

**Marblehead Conservation Commission
Meeting Minutes
October 10, 2019**

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 David DePew, Michael Smith, David VanHoven, Lindsey Serafin, and William Colehower. Also present was Conservation Administrator and Town Engineer, Charlie Quigley.

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 meeting held on September 12, 2019, was made and minutes were approved.

DISCUSSION

- **Tree Removal** – Turner Woods (Town Property) behind property owned by Louise Antonioli 14 Taft Street – Commission Member Depew agreed to meet with Ms. Antonioli agreed to survey the trees on September 13, 2019 and follow up with Don Morgan (Marblehead Conservancy) to make a recommendation for further action.
- **Tree Removal** – 14 Willard Lane Dave Kinney stated tree on his property, that is within the buffer zone, was damaged in August "microburst" storm and he would like permission to remove the tree. Commission Member Depew agreed to meet with Mr. Kinney agreed to survey the tree on September 13, 2019 and follow up a recommendation for further action.
- **Minor Activity Request** – Amy McHugh, Superintendent, Town of Marblehead Water and Sewer Dept, sewer interceptor line that runs from West Shore Drive to pump station on Green Street (132 West Shore Drive). January 2019 grease blockage in the line required maintenance and vacuum trucks could not access the area. Permission to clear a path/road for sewer maintenance along the sewer line easement. Commissioners agreed to issue a minor activities permit for the proposed work.
- **10 Goldthwait Ave Order of Conditions** – discussion of order of conditions issued on September 13, 2018. Discussion with the board by property owner of 40 Gallison Ave, John Fitzgerald, requesting the Board to review compliance with the order issued in September 2013. Further research is needed on the previous order of conditions and the order will be properly filed. Discussion of other options for redistributing rocks to another location is pending the Town filing of an NOI to "beef up" the revetment near the Gallison Ave man hole cone.

- **Enforcement Order** - 4 Nonantum Road – discussed with the Continued Public Hearing for NOI 40-1411 [see below]
- **Enforcement Order** - 23 Pinecliff Road – postponed until November 2019 meeting
- **Enforcement Order** - 22 Whittier Road – postponed until November 2019 meeting

MINOR MODIFICATIONS

The below was postponed to November 2019:

- **40-1389** - 30 Pequot Road

The below was withdrawn by the owner:

- **40-1391** – 3-5 Gilbert Heights Lane

The below was approved by the Commission:

- **40-1363** – 2 Coolidge Road – Scott Patrowicz representing the property owner requested a change from asphalt paving to pervious paving material further reducing the area of impervious surface.

REQUESTS FOR CERTIFICATE OF COMPLIANCE

The below were all approved by the Commission:

- **40-1301** **2 & 3 Eustis Road** – Eamonn Healy – site work, landscaping
- **40-981** **321 Ocean Avenue** – Danial Rosenthal – seawall repairs
- **40-1044** **8 Davis** – Henry Brauer – sitework, seawall repairs
- **40-622** **10 Harvard Street** – Addition, rebuild deck

CONTINUED PUBLIC HEARINGS:

NOI 40-1411 4 Nonantum Road – Debra Wonson [John Dick] – repairs to deck, footing and stairs **AND** enforcement order after the fact filing alterations in a resource area protected by 310 CMR 10.00

Appeared: John Dick

Proposed: repairs to existing concrete footings, replacement of wooden staircase and wooden platforms adjacent to the existing foundation, general exterior maintenance.

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

33, 34, 35, 36, 55 and the applicant will submit a revised site plan showing the buffer zone, resource area and plan showing the repair to the stairs.

ENFORCEMENT ORDER for 4 Nonantum – Motion to issue a fine of \$500 to Debra Wonson, owner of 4 Nonantum Road for failure undertaking construction in the resource area without proper application or approval; motion seconded. All members voted to issue the fine.

NOI 40-1405 61 Naugus Avenue – Alan November [Scott Patrowicz] new pier gangway, float, sitework

Appeared: Alan November; Scott Patrowicz; Zach Tanner

Proposed: revised (shorten pier) design to mitigate impacts on eel grass resource areas. Repair work on patio address undermining (concrete collar) in the resource area. Neighbor, Lynda Cutrell spoke in favor of the proposal.

Motion to close hearing; second. Motion to approve; motion seconded; members voted 3 in favor 2 opposed to approve an Order of Conditions with the following Special Conditions:

33, 35, 36, 37, 38, 39, 46, 47, 48, 51, 55, 109, 110, 111, 112

PUBLIC HEARINGS:

NOI 40-1410 61 and 63 Naugus Avenue – Alan November, Lynda Cutrell [Scott Patrowicz] revised grading plan.

Appeared: Alan November; Lynda Cutrell Scott Patrowicz;

Proposed: a revised application has been submitted jointly by the owners of 61 Naugus Avenue and 63 Naugus Avenue to regrade the land between the two properties which is located in the resource area.

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

35, 40, 50, 55

NOI 40-1319 283 Ocean Avenue – James P. Raisides et ux – [John Dick] Demolition and construction of a garage.

Appeared: John Dick;

Proposed: Reconstruction of a garage that is located outside the 50' no-build zone with no changes to the existing site grading, the roof draining or impervious surface area.

Motion to close hearing; second. 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 and there will be a statement added to the plan calls out specific erosion control measures.

NOI 40-1407 22 Cliff Street – Daniel L Sullivan et ux – [Scott Patrowicz] concrete landing, lifting hoist, dock, site work, landscaping.

Appeared: Linda Sullivan, Scott Patrowicz;

Proposed: New 10'x10' concrete landing with an A framed gangway hoist, 45' aluminum gangway and a 14' x 24' wood float and repair 162 linear feet of seawall. The float will be secured by helical anchors or 5' x 5' concrete blocks. Reconstruction of a garage that is located outside the 50' no-build zone with no changes to the footprint, site grading, the roof draining or impervious surface area.

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

33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 46, 47, 48, 50, 55, 102, 105, and additionally the concrete landing will be pitched away from the ocean and toward the lawn.

NOI 40-1412 7-7R Sunset Road – Mary P Smith – [Scott Patrowicz] Pier and house repairs.

Appeared: Scott Patrowicz;

Proposed: Repair pier footings and the seawall, replace wooden ramp with a prefabricated aluminum bridge, repair float, repairs to windows and siding on the house. Repairs proposed are consistent with those permitted by the previous owner – MassDEP #40-1306 in 2018.

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

33, 34, 35, 36, 37, 38, 39, 40, 46, 47, 48, 50, 51, 54, 55, 102, 105, 109, 111.

NOI 40-1415 14 Coolidge Road – Sheila Fitzgerald – [Scott Patrowicz] House reconstruction and site work

Appeared: Scott Patrowicz;

Proposed: Demolish the existing house structure and rebuild on the existing foundation; demo the existing garage and reconstruct in the same location reorienting the garage door to the north east side facing Coolidge Road. The project will increase the amount of pervious surface on the property by 553 square feet. Commissioners discussed concerns about extending the

structure/deck into the no build zone. And the desire to retain storm water on the site by constructing a landscaped area on the Northeast side of the property.

Motion to close hearing; second. 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 a special condition that the low portion on the northeast corner of the property be landscape to retain storm water.

Continued Without Opening:

NOI 40-14xx 20 Crowninshield Road – David A. Rosenzweig – [Scott Patrowicz]
resource improvements, sitework.

Meeting was adjourned 2:06 min (9:15pm.)