

## Marblehead Planning Board

### Minutes of Meeting

October 28, 2014

Members present: Phil Helmes, Jim Bishop and Paul Elser. Others present: Becky Curran – Town Planner

A quorum being present the chairman called the meeting to order at 7:30 pm

**22 Foster Street/Sevinor** – Attorney William DiMento – explained that he was before the board to request that an application be allowed to be withdrawn without prejudice. The board approved the project and issued a special permit in January of 2012 which was appeal by an abutting property owner. The judge remanded it back to the board for the purpose of withdrawing.

A motion was made and seconded to allow the application to be withdrawn without prejudice. All in favor.

**Camille Terrace** – The town planner explained that this public hearing is on a modification of the definitive plan. Eric Lane project Engineer from Hayes Engineering of Wakefield representing the developer, explained that the change is to eliminate the Arborvitae that were to be planted between the lot 7 and 3 Field brook Road. The owner of lot 7 prefers that the vegetation that is there remain and the owner of 3 Field brook Road asked that in lieu of the plantings a strip of land identified as lot A be conveyed to his property. Bethany Stranegelo from Haley and Ward Inc., the planning board's inspectional engineer on this subdivision stated that Haley and Ward had reviewed the modification and had the following comments, on the conveying of Lot A she suggested that the board should make certain that the five foot tree easement to access/maintain street trees be retained; also the transfer of Parcel A to the 3 Field brook Road parcel will create additional frontage for 3 Field brook Road and makes it a lot with more 200 feet of frontage and just shy of 20,000

Anthony Dylan Vizey 10 Longview Drive wanted to make sure that this would not compromise the intent of the no cut no disturb zone. The engineer explained that this was outside of the no cut no disturb zone and that no changes are being requested within the no cut no disturb zone. The town planner explained that the only things permitted within the zone are removal of dead or trees in poor health after a report from a certified arborist was received by the town and the town would have a certified arborist review and approve in writing. No other changes are permitted. Admittedly the no cut no disturb zone on lot 5 is slightly different since it was permitted to be disturbed and planted at the time of permitting.

Owen Mathieu 44 Longview Drive want to know how the integrity of the no cut no disturb zone is holding up. The town planner answered that there had been an encroachment on lot 2 which has been corrected and the owner of lot 6 inquired about making changes which were not approved and lot 5 has some issues with new plant material being dead or in poor health.

Pamela Milligan 40 Longview had concerns and wanted to ensure things would remain

The town planner stated that in accordance with the subdivision rules and regulations a copy of this modification was sent to the police, fire, health, building, DPW, Water & Sewer and conservation commission and no one had any problems with the modification.

### **Discussion 9 Camille**

Jeffrey Zunick the owner of 9 Camille Terrace spoke to the board about his no cut no disturb zone. He asked the town planner if he could do some regrading and remove some trees and was told he could not. He wanted to ask the board the same question and explained his position that he wanted more room and less shade. The board explained that no regrading would be permitted in the no cut no disturb zone at all. The only thing that could be permitted is what is listed in the deed restriction: dead trees and trees in poor health could be allowed to be removed if a report from an arborist was submitted and the town's arborist reviewed and concurred. The board understood his concerns.

### **Approval meeting minutes**

A motion was made and seconded to approve the meeting minutes of October 14, 2014. All in favor.

The meeting was adjourned

Respectfully submitted,

Rebecca Cutting