

**CONSERVATION COMMISSION  
MINUTES OF SEPTEMBER 27, 2007**

Meeting was held in the lower conference room at the Mary A. Alley Building, 7 Widger Road

Meeting was called to order at 7:00 PM

Present were: Commission Members Walt Haug, Craig Smith and Fred Sullivan. Mark Klopfer arrived at 8:00 PM. Also present were Jan Smith, Associate Member, and Doug Saal, Conservation Administrator.

The hearings were conducted under the Massachusetts Wetlands Protection Act and the Marblehead Wetlands Protection Bylaw.

Note: The commission currently has only five 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 meeting is therefore three members.

**Approve Minutes:** The minutes of 09/13/07 were approved.

**Sign Documents:** All documents per the agenda were signed.  
COC 40-153 was approved by all members.  
COC 40-434 was approved by all members.  
COC 40-464 was approved by all members.  
COC 40-551 was approved by all members.  
COC 40-757 was approved by all members.

**Old/New Business:**

(M. Klopfer arrived at 8:00 PM)

**40-930 Chadwick Lead Mills NL Industries:** A Request For Proposal for peer review dated September 20, 2007 was sent to Vine Associates, Inc. and WoodsHole Group on September 20, 2007. Included with the RFP was a copy of the NOI and all information as presented in the hearing on September 13, 2007. Proposals were received from both firms on September 26, 2007. Both proposals were reviewed for (1) response to the basic request of the RFP, (2) qualifications of the firms and their staff and (3) cost. It was judged that both firms are capable of performing the peer review. However, the response from Vine Associates did focus more on the long term maintenance of the bank and offered a lower cost. All members voted to engage Vine Associates. All members voted to authorize D. Saal to sign the letter contract with Vine Associates.

D. Saal will contact Vine Associates to arrange for a site visit. Target dates are Tuesday, Oct. 9, Wednesday, Oct. 10 or Thursday, Oct. 11 all in the afternoon after 1:00 PM. It is anticipated that this site visit could also serve as the meeting prior to starting

the review. Per Vine Associates, it is anticipated that the review can be completed by October 15.

Referring to an email dated September 21, 2007 from Dan Garson of Woodard & Curran to D. Saal, the commission unanimously agreed not to allow W&C to contact Vine Associates directly during the review process. In the interest of transparency and to insure maximum public review, the commission wants all discussions, questions and clarifications to be open to the public. D. Saal will respond to the above email.

W. Haug reminded the commission that he is a member of the Marblehead Open Space Committee. He has informed this committee that if the subject of Lead Mills is ever raised, he will recuse himself from any discussions on this subject.

**Forest River Conservation Land:** The Marblehead Conservancy will present a proposal to do work at Forest River on October 11, 2007.

**Open Space and Recreation Plan:** F. Sullivan was asked if he would consider joining the team re-writing this plan.

The meeting was adjourned at 8:30 PM.