

Marblehead Planning Board

Minutes of Meeting

January 31, 2012

Members present, Phillip Helmes, Edward Nilsson, James Bishop, Kurt James and Karl Johnson. Others present Rebecca Curran town planner.

A quorum being present the meeting was called to order at 7:30 pm. in the selectmen's meeting room in Abbot Hall.

Cont from Public Hearing – 5 Fieldbrook Road/ Longview Drive – land disturbance permit, site plan approval, modification of subdivision form c.

The chairman read the public hearing notice. Explaining that the notice was advertised in the Marblehead Reporter on December 22 and again on December 29, 2011. The public hearing was opened on January 10, 2012 with no evidence taken and continued until tonight.

Robert McCann Attorney explained that he is representing Mario and Camille Agenica who are the property owners. They have a purchase and sale agreement with Paul Cagginano who is represented by Attorney Emmanuel Rabbit.

Mr. McCann ran through the history of the site and the project and submitted a list of the issues that are open issues in hopes of clarifying the process.

The road elevation was the major modification of the subdivision approval. Mr. Cagginano, the developer wished to do less blasting so the road is at an elevation higher than what was originally proposed. The applicant then went over the items that were requested by the neighbors and their peer review consultant. They agree to most of the neighbors requests they proposed discussing the items requested that they don't agree to a designated truck removal route - never done that before and feel it is unnecessary since there is not a lot of options and will go the way the truck is going. They felt provide groundwater mounding analysis not necessary. Earthen berm on lots 5 & 6, lower foundation drains for lots on 5 and 6 and deed covenant restricting swimming pools

Peter Ogren engineer from Hayes engineering representative of Paul Cagginano ran through the reasoning why then explained the footprint changes in greater detail and the lot changes Lot 1 and 4 jog in footprint 85 increase in lot 4 lot 5 minor jog lot 6 change in orientation and garage flipped. Increase 128 s.f.

Lot 7 shifted reduced the square feet reason for changes in footprints people want to build a specific house and others made the room too change in profile made sure overall watershed and grading remains the same

Profile 5% 10-12000 yard of material would not have to be taken out

Marblehead water and sewer they incorporated the changes he asked for ledge is close to surface so they asked for overflow in chambers emergency overflow during snow melt to e original plan called for leach chamber he was concerned they were too close nd deeper in design and asked they to more the remedy is intercept with a catch basin with cultic chambers the closest house would be a new house.

No mounding calculation infiltration

The board stated that they would require a condition to move hydrant in accordance with fire and water and sewer and Fire Chief.

Higher houses the actual height of house does not change the height of house because the existing grade

Phil Helmes asked if the houses will comply with zoning

On lot 6 they have a 80' buffer zone they would like to increase 10 and add screening

Paul Caggiano the footprints are minor and the buffer changes minor and the profile will reduce the amount of blasting and trucks.

Phil Helmes asked if the height no higher than what has already been approved.

The retaining wall was discussed. The board felt it should be constructed of stone from site or concrete to mass code standard faced with stone

Pete McNamara the blasting contractor for the project Explosive Technology showed a blasting plan color coded plan showing cuts profile explained the process of blasting. He stated the original plan that was approved 3' deeper cuts 12500 cubic yards approved 19016 additional 28 working days for new profile or 44 days of additional blasting

The Ledge and granite hard rock with some fractures. It will also result in fewer trucks

The process includes a monitoring plan pre blast survey 250' all structures significant abutter 55 houses going to home going through house with video camera.

The monitor vibrations during blasting and the fire dept. will have detail present on the site.

Tom Houston of PSC Inc. represents a group of eleven neighbors. He went through memo dated January 31, 2012.

The number 1 issue is the concern that his clients have with respect to the new profile the subdivision as originally approved the revised profile raised issues of eight and want the houses to be in harmony with existing neighborhood.

The higher they are they would be larger exaggerates the fact that there is a different scale between the existing neighbors and the new subdivision. The adverse effect on abutting lots the 11 neighbors like the old profile better. They would also like a condition metes and bounds and restrictive covenants and delineation of the no disturb zone, a condition that a truck route be submitted, mounding calculations performed, no pools allowed in future. A condition that there be no blasting and that if there is blasting then funds held in the event there is damage caused.

Kurt James asked what the problems with pools were. Mr. Houston answered more blasting and possible more run off.

Phil Helmes asked the applicant to address the fundamental issue of the height of buildings.

Bob McCann responded that the height of the houses will not be higher same elevation.

Peter Ogren did not do mounding calculations. He felt they were not necessary since decent gravel soils net reduction in flow in the now tired into drains. New recharge structure is closer to a house now 30 by recharging closer

Bob McCann Swimming pools no pools are proposed but they object if someone in the future wants to come in they can.

Blasting no additional payment customary procedures would be used.

Mr. Henige - 40 Longview Drive asked about blasting. Told that a blasting plan is submitted to the town fire department and will be on file asked for more detail on blasting plan

Wendy Decaureau - 50 Longview Drive asked if blasting changes radon levels. Blaster responded that he had never heard of it fissures actually works in reverse may have alternative path

The blaster ran through the conditions

Blasting pre blast survey inspection company letter liability insurance 1 million 3 million through independent survey

Pre blast survey independent go into homeowners residents looking for cracks look for cracks protects in their best interest to can't hurt the homeowner

Ed Nilsson suggested that a condition should be placed on the decision upon completion of the framing or foundation that they certify elevation of height by surveyor

Phil Helms suggested that the deed restrictions wording be reviewed by town counsel no field prior to issuance – maintenance town counsel how to word at registry of deeds

A motion was made and seconded to close the public hearings Land disturbance, site plan and subdivision control. All in favor (5-0)

The Planning Board discussed the Special Permit criteria standards.

The town planner ran through the conditions discussed.

Standard construction practices conditions plus

- Upon completion of the project, the developer shall be required to re-pave Fieldbrook Road and other surrounding roads if pavement has been damaged by project related construction vehicles. This shall be done in coordination and consultation with the Director of Department of Public Works.
- No construction vehicles shall be allowed on Longview Drive West.
- No construction vehicles shall park on neighborhood roadways. All construction vehicles shall park on site.
- There shall be no on site rock crushing operation. All rock crushing must be conducted off site.
- If insufficient ledge is found in the area of the proposed ledge faced, a retaining wall shall be constructed in its place subject to the approval of the Town Engineer.
- All blasting shall be under the local control of the Marblehead Fire Department and shall be regulated by the requirements of CMR 13. This shall include the blast analysis, blasting plan, pre and post blast surveys, fire detail, horn sounding etc.
- A designated truck route shall be developed and submitted to the Police Chief for review and approval.
- There shall be a no cut no disturb zone shown as Buffer zone on approved plans varies in size on each lot with the exception of allowing retaining walls to be built within the no cut zone of lot 5.
- The retaining wall shall be constructed of or faced with rock.
- The no cut buffer zone shall be marked during construction by a snow or silt fence in the location shown on plan entitled 'Revised Definitive Topographic Plan Camille Terrace Marblehead Mass prepared by Hayes Engineering dated November 21, 2011 revision dates, December 15, 2011 and January 4, 2012.
- The boundary of the land subject to a deed restriction that should be clearly demarcated by metes and bounds as shown on the plan as "limit of work line" entitled 'Revised Definitive Topographic Plan Camille Terrace Marblehead Mass prepared by Hayes Engineering

- The no cut zone should be protected by deed restriction running with the land providing for protection of existing trees and shrubs and prohibiting alteration of existing grades.
- Installation of landscaping will be completed after the site work or at the time of framing. On Lots 5, 6 & 7 in the case where no foundation permit is issued then the landscaping shall be installed within six months of the completion of the roadway.
- Buffer zones may be cleaned up through removal of dead vegetation and limbs and debris by hand.
- Any clean out of debris and any supplemental plantings must be reviewed and approved by the Town Planner prior to any removal or plantings.
- This decision shall be maintained in perpetuity and language must be included and recorded on each property's deed. The deed language must be approved by the town counsel prior to the issuance of a building permit.
- If during construction any of this area is disturbed the Town Planner shall make a determination for replacement vegetation of the same or similar species and size as the damaged vegetation.
- Limits of Said Buffer zone will be staked in the field and remain staked during construction.
- A minimum of fourteen (14) street trees shall be installed along proposed Camille Terrace as shown on approved plans. Any change in location must be approved by the Town Planner. Exact species to be determined by the town. These trees shall be installed prior to the issuance of the first Certificate of Occupancy.
- All street trees shall be a minimum 2 ½" caliper. The species shall be approved by the Town Planner prior to installation.
- Screening between 3 Fieldbrook Road property and Lot 7 shall be planted with nine evergreen plantings a minimum of six feet in height at the time of planting. The species shall be approved by the Town Planner prior to installation. The area to be planted is presently ledge. As agreed a planting "basin or swale" shall be created to accommodate the planting of said vegetation.
- Screening between Lot 5 and the abutting properties on Londonderry Road shall be planted with a variety of evergreen trees and shrubs to form a dense buffer of vegetation. In accordance with the plan L-1 dated January 2008 prepared by James Emmanuel Associates of Swampscott, MA. Installation shall be overseen by the Town Planner.
- Prior to any construction, the developer shall walk the property, including the perimeter and property lines, with the abutters and submit a survey of mature trees to the planning board prior to the issuance of a building permit. All trees in the buffer zone shall be protected. All mature trees identified elsewhere on the property should be saved if practicable. These trees shall be shown on the proposed plans prior to any approval. Those trees slated to remain shall be indicated in the field with clear markings of stakes, ribbons or silt fence.
- All mature trees on the abutters' properties whose root systems extend onto the proposed development site shall; a) be identified; b) be marked clearly with stakes indicating where the root systems begin; and c) a temporary silt fence be placed around them so the measure of the radius of half their height is visibly marked and

the trees protected from excavation, blasting, grade changes, and from compaction by heavy machinery or debris from excavation.

- All utilities under ground
- The blow off at the end of the proposed water main shall be a standard hydrant
- Post development rates of site run-off shall not exceed pre-development rates for runoff.
- The street drain system has been extended to the top of the cul de sac
- Overflows from filtration galleries shall be hard piped to the street drain system to prevent flow across the sidewalk.
- Infiltration shall be focused away from areas with shallow depth to bedrock. A new gallery has been proposed off the road at the northern end of the site to receive surface run off from the swale running along the eastern sideline of the development.
- A stormwater treatment unit has been relocated and resized to accept and treat the street drainage discharge entering the municipal system.
- Drainage pipe material SDR35 PVC.
- The building materials of the new buildings shall be limited to predominately wood, brick or hardie board (smooth side out only) siding and asphalt shingles.
- Footprint of new houses will be within the footprints shown on each individual lot as shown on the plan of record. An inspection shall be completed on each of the houses after framing is completed in order to determine the height of the building, to insure that it is in compliance with the height regulations in the zoning bylaw.

The Board voted (5-0) (Helmes, Johnson, Bishop, Nilsson & James) to approve the application as complying with the requirements for the issuance of a special permit subject to the conditions discussed. approved an application to construct a seven lot subdivision including the construction of seven single family residences, a roadway and associated improvements, pursuant to Site Plan Approval Special Permit Section 200-37 of the Marblehead Zoning Bylaw and a land disturbance permit pursuant to chapter 195 Storm water and Erosion control bylaw of the town of Marblehead bylaws.

### **Minutes**

A motion was made and seconded to approve the January 10, 2012 minutes as written. All in favor.

### **2011 Town report**

The board reviewed the draft town report as prepared by the town planning a motion was made and seconded to approve the report as written. All in favor.

Respectfully submitted,

Rebecca Curran

