

Essex Conservation Commission

April 20, 2004 – Minutes

Present: Wallace Bruce, Chairman, Robert Brophy, Philip Caponigro, Stephen Gersh,  
Philip Lake, Shirley Singleton.

Meeting held at the T.O.H.P. Burnham Public Library

Meeting called to order at 7:36 p.m.

A public hearing was held at 7:37 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Theodore Smick for the upgrade of a septic system at 31 Lufkin Point Road.

Daniel Ottenheimer of Mill River Consulting represented the applicant. Mr. Ottenheimer told the Board he has designed a replacement septic system. Most of the property is in the buffer zone and ACEC area and so he has delineated the wetlands. The work cannot be done anywhere else except where proposed on the design plan. The wastewater is being pretreated, and because of that it will be high quality wastewater.

As no D.E.P. File Number has been issued at this time, Stephen Gersh moved to continue the public hearing for Theodore Smick, 31 Lufkin Point Road, to Tuesday, May 11, 2004, at 7:35 p.m., seconded by Philip Caponigro, with the Board voting unanimously in favor.

A public hearing was held at 7:50 under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by David Savoie for the construction of a garage and front porch within the buffer zone at 169 Eastern Avenue.

John Jacobi of Arcadia Associates represented Mr. Savoie. Mr. Jacobi told the Board Mr. Savoie would like to construct a garage, but in lieu of filling in for a slab floor, he would like to put in a foundation, which was not reflected in the Notice of Intent. The proximity of the garage to the wetlands is less than 50-feet, so Mr. Savoie would put in a riparian buffer and storm water control system. The roof run-off will flow into the storm water control system – there is also a stone retaining wall 4-feet high. Mr. Jacobi noted the driveway is quite flat and the lot is presently being mowed. Mr. Jacobi was asked if the proposed project would be going before the Board of Appeals because of the proximity of the porch to the street. He indicated it would have to go to the Board of Appeals.

As no D.E.P. File Number has been issued, Stephen Gersh moved to continue the public hearing to Tuesday, May 11, 2004, at 7:45 p.m., seconded by Philip Caponigro, with the Board voting unanimously in favor.

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A request made by Jill Martin for the Commission to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, for the construction of a second story to the existing single family dwelling at 24 Lufkin Point Lane was heard at 8:00 p.m.

Ms. Martin told the Board she would like to add a second story to her dwelling with no change in the footprint. Commission member Stephen Gersh told the Board he made a site visit and found Ms. Martin has a yard with a deck, under which is a stone wall. He felt the stone wall and deck should be the limit of work.

Stephen Gersh moved to issue a negative Determination to Jill Martin, 24 Lufkin Point Lane, for the construction of a second floor on the existing footprint, with the condition that the limit of work shall be the edge of the deck and stone wall facing the marsh, and there should be no storage of materials between that limit and the marsh, seconded by Philip Caponigro, with the Board voting unanimously in favor. Philip Lake will oversee the project.

A public hearing was held at 8:10 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Marcella Albanese, of Albanese Bros., for site clearing and grading for temporary use of equipment storage, stockpiling of materials and rock processing at 34 John Wise Avenue.

Patrick Seekamp, Seekamp Environmental Consulting, Inc., represented Albanese Brothers. Also present were Marco Albanese and Scott Drapeau of Albanese Brothers. Chairman Wallace Bruce removed himself from any discussion because of a possible conflict of interest. Stephen Gersh was acting Chairman for the public hearing. Patrick Seekamp told the Board this is a large site, but they only want to use the front portion. The site consists of a small access driveway, wetlands and uplands. Erosion control had been installed earlier on, the land scraped off, and the loam stockpiled on site. The existing erosion control will be extended in accordance with the plans submitted, and will act as the limit of work for the duration of the project. Mr. Seekamp noted the proposal is to stay on site for two years, and if they can restore the wetland back to its pre-existing condition then they feel they will not have disturbed it. The wetland restoration plan has a seed mix of native wild flowers/upland meadow, which is similar to the meadow areas. The entire portion of the site that they would like to use as their work area will be surrounded by a siltation fence and double-staked hay bales for erosion control. They will upgrade and pave the existing driveway, to include a small area at the site's intersection with John Wise Avenue. A stone aggregate pad, approximately 3,000 square feet in size, will be located opposite the paved entrance, which will be used to control the amount of material that is tracked onto John Wise Avenue. Mr. Seekamp stated that after two years they have a closeout scenario, which is to restore it back to close to the original grade and to use the

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loam that has been stockpiled for that application, and then seed it with the upland meadow mix. The stone and pavement of the access road will be removed, or whatever the Commission would like them to do. Mr. Seekamp added that he did not see any problems leaving it paved, as having pavement would tend to stabilize it. Stephen Gersh said he would like to see one area moved away from the wetlands by 25-feet; the area presently is four feet away. Patrick Seekamp said they would not have a problem with the change. He then showed the Board photographs taken after some rainy days, which showed there was standing water. He was asked whether there would be a problem with run-off if there should be a heavy rain. Marco Albanese said the reason for the hay bales and silt fence was to prevent that from happening. Mr. Seekamp indicated the erosion control would also act as the limit of the work area, so there will be an upgrade of that. Philip Lake asked him if he had the old delineation. He said he did not, but indicated the current delineation was done on April 7. Mr. Seekamp added they will be cutting trees and saplings, but none will be more than one-inch in diameter. He noted they proposed a meadow mix because it is something that is not seen as much. Joseph Ginn told the Board his family owns the abutting property on the eastside and neither he nor his family members have a problem with this. He indicated there is an existing drainage pattern or ditch that flows parallel to Route 133, and then goes across to Tony Taliadoros' property, but no one has suggested it be cleared. He thought it would help the area if it was cleaned and felt the Commission should follow up on that. Lorraine Hardy-Wyatt asked why Albanese was going to that particular property when the Town has two other sites. She felt the pavement should be removed on completion of the project. In answer to her question, Mrs. Hardy-Wyatt was told that Albanese does not have enough area at the other sites. Frank Hardy, of Hardy's Chicken Farm, asked that prior to the start of the rock crusher, they inform him so that the chickens can become acclimated to the noise. Kelly Wayland, Project Manager for the Town sewer, said they offered two sites of Town-owned land, as they felt they had to offer Albanese Brothers a site because the cost would have been prohibitive. They looked at the Transfer Station, but with that site there were other concerns such as environmental, and also the fact that the D.P.W. barn is being constructed. The ballfield site is being used by Albanese Brothers but is not large enough. Lee Bresnahan, John Wise Avenue, said she is very concerned about the clean up once the project is complete. Patrick Seekamp told her it would be a working site for two years, but then there will be a restoration program when the work is completed, and that will be part of the Order of Conditions. Marco Albanese indicated that if he has to give a bond for the clean up, he will.

Philip Caponigro moved to continue the public hearing for Albanese Brothers, 34 John Wise Avenue, to Tuesday, May 11, 2004, at 8:15 p.m., seconded by Shirley Singleton, with the Board voting unanimously in favor.

At this time Wallace Bruce resumed the chair.

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A continuation of a public hearing was held at 9:00 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 single family dwelling at 18 Lufkin Point Lane.

Michael DeRosa, DeRosa Environmental Consulting, Inc., represented the applicant. Mr. DeRosa said he had prepared a short summary of the Riverfront provision, copies of which he submitted to the Board. He said he called both the Planning Board and the Board of Health. The Board of Health agent said she could not see a problem and deferred to the Building Inspector as long as it was a reduction in scope. The agent noted it was a tight tank before and it is still a tight tank. Mr. DeRosa also stated he had spent some time on the telephone with D.E.P. regarding 1) the Riverfront regulation 310 CMR 10.58(5), which allows applicants to expand existing structures, provided the work meets certain provisions. He noted that once the house has been constructed there would be 637 square feet less than before. One of the arguments that the D.E.P. stated was the house should be pulled back from the Riverfront area. 2) 310 CMR 10.58(4)(d) – No significant adverse impact. Mr. DeRosa stated the intent was not to prevent reconstruction of an existing lot, the intent was to prevent a 5-lot subdivision in the Riverfront. Shirley Singleton questioned the lack of approval stamps by the Board of Health and Planning Board on the plans. She noted the previous plan was stamped and that the Board was making this decision in compliance with the Planning Board by-laws. Donald Burnham, 24 Lufkin Point Lane, said there were many things that Mr. DeRosa stated that were not quite factual. He pointed out the addition of a deck that will bring construction eight feet closer. Patricia DiBlasi said she still feels that it cannot be grandfathered in. She then read again from her notes and feels this renovation does not improve existing conditions and feels paragraph f(1) does not apply as Mr. Pappas is not restoring the property.

Stephen Gersh moved to close the public hearing for Nick Pappas, 18 Lufkin Point Lane, seconded by Robert Brophy, with the Board voting unanimously in favor.

A continuation of a public hearing was held at 9:50 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 the 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.

A letter was submitted by Peter Van Wyck requesting a continuation of the hearing to the Board's next meeting.

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Stephen Gersh moved to continue the hearing for Peter Van Wyck to Tuesday, June 1, 2004, at 8:35 p.m., seconded by Philip Caponigro, with the Board voting unanimously in favor.

Kathrin Rueda, 12 Coral Hill, submitted a letter to the Board requesting an amendment to her building permit applications for the excavation and replacement of an existing foundation (#843) and adding a second floor to the garage (#845). Ms. Rueda had received an Order of Conditions for the septic repair and a negative Determination of Applicability for repair of the foundation. She stated she has now been told by her contractor that rebuilding the existing structure would be more cost-effective than trying to repair a dilapidated building. She also has an enforcement order for a septic system upgrade, but septic contractors are hesitating submitting quotes for the job because access to the proposed septic system site is very restricted. A building permit application was submitted for demolition of the existing building.

Stephen Gersh moved to sign off the building permit application for Kathrin Rueda, 12 Coral Hill, seconded by Robert Brophy, with the Board voting unanimously in favor.

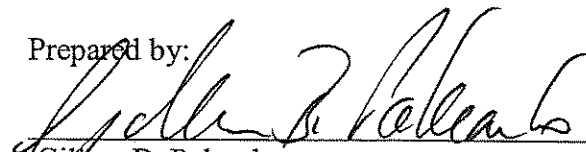
The following building permit were submitted for review:

- 1) Mark and Kristin Fagan, 40 Southern Avenue, for the construction of an addition. Stephen Gersh will check the site.
- 2) Peter Meyer, 44 Lufkin Street, for the construction of a barn. Stephen Gersh will check the site.
- 3) William Mahoney, 20 Coral Hill, for the installation of a shed. The building permit application was signed.
- 4) Paul Monagle, 67 Southern Avenue, to remodel a kitchen. The building permit application was signed.
- 5) Alfred and Janet Landry, 96 Conomo Point Road, for the construction of a porch. Stephen Gersh will check the site.

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

Meeting adjourned at 10:20 p.m.

Prepared by:

  
Gillian B. Palumbo  
Administrative Clerk

Attest: