

Essex Conservation Commission

December 2, 2003 - Minutes

Present: Wallace Bruce, Chairman, Robert Brophy, Stephen Gersh,
Samuel Hoar, Philip Lake (8:00 p.m.), Shirley Singleton

Meeting called to order at 7:35 p.m.

A continuation of a public hearing was held at 7:36 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Nick Pappas for the demolition and reconstruction of a dwelling at 18 Lufkin Point Road.

Michael DeRosa, DeRosa Environmental Consulting, represented the applicant. He told the Board he had nothing formal to say other than the Planning Board and Board of Health signed off the building permit application. He added that an abuttee had asked him to recalculate the impervious surface, which he has done, with a result that the present condition is 3,105 square feet, and the proposed is 2,405 square feet, which is a reduction of 680 square feet. This figure includes the driveway area which will be porous pavement. Wallace Bruce asked Mr. DeRosa where the tight tank would be located. He indicated that it was his understanding the tight tank would remain in the same place. This was approved by the Board of Health because there was easy access to cleaning it. The abutters, the DiBlasis and Burnhams, voiced their concerns that the house is being built, with construction trucks, material, dumpsters, etc. with the roadway only being ten feet wide. Abutter Donald Burnham questioned the location of the tight tank. Mr. DeRosa told him the Board of Health has jurisdiction over the tight tank, and they have been directed by the Board of Health to leave it where it is, as they felt it was better not to move it. Stephen Gersh suggested the abutters speak with the Building Inspector to ensure the project will be carried out without any interference to the neighborhood. Mrs. DiBlasi said she was very concerned about damage to her property from flooding, and also damage to Lufkin Point Lane. Mr. DeRosa said one of the requirements is that lattice work be placed around the basement to make a pervious surface. He noted the new project is better as they are creating less impervious surface. The DiBlasis and Burnhams were told that the applicant had met all the requirements of the Wetlands Protection Act. Philip Lake said he had visited the area, and without appearing to defend the project, noted that he found all the houses in close proximity to one another.

Stephen Gersh moved to close the public hearing for Nick Pappas,

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18 Lufkin Point Lane, seconded by Samuel Hoar, with the Board voting unanimously in favor.

Albanese Brothers, Inc. - The Board met with Marco Albanese to discuss the stockpiling of material at 34 John Wise Avenue. Mr. Albanese said he has the sewer project for the Town of Essex for contracts 2 and 3, and needs an area for stockpiling material for one and half years, and thought this site would be suitable for his needs. Stephen Gersh then reviewed with the Board what had taken place until this meeting. He said Mr. Albanese had started work for a week and when he made a visit to the site after many phone calls, he found it had been cleared and a loader parked on site. He said what unfolded was that Damon Boutchie, Superintendent of the Department of Public Works, had, by telephone, let Wallace Bruce and himself know that it would be in the interest of the Town to facilitate this project, and that a site had not been provided by the Town for the sewer project and it was up to Mr. Albanese to find a site, which was needed immediately. Two sites were discussed - the ballfield, for which the Town would have to file a Request for a Determination of Applicability, and the other was the site on John Wise Avenue. Stephen Gersh noted that on the weekend a number of people had called Commission Chairman Wallace Bruce, who in turn had called him, and he then got in touch with Damon Boutchie. The message that was received was to stop this project and treat the contractor the same as anyone else doing a project in Essex. Marco Albanese said a pile of loam was placed on site on Monday, but no more work was done, and no more work is ongoing. D.P.W. Commissioner Scott DeWitt told the Board they had a meeting on Tuesday evening and they were told there would be brush cutting but no filling. Stephen Gersh asked Mr. DeWitt if he was aware of this site. Mr. DeWitt indicated he was, as he had been on the Conservation Commission when a prior owner had discussed a proposed project for the site. He said the work on site began and that it did not add up - why should Mr. Albanese be treated any differently than others. He called Wallace Bruce who indicated that it was what the D.P.W. wanted. Presently, Mr. Albanese is working for the Town but is paying rent to Stewart Pratt, the property owner. Mr. Albanese said he approached Mr. Pratt, who said he could use it, and to do what the Town wanted him to do. Stephen Gersh said when he went to the site he was under the clear understanding from Damon Boutchie that the Commission should help. Mr. Albanese told the Board he has now started work in Essex, so he cannot take material from Gloucester for the project. Samuel Hoar indicated that the Board could not

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make an exception and would have to treat Mre. Albanese the same as others. Shirley Singleton wondered whether the ballfield could be opened up to contract 3, or if there was a way to work it out mutually and have Mr. Albanese leave John Wise Avenue. She asked Scott DeWitt if it could logistically work for contracts 1, 2 and 3 to be at the ballfield site, and contract 4 at another site. Scott DeWitt said he could not answer that. Samuel Hoar said if the town has other areas, then it would seem they should work something out with Mr. Albanese. Shirley Singleton then explained the procedure for submitting a Notice of Intent and indicated that it could be a risk, in that the Conservation Commission may not approve work on the site. She offered the solution to go for the ballfield site and abandon John Wise Avenue. Mr. Albanese indicated that the ballfield area was not big enough for contracts 1, 2, 3, and 4, but it would be large enough for 1, 2, and 3. Scott DeWitt indicated they could quickly come to a decision on the use of the site at the transfer station. Mr. Albanese said he has already spent \$35,000 on the site at John Wise Avenue. Stephen Gersh suggested Mr. Albanese have the site reviewed by an environmentalist to give an opinion only as to whether it would be feasible to submit a Notice of Intent. Mr. Albanese said he felt it would be worthwhile to do that.

A continuation of a public hearing was held at 8:45 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Peter Van Wyck for construction of portions of leaching facilities and associated grading (Lot 35), construction of a single family dwelling, utilities,, and grading (Lot 38), construction of a single family dwelling, septic tank, driveway, utilities, and grading (Lot 39) at Turtleback Road.

Mr. Van Wyck submitted a letter to the Board requesting a continuation of the public hearing until the Board's meeting to be held on January 20, 2004.

Stephen Gersh moved to continue the hearing for Peter Van Wyck to Tuesday, January 20, 2004, at 7:45 p.m., seconded by Samuel Hoar, with the Board voting unanimously in favor.

A building permit application was submitted for review by JJML Realty Trust, 95 Apple Street, to remodel the third floor and portions of the second floor. As all work was within the existing dwelling there were no wetland issues. The building permit application was signed.

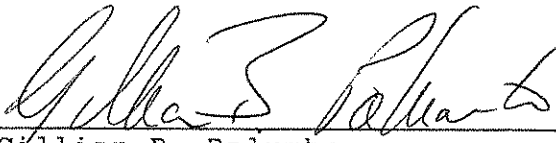
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A building permit application was submitted for review by Brian Boches for the addition of a second floor and two-car garage to the existing dwelling at 4 Ice House Lane. As there were no wetlands issues, the building permit application was signed.

Stephen Gersh moved to adjourn the meeting, seconded by Samuel Hoar, with the Board voting unanimously in favor.

Meeting adjourned at 9:00 p.m.

Prepared by:



Gillian B. Palumbo
Administrative Clerk

Attest: