

Marblehead Conservation Commission
Minutes October 11, 2018

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 Brian LeClair, Bill Colehower, Lindsey Serafin, David VanderHoven, David Depew and Jesse Harlan Alderman. 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.

A motion was made and seconded to approve the amended minutes of September 13, 2018. All members voted in the affirmative.

Enforcement Orders issued:

11 Susan Road

Appeared: Steve Browning

All members voted to close the hearing. The Commission voted to ratify the enforcement order.

11 Goldthwait Road – Wetland Protection Act violations

Appeared: Susan and Earl Dumais

The Commission instructed the Dumais' to 1) remove the invasives from the berm, and continue to remove the invasives going forward, 2) reduce the height of the berm on their property to that of the berm in front of adjoining properties. The Dumais' were also instructed to submit an NOI by December meeting.

The Dumais' have until the December meeting to comply with item #2 or present a plan with a request to extend deadline citing hardship

All members voted to close the hearing. The Commission voted to ratify the enforcement order. The vote was 4-1 (with one abstension).

19 Neptune Avenue

Appeared: Andrew Santella

Mr. Santella was directed to get a NOI for completed work before the November meeting. The NOI will disclose the work done; the extent of the work will be the basis of any fines discussed at that meeting.

Discussion

22 Foster Street

Appeared: Paul Lynch

Equitable tolling made it impossible to comply. The resource area needs to the same size and location; any changes need to be documented

Requests for a Certificate of Compliance

All were approved by the commission

- **OOO 40-1321**, 329 Ocean Avenue
- **OOO 40-1319**, 46 Foster Street
- **OOO 40-807**, 1 Driftwood Road
- **OOO 40-776**, 23 Whittier Road
- **OOO 40-1094**, 5 Woodfin Terrace
- **OOO 40-1156**, 151 Green Street
- **OOO 40-1088**, 151 Green Street
- **OOO 40-1320**, 92 Harbor Ave

Requests for OOC Extension

OOO 40-1218, 18 Gregory Street

Sarah Dundlee (16 Gregory Street) asked about the plans to used. Commission stated the project must use the last approved plans.

All members voted to close the hearing. The Commission voted to issue an order of conditions with the following special conditions:

Continued Hearings

NOI 40-1359, 75 Naugus Ave

Appeared: Todd Barbera, David Smith, GZA GeoEnvironmental, Inc.

Control Drawing: Site plan by GZA, dated October 2018

All members voted to close the hearing. The NOI did not pass; the vote was 3-3 (LeClair, VanderHoven and Alderman voted to not approve; Depew, Colehower and Serafin voted to approve

NOI 40-1368, 14 Crowninshield Road

Appeared: Erin Trahn, Scott Patrowicz, Patrowicz Land Development Engineering

Proposed: House and garage renovations

Control Drawing: Site plan by Patrowicz Engineering, dated September 20, 2018

All members voted to close the hearing. The Commission voted to issue an order of conditions with the following special conditions:

33. There shall be no cleaning or rinsing of cement concrete ready-mix trucks, or cement concrete mixing equipment, such that the byproduct of the cleaning or rinsing operation finds its way to any resource area by any means, especially, but not limited to, by means of a storm drainage system (catch basins, pipes, drainage ditches, etc.).

35. All demolition debris shall be removed from the site as soon as possible and not stored within a resource area or a buffer zone. If a dumpster is used to contain debris, the dumpster shall be covered after each work day. The debris shall be properly disposed of in accordance with applicable federal, state and local regulations.

36. All construction material shall be stored outside the resource area and its buffer zone or as far back from the resource areas as possible.

Post-construction/in perpetuity:

40. By voluntary agreement with the applicant, only organic fertilizers are to be used on the property landward of the resource areas. Fertilizers should not contain pesticides or herbicides; should contain slow release nitrogen and should not contain more than 3% phosphorous. To mitigate chemical runoff, do not fertilize directly before a rainstorm and do not over fertilize. Apply fertilizer in late April and in September (refer to: A Homeowner's Guide to Environmentally Sound Lawn care published by the Massachusetts Department of Food and Agriculture and the booklet, Don't Trash Grass, published by the Massachusetts Department of Environmental Protection). **This condition shall survive this order.**

50. Invasive plants shall not be used nor maintained in the landscape of the project site. This applies to the existing landscape as well as to any proposed landscape. A list of invasive plants in Massachusetts can be found in the latest update of The Evaluation of Non-Native Plant Species for Invasiveness in Massachusetts (with annotated list) produced by the Massachusetts Invasive Plant Advisory Group. For most recent update, visit www.mnla.com or www.newfs.org. **This condition shall survive this order.**

55. Upon completion of the work allowed under this Order of Conditions the applicant shall apply for a Certificate of Compliance (COC) (a) within 30 days after completion of the work or (b) thirty (30) days prior to the expiration date of the original or extended OOC, whichever time comes sooner. If no work was started under the OOC or if some of the work will not be performed, the applicant must still apply for a Certificate of Compliance at least 30 days prior to the expiration of the OOC. The Conservation Commission may require the submission of an "as built" drawing (signed and stamped by a licensed Professional Engineer or licensed Professional Land Surveyor) with the application for the COC. Failure to submit an application for a COC shall result in a fine issued against the applicant in accordance with Marblehead Bylaws Chapter 194, Section 11E. **See Attachment "C" for "Schedule of Fines".**

107. Before any landscape work begins, the applicant shall submit a landscape plan to the Commission for approval. No landscape work may commence until the Commission has approved the landscape plan.

-Specified trees will be saved and this will be reflected in revised landscape plan to be submitted

NOI 40-66, 9 Neptune Road

Appeared: Thomas P. Cares, Jr, Scott Patrowicz, Patrowicz Land Development Engineering
Control Drawing: Site plan by Patrowicz Engineering, dated September 24, 2018

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way to any resource area by any means, especially, but not limited to, by means of a storm drainage system (catch basins, pipes, drainage ditches, etc.).

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- The portion of the driveway in the no-build zone will use pervious material; resubmit plan with this change
- A rain garden will be created at the end of the drain pipe

NOI 40-1365, 25 Spray Avenue

Appeared: Scott Patrowicz, Patrowicz Land Development Engineering
Control Drawing: Site plan by Patrowicz Engineering, dated September 26, 2018

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- Hay bales will be wired to the rails
- Exposed soil will be covered with tarps

Discussions

Tower School Athletic Field Improvements

Appeared: Bob McCann, Dean Seidel, Tim Delehaunty, Christian Huntress, RLA

Control Drawing: Site plan prepared by Huntress Associates, Inc, dated September 6, 2018

Discussed a plan to increase the size of the athletic field and replace the grass with turf. The field will be in resource area and the buffer zones.

Moorings in Salem Harbor

The Head of the Commission and the Town Engineer visited the Marblehead Harbormaster regarding moorings in areas where boats can bottom out at low tide.

The Harbormaster stated he has permits from the Army Corps of Engineers for these moorings. He also has a policy to manage the situation, which he will provide to the Commission.

Additional Business

The Commission authorized the Town Engineer to pay \$750 for annual dues to the Massachusetts Association of Conservation Commissions.

The Town Engineer also informed the Commission that the Whittier Pond Association has an outstanding OOC.

Continued Hearings:

NOI 40-1367, 37 Bradlee Road

NOI 40-1369, 15 Goodwin Court

All members voted to continue the hearings (without opening them) to the November 8, 2018 meeting.

Meeting was adjourned at 10:05 PM.