

Marblehead Conservation Commission
Minutes December 12, 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 Brian LeClair, David Depew, David VanHoven, Michael Smith and Lindsey Serafin. Also present was Conservation Administrator and Town Engineer, Charles 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:

A motion to approve minutes of the Hearing held on November 14, 2019 was made, seconded and minutes were approved.

DISCUSSION:

- Fort Sewall – Town Planner Rebecca Curran Cutting, Naomi Cottrel of Crowley Cottrel and Wendall Kalsow of McGinley Kalsow & Assoc. Presented initial plans to rehabilitate Fort Sewall.
- 23 Pinecliff Rd – Enforcement Order. No one appeared for discussion. B. LeClair imposed a \$500/month fine starting in January if the owner continues to avoid the enforcement order issue.
- 22 Whittier Rd – Enforcement Order. Scott Patrowicz explained a NOI is being filed for January meeting but the resident can not show up so the hearing will be continued to February.
- Mooring that bottom out – The commission is planning to review this issue and discuss further at the January meeting.
- 5 Beacon St – Hooper Goodwin. Would like to rebuild shanty with a minor activity permit. B. LeClair requested a plan and a signature from the owners. There are 12 shares of land. One signature will suffice.
- 5 Abbott Ct – Enforcement Order. Mike Boerma. Explained how he is in the process of installing a patio without a permit. Can proceed with work once a minor activity is processed.

Order of Conditions Extension Request:

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| 40-1255 | 102 Ocean Ave – Town of Marblehead – Annual Bon Fire |
| 40-865 | 63 Beach St – Doug Schluter et ux – demo ex. house, construct new house and garage. |
| 40-1254 | 4 Coolidge Rd – David Wedel et al – renovations |

All were approved by unanimous vote of the commission.

40-1252 9 Bartlett St – Stephan Peterson – addition, this extension request was withdrawn at the request of the consultant Hayes Engineering Inc.

Requests for Certificate of Compliance:

40-1411 4 Nonantum Rd – Debra Wonson – pier repairs
40-1401 5 Beacon Heights Ln – Mark Ryan – Deck work

All were approved by unanimous vote of the commission.

40-1253 15 Sunset Rd – Andrew Bendheim – new garage. This Certificate of Compliance is not approved, a revised sketch is required as the work is not consistent with the current sketch on file.

40-1223 140 Evans Rd Ext – Aaron Lord – Addition. Aaron Lord and Ann McMenemy of Hancock Assoc.. Installed planting area needs to be monitored until 2021 to be considered accepted and complete. Owner is requesting a partial Certificate of Compliance to allow a sign off for a construction loan. Commission voted to approve a partial CoC; a final will be considered when planting area is accepted and complete.

CONTINUED PUBLIC HEARINGS:

NOI 40-1392 46 Gallison Avenue – Fabrice Durand et ux – Hancock Associates
[DEP: No comments] garage, grading, realignment of driveway
- Pavers were added to the driveway
- Commission asked to add a small depression on the ocean side of the driveway and add pre & post calculations for pervious and impervious materials.

All members voted to close the hearing. The Commission voted to approve the request and issue an OOC with the following special conditions. 33, 34, 35, 36, 40 (See the attached list of Special Conditions)

PUBLIC HEARINGS:

NOI 40-1420 Lead Mills – Town of Marblehead – [John Dick] - [DEP: No comments available yet], railroad embankment repair.
- Need to wait for DEP comments
- This hearing is continued to the January Meeting

NOI 40-1414 20 Crowninshield Road – David A. Rosenzweig, Trustee of the 14 Crowninshield Road Realty Trust and Scott Patrowicz. [DEP: question resource area? And if dynamic berm is a coastal engineering structure] – Embankment restoration, resource improvements
- Changed the detail in the plan from armoring to a natural till filling for nourishment of the bank.
- B. LeClair requested a written statement for the report, as a requirement of the DEP, explaining what information will be in the report and when it be provided.

- This hearing is continued to the January Meeting

CONTINUED PUBLIC HEARINGS:

NOI 40-1418 35 Manataug Trail – Timothy R.E Keeney et ux – [Patrowics] – [DEP: no comments], reconstruction of decks and seawall repairs.

- This hearing was opened at the November 14, 2019 meeting. Present members at that meeting include Brian LeClair, David Depew, David Vanhoven, Jesse Alderman and William Colehower. 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. Only three of the members present at the opening of this hearing on November 14, 2019 are present at this meeting and thus does not constitute a quorum, therefore this hearing cannot continue at the December 12, 2019 meeting.
- This hearing is continued to the January Meeting

Meeting was adjourned at 8:29 PM.