

## **Marblehead Conservation Commission**

### **Minutes September 9, 2021**

The hearing was held remotely in accordance with Governor Baker's March 12, 2020 Order Superseding Certain Provisions of the Open Meeting Law, G.L. c.30A, section 18 and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place.

The hearing was called to order at 7:00 PM

Present were: Commission Members Brian LeClair, David VanHoven, Kate Melanson, David Oster, Jesse, Harlan Alderman - 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.

#### **Approval of Minutes:**

June and August Minutes – Approved

#### **DISCUSSION:**

**25 Hawthorn Road** – Approval of reduction of tree height for trees located on conservation land – Property owner will leave tree cuttings in place instead of having them removed.

#### **CERTIFICATE OF COMPLIANCE REQUEST:**

**40-361 - 9 Redstone Ln** – Martha P. Willis et al – pier work – Commission voted unanimously to approve

**40-307 - 9 Redstone Ln** – Martha P. Willis et al – house, sitework, landscaping – Commission voted unanimously to approve

#### **ORDER OF CONDITIONS EXTENSIONS:**

**40-1007 – 12 Liberty Rd** – Jo-Ann Andaloro et ux - the Commission voted unanimously to approve.

**40-1366 – 9 Neptune Road** – Thomas P. Cares – New House - Commission voted unanimously to approve.

#### **MINOR ACTIVITY PERMITS:**

**115 Front Street** – George Abatjoglou et ux – Install outhaul -Commission voted unanimously to approve with the condition that an eel grass map is submitted to verify there is none in the area, and that the harbormaster sign off on the conditions as well as add any that he suggests.

**173 Jersey Street** – John Pfister – tree removal -The Commission voted unanimously to approve with a condition to replace the tree with something that is noninvasive

**50 Pinecliff Drive** – Brian Poisson – Deck – The Commission voted unanimously to approve with the addition of a standard condition that the resource area is not used for storage during construction.

#### **PUBLIC HEARINGS:**

**40-1470 -12 Davis Road** – The Commissioner unanimously approved moving this discussion to the October Meeting.

**40-1489 – 36 Crestwood Road** – (no comments from DEP available yet) – pool and site work. All members voted to close the hearing. All four (4) members voted to issue an OOC with the following special conditions: to add a rain garden to contain any water running down the new stones steps. Also;

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.).

34. To the maximum extent possible, all driveways, terraces, patios or similar ground-level surfaces shall be constructed as permeable surfaces to allow water to infiltrate through their surfaces into the ground on site.

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.

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.

45. When a pool/spa/hot tub is to be drained, no chlorine or other chemicals are to be added to the pool water for a period of at least four (4) days prior to draining to allow for the chlorine and other chemicals to dissipate; and there shall be an appropriate sign placed permanently at or immediately adjacent to the pool/spa/hot tub drainage valve or mechanism indicating this requirement. The method of pool drainage shall be such as to prevent any soil erosion by the draining water and to allow the draining water to seep into the ground prior to entering any resource waters. No direct discharge to resource waters is allowed. 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](http://www.mnla.com) or [www.newfs.org](http://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".

**40-1490 – Nonantum Road – Bessom Assoc . Inc.** (DEP no comments available yet) All members voted to close the hearing. All members voted to issue an OOC with the following special conditions – Revised plan will be submitted that eliminates the concrete pads under the kayak storage racks, and replaced with some sort of pressure treated wood and/or crushed stone. Within three years of the completion of the project that applicant will make certain that the area is covered by non- invasive plants. Also;

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.).

34. To the maximum extent possible, all driveways, terraces, patios or similar ground-level surfaces shall be constructed as permeable surfaces to allow water to infiltrate through their surfaces into the ground on site.

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.

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**40-1491- 8 May Street-** Joseph Breed (No Comment from DEP available yet) - All members voted to close the hearing. All members voted to issue an OOC with the following special conditions

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#### **ENFORCEMENT ORDERS:**

13 Ramsey Road – Cheryl Brill – 310 CMR 10.00 Violation: alteration in a buffer zone to a resource area without filing a NOI – A discussion was had that concluded with Cheryl working with Charlie to find a site plan for the property and having Charlie help identify which forms to fill out.

Meeting was Adjourned at 8:13