

Marblehead Conservation Commission Minutes
August 10, 2023

This hearing was held remotely in accordance with former 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.

Present were Commission Members David Oster served as Chairman, Kate Melanson, Carol McCauley , Kris Meola and Conservation Agent Charles Quigley.

The hearing was 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 hearing is therefore four members.

The hearing was called to order at 7:07pm

DISCUSSION:

Approve minutes of prior hearing: July13, 2023 **The Commission voted unanimously to approve.**

40-1378 11 Crown Way-Robert Jacobs et ux-[Patrowicz] –request approval of a landscaping plan **The Commission voted unanimously to approve.**

ORDER OF CONDITIONS EXTENSION REQUEST[S]:

The Commission voted unanimously to approve the following extension request:

40-1352 165 Green St-Stephen Chaisson-new house and sitework

MINOR ACTIVITY PERMITS:

9 Corn Point Rd – Michael Campbell et ux-[Thomas Hutchings] - patio, pavers **The Commission voted unanimously to approve on condition of approval from Water& Sewer.**

Goldthwait Reservation - shed installation **Tim Geraghty spoke to install a 6x8 shed adjacent to the parking lot on the grassy area. The Commission voted unanimously to approve.**

<u>DEP file#</u>	<u>ADDRESS</u>	<u>APPLICANT</u>	<u>PROJECT DESCRIPTION</u>
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CONTINUED PUBLIC HEARINGS:

40-1545	10 Coolidge Road – Daniel J. Riccio, Tr –[Patrowicz] - [DEP: no comments] – house addition landscaping, site work [revised plan]	The Commission voted unanimously to continue to Septembers meeting.	
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PUBLIC HEARINGS:

Request for Determination of Applicability: 24 Cloutman's Lane – Patrick Connolly et ux – [Hayes]- Addition Joe Grilco, Peter Ogren and Lydia Szydlowska spoke **The Commission voted unanimously that the activities in the RDA require the filing of a NOI for this project.**

40-1552	16 Indianhead Cir.- Joseph Selby et ux –[Tucker Arch.] - [DEP: no comments] - deck expansion	
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Jeff Tucker representing the owner spoke. The Commission voted unanimously to approve the issuance of an Order of Conditions[OOC] with the following special conditions: The applicant shall submit an amended plan showing the changes that include the creation of the net zero increase in impervious surfaces under the patio, or under the deck. Also the OOC will include special conditions that are required in similar projects.

40-1553 80 Commercial Street- Marblehead Municipal. Light Dept – [John Dick] – repairs to the seawall and backfill.

John Dick spoke representing the owner. The Commission voted unanimously to approve the issuance of an Order of Conditions[OOC] with special conditions that are required in similar projects.

40-1554 24 Nonantum Rd-Paul Murphy-[John Dick] -[DEP: no comments available yet]- deck, railings landscaping and repairs.

John Dick spoke representing the owner requested to continue the hearing without opening the hearing due to comments from the DEP. The commission voted to continue to September without opening the hearing.

40-1556 2 Nonantum Rd – Paul Murphy. Pres. Bessom Associates Inc.-[Patrowicz] -[DEP: no comments available yet] –demo and rebuild a new house, sitework, landscaping. **Gregg Thibodeau the clerk of Bessoms for over 40 years would like to see this house approved. The Commission voted unanimously to approve to continue this hearing to September and to schedule a site visit for August 28th at 5:30pm.**

40-1555 0 Coolidge Rd-Greystone Reservation Tr.-[Patrowicz]-[DEP: no comments available yet] –Seawall and masonry repairs, invasive species management, sitework, landscaping **Commission voted unanimously to approve this on the condition Scott submit a landscape plan for are approval before commencing work. Commission voted unanimously to close the hearing and entertained a motion to approve the OOC with condition required in similar projects and specifically:**

A landscaping plan shall be submitted to the Conservation Commission Agent for approval prior to landscaping. After removal of the invasive species plants the Agent shall be contacted for inspection of the remaining surface. The applicant/owner will take any approved measures necessary to stabilize the ground.

ENFORCEMENT ORDER[S]:

40-1391 3-5 Gilbert Heights-Judith Schmid - alteration to resource area without a permit per 310 CMR 10.00.**They have not paid the \$3000.00 fine yet. They do have conditions that require monitoring and maintenance of that slope for a cetin period of time. They cannot apply for a certificate of compliance until the fine is paid.**

40-1192 Ralph Sevinor – [Hayes Eng’g.] – work performed outside the scope of the approved plans. **Peter Ogren and Joe Brillo spoke on behalf of Ralph Sevinor and Michelle Hatton from Ruben and Redman spoke on behalf on the William Nutt, the abutter who own 20 Foster St adjacent to this property. Commission voted unanimously to entertain a motion to ratify the enforcement order pending the submission of a retroactive NOI to be submitted at the next meeting.**

DISCUSSION:

Request for Determination of Applicability [RDA] question regarding flood zones [Patrowicz].**The Commission made it clear that if you are in a flood zone and want to expand your footprint you will need to file a NOI.**

Performance standards for new piers. **Moved to next meeting.**

Tree replacement continued discussion. **Moved to next meeting.**

The hearing was voted to be adjourned at 9:37pm