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Office of the  
**SELECT BOARD**  
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Thatcher W. Kezer III  
Town Administrator

## MEMORANDUM

To: Select Board  
From: Thatcher Kezer, Town Administrator  
Date: August 13, 2025  
Re: Town Administrator Update

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This memorandum provides a consolidated summary of key ongoing projects, operational updates, and upcoming initiatives currently underway across town departments.

### **Cove Lane Property Ownership**

The Town, in coordination with its legal counsel, is actively reviewing historical property records and deeds to determine the precise ownership status of Cove Lane, a roadway that provides access to a beach area. For decades, it had been generally understood that the Town held full ownership of the lane based on transactions dating back to the early 1900s. However, preliminary research now indicates that Cove Lane may be jointly owned by the Town and several private property owners whose parcels abut the roadway. The beach area at the end of the lane is confirmed to be Town-owned and remains open to the public without dispute.

Recently, some private residents have asserted that they hold sole ownership of Cove Lane and have suggested the possibility of restricting public access. Under Massachusetts property law, if the lane is jointly owned, no single owner has the authority to block or restrict the rights of access of any other owner, including the Town. This joint ownership status would therefore preserve the Town's legal right to use and maintain the property for public benefit.

The Town's legal counsel is now conducting a detailed title examination and historical deed review to confirm the official ownership record. Once this research is complete, the Town will determine appropriate next steps, which may include formal legal action, public notification, or coordination with other owners to ensure continued public access and the protection of municipal property rights. In the interim, no changes to public access will be made.

## Cliff Street Boatyard Cleanup

The cleanup of the Cliff Street Boatyard is now in its final stage and represents a successful conclusion to a long-standing environmental compliance matter with the Massachusetts Department of Environmental Protection (MassDEP). Vertex has prepared a draft **Permanent Solution with No Conditions (PSNC) Statement** for the Underground Storage Tank (UST) Release closure, which has been reviewed by Collins. This statement is the highest level of closure determination available under the Massachusetts Contingency Plan (MCP) for environmental cleanups.

A PSNC means that all required environmental remediation work has been completed to a standard that ensures **no significant risk to human health, safety, public welfare, or the environment**, both now and in the foreseeable future. In practical terms, this designation confirms that the contamination from the release has been addressed to the point where the site can be used without any restrictions, special monitoring, or ongoing controls. This is in contrast to other closure options that may require long-term monitoring, deed restrictions, or use limitations to protect the public.

The analytical testing results for the Cliff Street Boatyard have met these unrestricted-use standards, allowing the Town to close this MassDEP file permanently. Once the final documents are prepared, Alex will sign the MassDEP Form BWSC 104 as the authorized Town representative, and Vertex will submit the package to DEP. DEP has expressed support for the Town's efforts to bring this older release into compliance and does not anticipate any issues with submission timelines.

This outcome not only resolves a regulatory obligation but also restores full, unrestricted use of the site, eliminating potential liability and ensuring environmental safety for the community.

## Smith Street Rail Trail Crossing Ribbon-Cutting

On Tuesday, August 26, 2025, at 4:00 PM, the Town will hold a ribbon-cutting at the Rail Trail crossing at Smith Street (near the Post Office) to celebrate completion of the Marblehead Rail Trail Showcase Project and to share information on the Marblehead Rail Trail Master Plan. The Showcase Project delivers visible, near-term upgrades that demonstrate the Town's long-range vision for the corridor—improving safety and accessibility, enhancing the user experience, and introducing consistent wayfinding and amenities—while inviting public input on the full master plan. A brief program of remarks and an overview of next steps will follow the ribbon-cutting. The event is open to the public and are encouraged to attend.