

Marblehead Conservation Commission
September 8, 2016

Meeting was held in the lower conference room at the Mary A. Alley Building, 7 Widger Road, Marblehead, MA

Meeting was called to order at 7:58 PM

Present were Commission Members Chair Brian LeClair; Fred Sullivan; Barbara Collins-Rosenberg; David VanHoven; Michael Smith and Jesse Alderman. Also present were Becky Curran, Acting Conservation Administrator and Charlie Quigley, Town Engineer.

Charlie Quigley was introduced as the new Town Engineer.

HEARINGS

NOI 40-1248 – 20 Harbor Avenue

Appearing: Scott Patrowicz, Land Development Engineering and Curt Young, Wetlands Preservation, for Applicants, Lisa and George Katz.

Proposed: Construction of a new single family house including driveway, patio, deck utilities and landscaping and demolition of existing house.

Applicant noted there will be no living space or mechanical on ground floor. New structure will be “lifted” out of the flood zone.

Chair commented that outdoor kitchen area must be designed to withstand 100-yr storm.

No comments from DEP. No Questions or Comments from Public.

Motion to close, Motion 2nd, unanimous vote to issue an Order of Conditions, subject to the following Special Conditions:

32., 33, 35, 36, 40,55

Outdoor Kitchen and Spa area must be designed to withstand a 100-yr storm; design to be submitted to Town Engineer by Applicant prior to issuance of Order of Conditions.

NOI 40-1247 – 265 Ocean Avenue

Appearing: Scott Patrowicz, Land Development Engineering for Applicants, Kate and Frederick Flather, Trustees.

Proposed: Maintenance re-pointing and foundation repairs of a seawall for an existing single family home.

Applicant noted that this cross-section of the seawall was repaired in 2013.

In response to question from Chair, Applicant noted that base of the seawall is not under water at high tide.

In response to questions about recurrence of necessity of repair, Applicant noted that excavation by hand will occur to maximum depth of three feet and tie-in to existing boulders and ledge will use #10 rebar.

No comments from DEP. No Questions or Comments from Public.

Motion to close, Motion 2nd, unanimous vote to issue an Order of Conditions, subject to the following Special Conditions:

33, 35, 36, 38, 40, 41, 42, 54, 55, 102.

Maximum depth of excavation will be three feet.

All excavation will occur by hand.

Prior to work, a revised plan for the cross-section repair will be submitted to the Town Engineer showing that the rebar pinned into any ledge or boulder will be either #5 or #10 and the plan will be modified to show where the two different types of rebar will be used.

NOI 40-1249 – 18 Harborview

Appearing: Scott Patrowicz, Land Development Engineering and Applicant Diane E. Christien.

Proposed: Management of invasive species, vista pruning and new plantings of indigenous salt tolerant plants and installation of new kayak storage rack to replace existing.

Applicant noted that the owner of the lot is building a house on the adjacent parcel. There is raw land at the location that was previously landscaped.

In response to question, Applicant stated that they will be pouring concrete for new kayak storage and demolishing existing rack. Applicant committed to provide sketch to Town Engineer before construction of new rack.

Ms. Collins-Rosenberg noted that narrative of plans states that herbicides will be used for landscaping. Applicant committed to identify any herbicides prior to application.

No comments from DEP. No Questions or Comments from Public.

Motion to close, Motion 2nd, unanimous vote to issue an Order of Conditions, subject to the following Special Conditions:

33. 35. 38.40. 50.55.

Applicant will be required to submit in advance of any application, notice that identifies and provides further specification on which, if any, herbicides will be use and the method of application.

There shall be no construction of new kayak rack storage until the Applicant has submitted a sketch of the design that shows the materials to be used and construction process.

Applicant must remove all pruned and cut materials from property and properly dispose of same.

NOI 40-1249 – 12 Davis Road

Appearing: Scott Patrowicz, Land Development Engineering on behalf of Applicant JHR Davis Road Holdings LLC.

Proposed: Coastal bank restoration project, removal of invasive plant species, vista pruning and landscaping.

Applicant noted that the previous owner's landscape plan was approved as DEP 40-1091.

Members of Commission noted that trees as shown on plan cannot be removed simply for view improvement and conditions would be adopted accordingly.

No comments from DEP. No Questions or Comments from Public.

Motion to close, Motion 2nd, unanimous vote to issue an Order of Conditions, subject to the following Special Conditions:

40. 50. 55.

Applicant must remove all pruned and cut materials from property and properly dispose of same.

Applicant shall not remove the trees on plan submitted with application labeled "existing trees to be removed."

Applicant shall not remove the 12-foot pine labeled on plan submitted with application as "Existing 12' Pine (If in good condition to be vista pruned, otherwise removed)" unless Applicant first submits a satisfactory report on the condition of the tree.

REQUESTS FOR CERTIFICATES OF COMPLIANCE

Engineer letters were submitted and site visits conducted for the following:

40-1089 9 Corn Point Road – Rockett

40-1070 10 Corn Point Road – Rockett
40-1086 19 Edgemere Road – Eisenhower
40-1212 21 Edgemere Road – Eisenhower
40-1126 263 Ocean Avenue – Callahan
40-1168 361 Ocean Avenue – Lang
40-1149 39 Clifton Heights Lane – Finn
40-1097 18 Nonantum Road – Finn Welch
40-1220 11 Bradlee Road – OConnor
40-1235 1 Aldrich Terrace – Thibert
40-1132 295 Ocean Avenue – Geraty

Motion to Issue Certificates of Compliance; 2nd; Unanimous

ENFORCEMENT ORDER – 57 NAUGUS AVENUE – UNAUTHORIZED REMOVAL OF VEGETATION

Chair explained that the Conservation Agent received a phone call about removal of certain vegetation on the coastal bank. A site visit was conducted and an enforcement order issued. Owner of the property is in Texas and his representative Peter Lake appeared on his behalf.

Abutter at 55 Naugus Avenue, Mr. and Mrs. Bouche appeared. Abutter noted that loose material was likely still on site. Abutter also explained that tree was cut across their property line as shown on photograph in Commission materials. Abutter explained that removed vegetation was important to integrity of coastal bank and protection from erosion.

The Chair noted that the Commission would be interested in learning from the Abutter what specific restoration work they would like to see conducted.

Commission will (1) Issue a Fine; (2) Order an NOI for Restoration Work. The amount of the fine will be discussed at the NOI Hearing. The Conservation Agent will conduct another inspection and if there is still loose material on the site, the Commission will issue a further order to remove any loose plantings.

Documents signed.

Meeting adjourned.