

Essex Conservation Commission

December 16, 2003

Present: Wallace Bruce, Robert Brophy, Stephen Gersh, Samuel Hoar, Shirley Singleton.

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

A public hearing was held under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Linda Carnevale for a septic system upgrade at 16 Coral Hill.

Daniel Johnson of Domestic Septic Design, Inc. represented Ms. Carnevale. Mr. Johnson told the Board the septic system is in failure. In order to upgrade the system, soil testing was done and it was found the soil was good. The biggest problem is trying to keep the system as far away as is possible from Chebacco Lake. The closest point of the leaching area to the Lake is 73-feet. The system and pump chamber are located in front of the house, with the entire system being buffered by the house. Mr. Johnson noted that he has been unable to locate it greater than 100-feet. The Board reviewed the Notice of Intent and plan.

With no further questions from the Board or the public, Stephen Gersh moved to close the public hearing for Linda Carnevale, 16 Coral Hill, seconded by Samuel Hoar, with the Board voting unanimously in favor.

Order of Conditions - Nick Pappas, 18 Lufkin Point Lane.

Samuel Hoard moved to deny the proposed project for Nick Pappas, 18 Lufkin Point Lane, seconded by Robert Brophy. A discussion followed. Robert Brophy felt it would affect the neighbor's marsh and the area, and indicated that if a house could not be built there today because the lot is non-conforming, then it should not be approved. He added he has a problem with the house doubling in size. Shirley Singleton reviewed the grandfather clause in CMR.10.00. There was no vote on the above motion.

Samuel Hoar moved that the clerk contact the applicant and suggest that as the Commission does not feel they have adequate information they will have to deny the project on that basis unless the applicant would be willing to extend the time and re-open the public hearing. There was no second to the motion.

Samuel Hoar moved to contact the applicant and suggest that as the Commission does not feel that during the discussion of the project

Page Two  
December 16, 2003 - Minutes

all information was obtained and more questions have arisen on which the Commission needs more information to make a decision, whether the applicant would be willing to reopen the public hearing and extend the time for further discussion, seconded by Stephen Gersh. A discussion followed as to what length of time to allow the applicant to render his decision.

Samuel Hoar moved to amend the motion by adding if the applicant does not consent to reopening the hearing, then the Commission would have to deny the application, but it would be appreciated if the applicant would be willing to reopen the hearing by contacting the clerk by Friday, December 19, 2003, seconded by Robert Brophy, with Robert Brophy, Shirley Singleton and Wallace Bruce voting in favor; Stephen Gersh and Samuel Hoar opposed.

Stephen Gersh said he needed a revalidation of the wetlands boundaries and a third party validation of the high water mark at 12 and velocity at Flood Zone V3. After further discussion, Samuel Hoar moved to rescind the above motion and amendment, seconded by Stephen Gersh, with the Board voting unanimously in favor.

Further discussion took place as to whether the Notice of Intent had furnished all information necessary to approve the project. Stephen Gersh indicated he felt Michael DeRosa of DeRosa Environmental had given the Board all the information they had asked for.

Samuel Hoar moved to approve the project and issue an Order of Conditions to Nick Pappas, 18 Lufkin Point Lane, seconded by Stephen Gersh, with Stephen Gersh, Samuel Hoar and Wallace Bruce voting in favor; Robert Brophy and Shirley Singleton opposed.

A building permit application was submitted for Timothy Lane, 5 Southern Heights, for the construction of a 40'x60' one-story barn. As there were no wetland issues, the building permit application was signed.

A building permit application was submitted for John Fenton, 25 Lufkin Point Road, to finish the first floor living space, replace windows, structural beam beneath the porch and deck stairs. The building permit application was signed.

A building permit application was submitted for Christopher Nunes, 152 Eastern Avenue, for a 4x28' addition and farmer's porch.

Page Three  
December 16, 2003

Review of the site plan indicated a piped brook was within 100-feet of the project, and it was felt Mr. Nunes should file a Request for a Determination of Applicability.

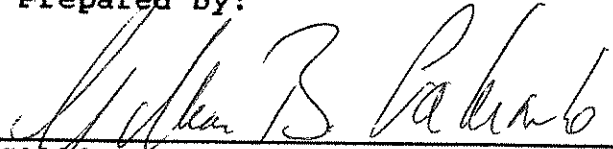
The Special Conditions for Nick Pappas, 18 Lufkin Point Lane, are as follows: All the terms, conditions and procedures as outlined in the Notice of Intent and accessory material as submitted to the Commission shall be made a part of this Order of Conditions and be the basis for the performance of the work.

Essex Marina, Dodge Street - it was reported that spoils from fixing a retaining wall were being placed in the marsh. Samuel Hoar said he would check on this matter.

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

Meeting adjourned at 10:10 p.m.

Prepared by:

  
\_\_\_\_\_  
Gillian B. Palumbo  
Administrative Clerk

Attest: