

## **Marblehead Conservation Commission**

### **Meeting Minutes**

**February 10, 2022**

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:**

Approval of Dec 9<sup>th</sup> Min – Approved

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

**40 – 1002 – Neptune Rd – Peter Etholm et al – [LEC environmental] – pier ramp float**

All certificate of compliance requests were unanimously approved

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

**40-865 – 63 Beach Street – Doug Schluter – House, garage construction**

**40-1379 – 45 Beacon Street – Jonathan Putnam et ux – pool, deck, landscaping, invasive species**

**40-1378 – 11 Crown Way – Sheldon Frisch – house, landscaping**

All orders of conditions extensions were unanimously approved

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

**3 Park Lane – Ann Clifford [Ashley Perrine] – generator**

Approved

**157 Lafayette St – Emily Caress-Wheelwright – house addition**

Suggested that because the property is in the 200ft Riverfront area they need and NOI.  
Homeowner will work with Charlie on filling out an NOI and come back to another meeting

**32 Nonantum Road** – Lester McLaughlin – [McCormick Kitchens]- kitchen addition on existing foundation work was performed without a permit per the Conservation agent. No one appeared for the owner. No action was taken.

**MINOR MODIFICATION REQUEST:**

**40-1490** – Nonantum Road beach [Bessom Associates: Valerie White] – beach access stairs  
Approved

**40-1405** – 61 Naugus Ave – Alan November – [Collins Engineering] – modify pier and ramp footprint  
Net reduction of 30 square feet, all pilings stayed the same. Approved 2 years ago and Approved tonight

**40-1350** – Doaks' Ln- Little Harbor Realty LP – [Hayes] seawall repair modification  
Approved with a condition to use a barrier to prevent leaking of concrete, and a condition that There will be no cement mixing .

**PUBLIC HEARINGS:**

**CONTINUED PUBLIC HEARING:**

**40-1494** – 201 Ocean Avenue – Margaret Cook [Hancock Assoc. [Devon Morse]] – [DEP: No comments] – addition, landscaping – revised plans

Proposed stairs were not approved, there needs to be a revised drawing reflecting that.

Rest of project is approved unanimously

Approved with special conditions that the plantings along the coastal bank have a 5-year maintenance plan to ensure 75 percent of the plants survive. There will be annual reports to the conservation commission on the plantings.

Other conditions that apply:

32. This project shall not cause an increase in run-off onto adjacent properties or streets, either during construction or after completion. Appropriate measures shall be taken to prevent the movement of silt or debris onto adjacent properties, streets and Resource Areas.

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**

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- 21** Neptune Road – Petter Etholm et al [LEC environmental] [DEP: no comments] – pier ramp float

Hearing is continued to the March meeting

Marblehead requires an eelgrass survey that needs to be provided at next meeting.

**40-1497** – 20 Crowninshield Road – David Rosenzweig Tr. [Patrowicz]- [DEP: No comments] – pool, spa, decking

Project is approved unanimously with the condition that spacing of the wooden deck be at least ¼ inch to allow water to get through.

Other conditions that apply

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during construction or after completion. Appropriate measures shall be taken to prevent the movement of silt or debris onto adjacent properties, streets and Resource Areas.

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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.**

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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"**.

**40-1496** – 425 Ocean Ave – Lawrence Organ et ux, Trs.- [Patrowicz]- [DEP: No comments] – outdoor living spaces

Project was not approved in full.

A revised plan needs to be submitted that changes the work in the ledge area to be minimal and removed the proposed work of steps and a waterfall feature.

All Commissioners voted to approve revised plan with the following conditions applying.

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**40-1499** – 70 Nanepashemet-Slogood Properties - [Patrowicz]- [DEP: No comments] – house reconstruction

Project was not approved in full

The only tree that would be permitted to be removed would be the tree in the footprint of the proposed garage. Any other tree would need to be evaluated and then approved for removal from conservation commission.

The petitioner will also submit a plan for removal of invasive species to be replaced with native species.

All commissioners voted to approve with the following conditions applying

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**40-1500** – 102 Harbor Ave – Janet Himmel, Tr- [Patrowicz]- [DEP: No comments] – patio

Project was approved

Commissioners all voted in favor with the following conditions applying

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**40-1501** – 16 Hathaway Rd – Issac Dwyer et al -[Patrowicz]- [DEP: No comments] – House reconstruction Project was approved

Special condition of no roofing of siding work to be conducted in winds 30 MPH or above.

Commissioners all voted in favor with the following conditions applying

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**40-1498** – 27 Ballast Ln – Michael A. Tyrrell at ux - [Patrowicz]- [DEP: No comments] – seawall repair

Project was approved with all Commissioners voting in favor.

Special condition that work will be performed in a way that it will not wash away or dissolve cement or grout.

The following other conditions apply

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.

37. The construction of the pier/dock and any structure over the water permanently secured to the earth shall withstand a 100-year storm without damage to the integrity of the structure. All piers/docks shall conform to the requirements of Chapter 91.

38. Any pressure-treated wood proposed to be used in the construction of a structure for land-based use shall be arsenic-free. Any pressure-treated wood proposed to be used in the construction of a structure for salt water contact shall be treated with Chromated Copper Arsenate (CCA) or other preservative approved by the EPA and/or the MADEP which is less polluting and harmful to the salt water and its environment.

39. All piers, docks and floats must follow the guidelines established in the document, "Small Docks and Piers – A Guide to Permitting Small Pile-Supported Docks and Piers" dated November 2003. Float stops are permitted provided they meet the aforementioned guidelines.

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.**

41. Maintenance pointing and repairs of existing stone masonry walls and concrete walls including the replacement of an occasional missing stone or patching cracks and minor defects in a concrete wall are allowed as a surviving condition to this Order of Conditions. **The property owner shall inform the Conservation Commission in writing at least seven days prior to any proposed repointing or repair work on existing walls.** All dislodged and removed mortar/cement will be immediately contained and removed from the work site to prevent any such material from entering the resource waters. Any future razing, rebuilding or enlarging of the subject wall(s) will require the filing of a new Notice of Intent. **This condition shall survive this order.**

42. The repair/replacement of small sections of damaged caps on seawalls is allowed as a surviving condition. All dislodged and removed caps will be immediately contained and removed from the work site to prevent any such material from entering the resource waters. Prior to any work, the scope of the proposed repair/replacement must be approved by the Conservation Commission. If the cap on a major length or on an entire wall needs to be repaired/replaced, this requires an NOI. **This condition shall survive this order.**

46. All gangways, docks or other items not permanently secured to the earth shall be stored during the “off season” (late fall, winter, early spring) so as to prevent them from causing any damage to other structures or resource area. **This condition shall survive this order.**

47. All gangways, docks or other items not permanently secured to the earth shall be properly secured and/or removed in the event of a major storm so as to prevent them from causing any damage to other structures or to the resource area. **This condition shall survive this order.**

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51. Minor maintenance repairs to the superstructure only of the pier are allowed as a surviving condition of this order. Minor maintenance repairs are, typically, replacement of occasional deck boards, sections of hand rails, etc. Complete new decking, complete new hand rails or other such large repairs require an NOI. Minor maintenance repairs do not apply to the main support structure (stringers, bents, etc.) and do require an NOI. **This condition shall survive this order**

40 -81502 - 291R Ocean Ave – rear 291 Ocean Ave 1992 Realty Tr - [Patrowicz]- [DEP: No comments available yet] – house renovation

Suggestions was made that there should be more landscaping then lawn in the design.

The Applicant will resubmit with revised landscaping plan before construction

All Commissioners voted in favor with following conditions applying

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## **OTHER ITEMS FOR DISCUSSION**

### **Open Space Plan**

Send Brian Suggestions

Include a brand new element – that would be planning for effects of Climate Change.

Meeting was Adjourned at XX