

Marblehead Conservation Commission
Hearing Minutes
April 14, 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, Carole McCauley and Kristopher Meola. 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 March 10th hearing minutes – Approved

Order of Conditions Extension Request –

40-1274 – 21 Harbor Ave – Stephen Peabody et ux-house additions

40-1330 – 226 Ocean Ave – Steven Miller- sitework

40-1338 – 45 Beacon Street- Jennie Putnam et ux – pier repair

40-1305 – 45 Beacon Street – Jennie Putnam et ux – pool repairs

40-1318 – 45 Beacon Street – Jennie Putnam et ux – seaward repairs

40-1337 - 45 Beacon Street – Jennie Putnam et ux – seawall height repair

40-1241 – 29 Beacon Street – A. Alexander Arnold 111 – seawall repair

40-1339 – 33 Bradlee Rd – John Halsted et ux – landscaping

All orders of conditions extensions were unanimously approved

Certificate of Compliance Requests

40-1343 – 61 Naugus Ave – Alan November – Addition, sitework

40-1398 – 61 Naugus Ave – Alan November – deck addition, sitework

40-1410 – 61 Naugus Ave – Alan November – Deck addition, Landscaping

40-1479 – 26 Pequot Road – 26 Pequot LLC – House Addition – Kristopher recused himself, and stepped away from the hearing and vote.

The 26 Pequot Road certificate was approved unanimously. The certificate requests for 61 Naugus Ave were not approved due to lack of scheduled inspection by the applicant.

MINOR ACTIVITY PERMITS:

4 Corn Point Road – Mike Velji – Tree Removal – Owner will replace two trees taken down with two native trees of their choice - Approved

40-1463 - 50C Cloutman's Lane – Barry Kelly et ux – tree removal - Owner will replace the tree within the buffer zone. - Approved

191A Green Street – John Meador et ux – tree removal – owner will replace the tree with native tree. Approved

32 Nonantum road – Lester MacLaughlin – Kitchen Addition – Approved.

PUBLIC HEARINGS:

40-1507 – 29-67 Beacon Street – Boston Gas – Approved with Special conditions

Straw wattles shall be placed along the entire stretch of Grace Oliver's Beach.

Silt sacks shall be installed in all catch basins.

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.

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"**.

40-1508 - 26 Foster Street – David Kennedy et ux (Patrowicz) – (DEP comments: Patio pavers are proposed in portions of the VE Zone. Hard structures like pavers should be avoided in Velocity Zones as they can become projectiles in storm events.) – House Reconstruction

- Discussion of Blue Stone patio being turned into a walkway.
- Would be a reduction of impervious service
- Owner would need to replace trees that are taken down.

Order of Conditions

Filing of revised plan with revised impervious calculations – showing lip on the Sewall.

Owner will plant native replacement trees to replace the ones removed for access

Silt sacks and straw will be used and a landscape plan will be submitted later

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 or www.newfs.org. **This**

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109. Tarps shall be placed to capture all debris generated during the site preparation and concrete placement process. The tarps shall be cleaned continuously as work proceeds and removed between tides. If at any time the tarps are threatened with inundation through tidal or wave action, the tarps shall be removed immediately, and work shall cease in the intertidal zone.

Enforcement Orders –

Hoods Lane – Lime St. Realty Ltd – Partnership (Ted Moore) – MGLc. 131, \$40 Violation

- Dug out Lincoln woods.
- Propose hay bales/straw wattles for interim basis to prevent siltation of drain system.
- Violator has to fix the issue
- Charlie has to figure out what they have to do
- Need to file notice of intend
- Steps will be taken, that are approved by Charlie Quigley , to prevent sediment getting into drain.

OTHER ITEMS FOR DISCUSSION

Eagle Scout Project at Wares Pond – Don Morgan – Tree Removal – Agree to come before conservation commission before taking down trees.

17 Haley Road- The commission voted unanimously, as an abutter to 17 Haley Road, to approve the resident at 17 Haley road's application to the Health Departments from the installation of chicken run. The Agent was approved to sign the application on behalf of the Commission.

The hearing was adjourned.