

Essex Conservation Commission

May 11, 2004 - Minutes

Meeting held at the T.O.H.P. Burnham Public Library
Present: Wallace Bruce, Chairman, Philip Caponigro, Stephen
Gersh, Samuel Hoar, Philip Lake

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

Joseph Brain, 59 Wood Drive, met with the Board for an informal discussion on a proposed addition to his dwelling. He said the structure currently has two bedrooms but would like to increase it to four bedrooms. He noted the structure is 40-feet from Chebacco Lake. He also stated he has a new septic plan for the proposed increase in the number of bedrooms. Mr. Brain was advised that a Notice of Intent should be filed for the proposed project.

A continuation of a public hearing was held at 7:50 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Theodore Smick for a septic system upgrade at 31 Lufkin Point Road.

A letter was submitted to the Board from Daniel Ottenheimer, Mill River Consulting, representing Mr. Smick, requesting a continuation of the public hearing to the Board's next meeting as a file number had not yet been issued by the D.E.P. for the project.

Philip Caponigro moved to continue the public hearing for Theodore Smick, 31 Lufkin Point Road, to Tuesday, June 1, 2004, at 7:55 p.m., seconded by Philip Lake, with the Board voting unanimously in favor.

A continuation of a public hearing was held at 7:55 p.m. 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 at 169 Eastern Avenue.

A letter was submitted to the Board from John Jacobi, Arcadia Associates, representing Mr. Savoie, requesting a continuation of the public hearing to the Board's next meeting.

Philip Caponigro moved to continue the public hearing for David Savoie, 169 Eastern Avenue, to Tuesday, June 1, 2004, at 8:05 p.m., seconded by Samuel Hoar, with the Board voting unanimously in favor.

Michael Dyer, Indian Rock Lane, met with the Board for an

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informal discussion regarding the repaving of Indian Rock Lane. He stated that Albanese Bros, Inc., the contractor for the sewer project, has been repaving some of the Town roads and he would like to request Indian Rock Lane be paved. The road is a private road owned by the three parties who live on the street. Mr. Dyer felt that on one side of the road there may be a wet meadow, and so would like to know what he needs to do to obtain permission from the Commission for the paving. Stephen Gersh said he called the D.E.P. regarding this type of project, who said they considered this as a maintenance project. When asked about his preference for paving the road - it is presently a gravel road - Mr. Dyer indicated he prefers paving as loose material finds its way into the wetlands. Samuel Hoar felt Mr. Dyer should look into processed gravel as, unlike regular gravel, it remains in place. Mr. Dyer was told he should file a Request for a Determination of Applicability for the project.

A public hearing was held to consider an amendment to Order of Conditions D.E.P. File Number 21-0449 issued to Turning Leaf Farm, 2 Andrews Street.

Larry Graham, representing Turning Leaf Farm, told the Board that after the last meeting it was determined they should have a public hearing. The purpose of the meeting was to consider review of the final site plan with the revisions that the Commission asked to be made. The three items which Mr. Graham was requested to amend 1) extension of the berm, 2) wooded hillock - no cutting, and 3) the restoration of the gravel driveway to lawn, thereby having only one driveway off Andrews Street, will be drawn on their final plan. It was felt a note should be placed on the plan regarding the wooded area. Samuel Hoar felt the Board of Health should monitor and sample the water for quality.

Samuel Hoar moved to amend the Order of Conditions D.E.P. File Number 21-0449 issued to Turning Leaf Farm, 2 Andrews Street, seconded by Stephen Gersh, with the Board voting unanimously in favor.

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

A letter was submitted from Patrick Seekamp, Seekamp

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Environmental Consulting, Inc., requesting a continuation of the public hearing to the next meeting of the Commission. Stephen Gersh noted that he attended a site visit with the D.E.P., Scott Drapeau and Marco Albanese, of Albanese Bros, Inc., and Patrick Seekamp, Seekamp Environmental Consultants, Inc. The D.E.P. is going to notify Patrick Seekamp in a week as to their assessment of the site.

Samuel Hoar moved to continue the public hearing for Albanese Brothers, Inc., to Tuesday, June 1, 2004, at 8:25 p.m., seconded by Stephen Gersh, with the Board voting unanimously in favor.

The Order of Conditions was written for Nick Pappas, 18 Lufkin Point Lane.

Philip Lake said he reviewed the material submitted for the Notice of Intent and felt the wording indicated clearly they were expanding on the size of the house, which takes them out of CMR 10.58 as it does not fit with paragraphs (c) and (d). The question is whether the mitigation meets the 1:1 or 2:1. The area is lawn and boulders. Stephen Gersh said that from the D.E.P.'s opinion, based on the appeal, there were two requirements - move the house to 50-feet and submit an alternatives analysis. The proposed project clearly meets the Planning Board setbacks. Samuel Hoar said this has already been appealed to the D.E.P. and they came back with a ruling. The applicant has satisfied the requirements of the D.E.P.

Samuel Hoar moved to approve the proposed project of Nick Pappas, 18 Lufkin Point Lane, seconded by Stephen Gersh. Philip Lake indicated the total area of mitigation was missed by 46-feet, according to his calculations. Stephen Gersh said that could be written into the Order of Conditions to increase the mitigation area by 46-feet. Wallace Bruce, Stephen Gersh and Samuel Hoar voted in favor; Philip Caponigro and Philip Lake opposed.

Scott Woodward, 78-80 Main Street (Pike Marine) requested a Certificate of Compliance for a project under D.E.P. File Number 21-0442.

Philip Caponigro moved to issue a Certificate of Compliance to Scott Woodward, 78-80 Main Street, certifying that work regulated by Order of Conditions D.E.P. File Number 21-0442 has been satisfactorily completed, seconded by Stephen Gersh, with the Board voting unanimously in favor.

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Sandra Fritsch, 206 Southern Avenue, requested Certificates of Compliance for projects under D.E.P. File Numbers 21-214 and 21-324.

Stephen Gersh moved to issue Certificates of Compliance to Sandra Fritsch, 206 Southern Avenue, certifying that work regulated by Orders of Conditions D.E.P. File Numbers 21-214 and 21-324 has been satisfactorily completed, seconded by Philip Caponigro, with the Board voting unanimously in favor.

A building permit application was submitted for Richard Maher, 7 Water Street, for the demolition of an existing shed (18x25-feet) and the installation of a new shed (10x12-feet) on cement blocks. The building permit application was signed.

A building permit application was submitted for Marc and Kristin Fagan, 48 Southern Avenue, for the construction of an addition to the existing dwelling. Stephen Gersh said he would make a site visit to determine if there were any wetlands issues prior to the issuance of the building permit application.

Martha Hoar, representing the Open Space Committee, met with the Board to discuss the 10-acre conservation restriction to be placed on property of Peter Van Wyck. Mrs. Hoar said she has had three site walks - Mr. Van Wyck gave her two suggestions for areas to be put under a conservation restriction and she has come up with two other suggestions. She then showed the Commission a plan with the area for restriction, which she feels may work - it has four vernal pools in the area.

Samuel Hoar moved to adopt the recommendation of the Open Space Committee for the conservation restriction and further, that no more lots be released by the Planning Board until the necessary documents be filed giving this to the Town, seconded by Philip Caponigro, with the Board voting unanimously in favor.

At 10:00 p.m. Philip Caponigro moved to adjourn the meeting, seconded by Samuel Hoar, with the Board voting unanimously in favor.

Prepared by:



Gillian B. Palumbo
Administrative Clerk

Attest: