

Marblehead Conservation Commission Minutes
July 11, 2024

This hearing will be 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.

Present were Chairman David VanHoven, Dave Oster, Kate Melanson, Jessica Norton, Carole McCauley, Kristopher 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 7:01 PM.

DISCUSSION:

The Commission voted unanimously to approve the minutes of the prior hearing: June 13, 2024.

➤ **Transcript of Motion and Vote:**

David VanHoven (Chair): I would entertain a motion to approve the minutes from June 2024.

Kate Melanson: So moved.

David: Is there a second?

Jessica Norton: Second.

David: Alright, all those in favor. Kate?

Kate: Yes.

Dave Oster: Yes.

Jessica: Yes.

David: And myself is a yes. Minutes are approved.

Proposed forced drain installation through a Conservation Commission owned parcel at the end of Schooner Ridge right of way **Charlie Quigley provided background information about the issue, explaining that the final parcel at the end of Cloutman's Lane had been built in a low area and was prone to flooding. A temporary forced drain had been installed decades ago to prevent flooding. The discharge piping was installed on the surface over private land and Conservation Commission land. The discharge onto Schooner Ridge and created a nuisance for the residents of Schooner Ridge. The parcel owned by the Commission was reserved for connecting Schooner Ridge to Clouting's Lane, but the residents had previously preferred not to connect. Engineer Dan Powers of The Morin-Cameron Group was also present to speak on this topic. He proposed a plan to address drainage issues by installing new pumps and a force main on conservation land, which would be connected to the existing drainage system at Schooner Ridge. The Commission discussed the potential impact of pumping water from one catchment to another, with Charles assuring that there had been no negative impacts over the past 30 years. The proposed solution also involved burying the existing force main, with minimal visible impact. They also discussed the current state of the house's sump pump, with David suggesting a revision to accurately reflect its position. The Commission discussed granting a license to a homeowner to install a 3-inch force main across the town's parcel, with the homeowner responsible for any drainage issues and maintenance. The Commission unanimously voted to approve.**

➤ **Transcript of Motion and Vote:**

David (Chair): I would entertain a motion to approve the installation of a 3-inch force main across our town-owned parcel with a condition that all state and local stormwater requirements for erosion, control, and sedimentation are incorporated during construction on our property.

Dave: So moved.

David: Is there a second?

Jessica: Second.

David: Okay, all those in favor. Kate.

Kate: Yes.

Carole: Yes.

Dave: Yes.

Jessica: Yes.

Kris Meola: Yes.

David: And myself is a yes.

The Castle Rock Project – Kathi Helmes – Safety and accessibility enhancements **Kathi Helmes**
of the Marblehead Neck Association presented a plan to enhance Castle Rock and make it ADA compliant by extending and replacing the sidewalk with a permeable material, eventually adding some native plants and pollinators in. The Commission advised working with the Recreation & Park Commission on the next steps and then submitting a minor activity permit request package once they have a firmer plan in place and detailed on paper.

ORDER OF CONDITIONS EXTENSION REQUEST[S]:

40-1137 21 Goodwins Ct. – Stephen Gallagher – home improvements **The Commission voted unanimously to approve.**

➤ **Transcript of Motion and Vote:**

David (Chair): I would entertain a motion to approve the Order of Conditions extension request for 40-1137.

Kris: So moved.

David: Is there a second?

Dave: Second.

David: Okay, all those in favor. Kate?

Kate: Yes.

Carole: Yes.

Dave: Yes.

Kris: Yes.

Jessica: Yes.

David: And myself is a yes.

MINOR ACTIVITY PERMIT REQUEST[S]:

7 Kimball Street – Ann Robie – Chandler Hovey Park – trimming vegetation within Chandler Hovey Park property
Bob Clarke of Alan & Major Associates spoke representing the applicant. He presented a plan to manage the growth of overgrown vegetation in a coastal buffer zone, including invasive species, while avoiding the removal of all plant material. Several commissioners raised concerns about the responsible management of the trimming, emphasizing the need for selective pruning to avoid inhibiting tree growth. Bob agreed, stressing the importance of maintenance and selective pruning. It was clarified that Peter James of the Rec and Park Department will be the one to eventually file a minor activity permit request on behalf of the town as it is town property. Dave

also emphasized the need for selective pruning without removal and noted that if any removal does occur, it will be expected to be mitigated. The Commission voted unanimously to approve the minor activity permit with a special condition.

➤ **Transcript of Motion and Vote:**

David (Chair): I would entertain a motion to approve the minor activity permit with a special condition that any non-invasive plant, any non-invasive species be selectively pruned only.

Kris: So moved.

David: Is there a second?

Jessica: Second.

David: Okay, all those in favor.

Kris: Yes.

Jessica: Yes.

Katie: Yes.

Carole gave a thumbs up to signal yes.

Dave: Yes.

David: And I am a yes.

CERTIFICATE OF COMPLIANCE REQUEST[S]:

The Commission voted once unanimously to approve the following twenty-one Certificate of Compliance requests:

40-1211	45 Beacon St – Jonathan& Jennie Putnam – seawall repairs
40-1305	45 Beacon St – Jonathan& Jennie Putnam – pool repairs
40-1318	45 Beacon St – Jonathan& Jennie Putnam – seawall repairs
40-1337	45 Beacon St – Jonathan& Jennie Putnam – seawall repairs
40-1338	45 Beacon St – Jonathan& Jennie Putnam – pier repairs
40-1379	45 Beacon St – Jonathan& Jennie Putnam – pool repairs
40-1543	45 Beacon St – Jonathan& Jennie Putnam – pool repairs
40-1548	45 Beacon St – Jonathan& Jennie Putnam – new garage
40-1445	11 Susan Road – Jon Waldo – restoration, invasive species management
40-1378	11 Crown Way – Robert Jacob – house, seawall deck repairs, landscaping
40-1435	17 Nonantum Rd – Bessom Associates Inc. – new home
40-1437	21 Sunset Rd – Charles Smith – seawall, house, deck repairs, landscaping
40-1547	102 Harbor Avenue – Janet Himmel Trustee – embankment and seawall repairs
40-1500	102 Harbor Avenue – Janet Himmel Trustee – wooden patio
40-1510	102 Harbor Avenue – Janet Himmel Trustee – pier repairs
40-1505	325 Ocean Avenue – Hugh Scandrett – house additions
40-1537	325 Ocean Avenue – Hugh Scandrett – drain connection
40-1519	325 Ocean Avenue – Hugh Scandrett – porch/sunroom
40-1523	325 Ocean Avenue – Hugh Scandrett – seawall replacement
40-1524	323 Ocean Avenue – Marjorie Alexander - seawall replacement
40-666	1 Liberty Ln – Philip Norcross – 2 nd Floor addition

➤ **Transcript of Motion and Vote:**

David (Chair): I would entertain a motion to approve the Certificate of Compliance requests for 40-1211, 40-1305, 40-1318, 40-1337, 40-1338, 40-1379, 40-1543, 40-1548, 40-1445, 40-1378, 40-1435, 40-1437, 40-1547, 40-1500, 40-1510, 40-1505, 40-1537, 40-1519, 40-1523, 40-1524, and 40-666.

Dave: So moved.

David: Is there a second?
 Kris: Second.
 David: Okay, all those in favor. Katie?
 Kate: Yes.
 Dave: Yes.
 Kris: Yes
 Jessica: Yes.
 Carole: Yes.
 David: And I'm a yes.

40-1482 Sunset Rd – Ocean Park Civic League – ramp and pier repairs. **This request was not voted on as the applicant did not contact Charlie Quigley to inspect the location.**

DEP file#	ADDRESS	APPLICANT	PROJECT DESCRIPTION
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PUBLIC HEARINGS:

40-1575 371-375 Ocean Ave – Philip Gianatasio – [Patrowicz] - [DEP: no comments] house/seawall repairs, sitework **Scott Patrowicz spoke representing the applicant. He presented a proposal for repairs to the seawall, roof, deck boards, driveway, tennis court, and landscaping. No members of the public were present to comment. The Commission voted to close the hearing and approve an Order of Conditions with special conditions.**

➤ **Transcript of Motion and Vote:**

David (Chair): I would entertain a motion to close the hearing.
 Kris: So moved.
 David: Is there a second?
 Jessica: Second.
 David: Okay, all those in favor of closing the hearing. Katie.
 Kate: Yes.
 Dave: Yes.
 Jessica: Yes.
 Carole: Yes.
 Kris: Yes.
 David: And myself is a yes. The hearing is closed. Now I would entertain a motion to issue an Order of Conditions with the following special conditions: 33, 34, 35, 36, 38, 40, 41, 54, 55, 102.
 Kris: So moved.
 David: Is there a second?
 Jessica: Second.
 David: Okay, all those in favor. Katie?
 Kate: Yes.
 Dave: Yes.
 Jessica: Yes.
 Carole: Yes.
 Kris: Yes.
 David: And myself is a yes.

Special Conditions for 40-1575:
During construction:

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.

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.

Post-construction/in perpetuity:

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.**

54. The control drawing/s for this project were prepared by a licensed Professional. The construction of this project shall be regularly inspected by said licensed professional to insure that the project complies with the control drawing/s. Progress reports shall be submitted by said professional at regular intervals while work is progressing on the project. The reporting interval shall be determined by the Conservation Administrator based on the scope and anticipated duration of the project. Upon completion of the work authorized by this OOC, said licensed professional shall submit a written statement to the Conservation Commission certifying that the completed work is in substantial compliance with the control drawing and setting forth any deviations that may exist between the completed work and the plan approved by the Conservation Commission.

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".**

102. A tarp will be laid down at the base of the seawall during all repair work to capture all construction debris. The tarp will be on the seaward side of the seawall. The tarp will be rolled up and dumped into a disposal trailer as required throughout the work day and will be removed at the end of each work day.

DISCUSSION:

Tree Discussion **This topic was deferred to the August meeting.**

The Conservation Agent announced that August would be his last hearing due to retirement. He stated the Commissioners would need to host future zoom hearings. Kate Melanson agreed to host in September.

The hearing was voted to be adjourned at 7:59 PM:

➤ **Transcript of Motion and Vote:**

David (Chair): All those in favor of ending the meeting, we'll just do a hand vote.

All Commissioners raised their hand.

David: Alright, thanks everybody.

Minutes taken by: Amanda Viecegli