – 134 Crestwood Rd – Patrick Andreasen – pier

OOO 40-908 – 44 Gallison Road – Susan Arcuni - landscaping

Motion to approve; motion seconded; all members voted to approve.

Minor Modification Requests

NOI – 40-1333 – 15 Kimball St – Adele Gault [Hayes] – Install vertical steel for higher wall which can be removed subject to future approvals

Peter Odgren of Hayes Engineering on behalf of the applicant. The applicant was denied an OOC for that portion of the NOI requesting elevating the seawall near Nahant Street when the Town pump station is located. An OOC was granted for raising another part of the seawall, and DEP did not appeal.

There will be ongoing discussions with the Town. The minor modification request was for installing vertical steel/rebar in wall proposed to be raised, which could be cut if approval for raising that section of wall is never granted.

Amy McHugh, Water and Sewer Superintendent stated that the Town is creating a resiliency plan, and the Nahant Street station is part of that analysis, including “fortifying the seawall.” Seawall work could be part of the Town’s resiliency recommendations, but she cannot say for now. No opposition to installing steel.

Motion to approve; motion seconded; all members voted to approve.

NOI-40-1331 – 30 Nonantum St. – Dara Beth Cole – Add roof over existing concrete landing.

Tom Louser for the applicant. Addition work was only on concrete slab now containing an enclosed porch.

Motion to approve; motion seconded; all members voted to approve with the following special conditions:

33, 34, 35, 36, 40, 50, 55.

Order of Conditions Extension Requests

OOO 40-1198 – 11 Fort Beach Way – Town of Marblehead – Sewer pump station protection.

Ms. McHugh states that this is an important project to add resiliency for the pump station. Because it is a superseding Order of Conditions, the extension request has to be made to DEP.

OOO 40-1137 – 21 Goodwin's Ct – Steven Gallagher

Motion to approve; motion seconded; all members voted to approve.

PUBLIC HEARINGS

NOI – 40-1329 – Steven Peabody et al – Garage addition, site work.

Continued public hearing. Scott Patrowicz on behalf of applicant. There were issues in previous submission impervious surface calculations. Addition of water quality swales recommended. D. Van Hoven asks for demarcation of the resource area with boulders. Applicant agrees.

Motion to approve; motion seconded; all members voted to approve an Order of Conditions with the following Special Conditions:

33, 34, 35, 36, 40, 50, 55, 107 and the additional condition that the resource area will be demarcated with boulders.

NOI – 40-1343 – 61 Naugus – Alan November – Proposed house addition and site work.

Scott Patrowicz on behalf of applicant. The NOI involves only a 60-sf addition of impervious surface in the 50-foot buffer zone. No concerns.

Motion to approve; motion seconded; all members voted to approve an Order of Conditions with the following Special Conditions:

33, 34, 35, 36, 40, 50, 55, 107.

NOI – 40-13xx – 8 Fort Sewall Terrace – 8 Fort Sewall Terrace Realty Trust – Seawall repair and site work.

Scott Patrowicz on behalf of applicant. Seawall repair was in kind. There were no comments from DEP.

Motion to approve; motion seconded; all members voted to approve an Order of Conditions with the following Special Conditions:

33, 35, 36, 40, 41, 42, 43, 44 50, 55, 102, 105.

NOI – 40-1345 – 285 Ocean Avenue – Kenneth and Marilyn Bowden – seawall repair and site work.

Scott Patrowicz on behalf of applicant. Seawall repair was in kind. There were no comments from DEP.

Pictures indicate that rip rap is required at bottom of gutters. Will be added as condition.

Motion to approve; motion seconded; all members voted to approve an Order of Conditions with the following Special Conditions:

33, 35, 36, 40, 41, 42, 43, 44 50, 55, 102, 105 and the following additional condition: 10 sf rip rap will be added at the end of gutters.

NOI – 40-1344 – 16 Indianhead Circle – Joseph and Ariana Selby – renovation – first floor addition, deck, dormers, roof.

Tucker Architects on behalf of applicant. No applicants. Only 15 sf addition of impervious surface. Member of public confused by notice form that there may be dredging. There is not.

Motion to approve; motion seconded; all members voted to approve an Order of Conditions with the following Special Conditions:

33, 34, 35, 36, 40, 50, 55, 107.

NOI – 40-1346 – 4, 5, 8 Nashua Avenue – Lucas, Niles, Souter – Easement, stairway project.

DEP Comment: proposed railing is not on the plan. Plan must show all proposed work. Need detail sheet for proposed railing. Insufficient information to properly condition.

Wetlands Preservation Inc. on behalf of the applicant. The railing is not going to be part of project. It is not shown on the site plan. There will be free form stairs, and the applicant requests a surviving condition to repoint or reset the stairs.

Motion to approve; motion seconded; all members voted to approve an Order of Conditions with the following Special Conditions:

33, 35, 36, 40, 41, 42, 43, 44, 50, 55, 102, 105.

NOI – 13xx – 44 Gallison Avenue – Susan Arcuni – Storm repair and cleanup of house and yard; includes moving stones back to the beach and removing debris.

Curt Young, Wetlands Preservation Inc. on behalf of applicant. Mr. Young assisted the Commission with drafting most of Special Condition 108, which applies here. Special Condition 108 relates to relocating materials back to the beach after storms. There will need to be swing ties to the corners of the property lines. The Conservation Agent notes that DEP does not want Special Condition 108 to be perpetual.

The applicant explains that due to storm cleanup, the dune is now higher than it was. It can be pushed down. There is also a dead tree in the dune and the Commission is fine with removal.

The applicant asks about special instructions for the applicant's son, who will be performing the work with a bobcat.

The Conservation agent will meet him on site prior to the commencement of work to determine the appropriate level of the dune.

Motion to approve; motion seconded; all members voted to approve an Order of Conditions with the following Special Conditions:

50, 55, 108 and the following additional conditions: swing ties will be installed to the property lines; anyone performing work will have a pre-work meeting with the Conservation Agent.

NOI – 40-13xx – 18 Doak’s Lane – Little Harbor Realty Limited Partnership – Seawall repairs

Peter Odgren/Hayes Engineering for the applicant. In kind seawall replacement. The damaged wood “cribbing” will be replaced with wood. The owner is not interested in using metal.

Motion to approve; motion seconded; all members voted to approve an Order of Conditions with the following Special Conditions:

33, 35, 36, 38, 40, 41, 42, 43, 44, 50, 55, 102, 105.

NOI – 40-13xx – 34 Gregory Street – Brian Rice – Seawall repairs

Peter Odgren/Hayes Engineering for the applicant. The wall has already been mostly reconstructed under the emergency order. The Conservation Agent has inspected it and says it looks great. The applicant confirms that there had been a concrete spill and it has been cleaned up.

Motion to approve; motion seconded; all members voted to approve an Order of Conditions with the following Special Conditions:

33, 35, 36, 40, 41, 42, 43, 44, 50, 55, 102, 105.

Meeting was adjourned.