

Essex Conservation Commission

November 20, 2001 - Minutes

Present: Edwin Perkins, Chairman, Robert Brophy, Wallace Bruce, Stephen Gersh, Philip Lake.

Meeting called to order at 7:37 p.m.

A continuation of a Request made by Peter Van Wyck for the Conservation Commission to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, for the installation of a foundation drain and regrading at Lot 34, Turtleback Road, was heard at 7:38 p.m.

Board member P. Lake removed himself from any discussion because of a possible conflict. Peter Van Wyck said he reviewed the foundation drain with his engineer. He said the drain could be moved to the street, with the flow then ending up in the retention pond. He asked the Board if they wanted to remove the drain entirely, or put it in front of the house for emergency use only. P. Van Wyck was asked how it would be used for emergency use only. He said it would not be used, it would be there just in case. It was recommended that the drainage remain as shown on the revised plan dated November 2, 2001.

R. Brophy moved to issue a negative Determination to Peter Van Wyck for Lot 34, Turtleback Road, per the revised plan dated November 2, 2001, seconded by S. Gersh, with W. Bruce, R. Brophy, S. Gersh, and E. Perkins voting in favor; P. Lake abstained.

A Request made by Jeffrey Azadian for the Conservation Commission to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, for a second floor addition to an existing dwelling at 97 Western Avenue was heard at 7:50 p.m.

J. Azadian told the Board he would like to construct a 10'x10 and 8'x12' addition over the existing first floor. The footprint would not change in any way. The Board reviewed the submitted plan.

S. Gersh moved to issue a negative Determination to Jeffrey Azadian, 97 Western Avenue, seconded by W. Bruce, with the Board voting unanimously in favor.

A request for a Certificate of Compliance was made by Charles Coose, Jr., 95 Western Avenue.

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R. Brophy moved to issue a Certificate of Compliance to Charles Coose, Jr., 95 Western Avenue, certifying that work regulated by Order of Conditions D.E.P. File Number 21-0434 has been satisfactorily completed, seconded by W. Bruce, with the Board voting unanimously in favor.

A Request made by Shirly Burnham for the Conservation Commission to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, for soil testing at Lot 3, Landing Road, was heard at 8:00 p.m.

R. Brophy removed himself from any discussion because of a possible conflict. Engineer Clay Morin represented Shirley Burnham. C. Morin told the Board he has staked out the area for the soil testing and also added to the plan a footprint of the dwelling. He noted that this Request was for the soil testing only. The Board reviewed the submitted plan.

S. Gersh moved to issue a negative Determination for soil testing to Shirley Burnham for Lot 3, Landing Road, seconded by W. Bruce, with S. Gersh, W. Bruce, P. Lake and E. Perkins voting in favor; R. Brophy abstained.

Two complaints received by the Board of Selectmen were submitted to the Board. 1) There may have been an illegal landfill on or near the Tofuri property on Forest Avenue - it may have an effect on the Town drain in the area and is possibly within 100 feet of a wetland. 2) Jay Ramsey, 2 Rocky Hill Road - construction of several outbuildings and now a barn garage for which no building permit can be found and which may be within 100 feet of wetlands. S. Gersh said he would check the Tofuri property and E. Perkins said he would check the Ramsey property.

A public hearing was held at 8:10 p.m. under the Wetlands Protection Act, M.G.,L. Chapter 131,s Section 40, on a Notice of Intent filed by Sprint PCS for the construction of a wireless communications facility within the buffer zone at 201 Western Avenue.

A letter was received from Wetlands and Environmental Testing, Inc., stating that on behalf of Spring PCS the Notice of Intent application filed for 201 Western Avenue was being withdrawn without prejudice.

S. Gersh moved to accept the withdrawal of the Notice of Intent,

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without prejudice, for Sprint PCS, for a wireless communication facility at 201 Western Avenue, seconded by W. Bruce, with the Board voting unanimously in favor.

The Board reviewed a revised plan for Thomas Perkins, for a project at 66 John Wise Avenue. The Board felt the revision was satisfactory.

A continuation of a public hearing was held at 8:15 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Dana B. and Elizabeth Story for the construction of an addition to an existing work shed at 30 LeBaron Road.

Elizabeth Story submitted an architectural landscape plan showing the project site relative to the buffer zone. The Board reviewed the plan.

S. Gersh moved to close the public hearing for Dana B. and Elizabeth Story for a project at 30 LeBaron Road, seconded by R. Brophy, with the Board voting unanimously in favor.

The Order of Conditions was written for Dana B. and Elizabeth Story, 30 LeBaron Road.

S. Gersh moved to approve the project of Dana B. and Elizabeth Story, for the construction of an addition to a workshed at 30 LeBaron Road, seconded by R. Brophy, with the Board voting unanimously in favor.

Jud Lane, who is also a member of the Planning Board, reviewed the decision of the Planning Board for Tara Subdivision, Apple Street. S. Gersh noted there is a serious replication area within the subdivision and felt it should have been written into the Planning Board's decision. A discussion followed on the subdivision plan. A letter will be sent to the Planning Board and to the property owners, Edwin and Gloria Story, that no work shall commence until they have met with the Commission, as there are significant wetland issues.

S. Gersh said he will meet next week with Town Administrator, Brendhan Zubricki, to input the new format for the Order of Conditions into the Town's computer.

W. Bruce moved that S. Gersh work with the Town Administrator to

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set up the new format for the Order of Conditions, seconded by R. Brophy, with the Board voting unanimously in favor.

R. Brophy moved to adjourn the meeting, seconded by J. Lane, with the Board voting unanimously in favor.

Meeting adjourned at 8:50 p.m.

Prepared by:



Gillian B. Palumbo  
Administrative Clerk

Attest: