

Essex Conservation Commission

July 13, 2004 - Minutes

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

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

Meeting called to order at 7:35 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 Brian and Heidi McKeon for the construction of a single-story secondary dwelling at 8 Turtleback Road.

Heidi McKeon told the Board the proposed project is to construct a studio apartment for her parents on the same lot as her single-family dwelling. The new dwelling is one-story but will have a basement. The proposed project is being built on an area that is mowed grass. The Board felt a site visit should be made to the property. Also at this time no D.E.P. File Number has been issued.

Robert Brophy moved to continue the public hearing for Brian and Heidi McKeon, 8 Turtleback Road, to Tuesday, August 3, 2004, at 7:55 p.m., seconded by Stephen Gersh, with the Board voting unanimously in favor.

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 Innovative Properties for the construction of a single-family dwelling and associated grading at 6 Shea Court.

Robert Lynch of Atlantic Engineering, together with Alex Caruso of Innovative Properties, met with the Board. Robert Lynch told the Board the proposed project is for the construction of a single-family dwelling partially within the buffer zone. The septic system is outside of the buffer. He noted the Town wells are approximately one half mile from this property. The Board reviewed the Notice of Intent and plan. At this time no D.E.P. File Number has been issued for the project.

Stephen Gersh moved to continue the public hearing for Innovative Properties for the construction of a single family dwelling at 6 Shea Court, seconded by Shirley Singleton, with the Board voting unanimously in favor.

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A public hearing was held at 7:56 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Alberta Shanks for the construction of a single-family dwelling with access crossing of a bordering vegetated wetland at 184R Western Avenue.

Christopher Gajeski of Apple Associates represented the applicant. Mr. Gajeski told the Board the proposed project is for the construction of a single-family dwelling within the buffer zone to a bordering vegetated wetland. The project is completely encircled by wetlands. Access to the property will require crossing of a bordering vegetated wetland - there is no other alternative to accessing the property. Replication will be provided in the area where a chicken coop once stood; the slope of the area is gentle. Two culverts will be installed on the crossing because general drainage on the property goes across Town property to a pond. According to Mr. Gajeski this pond does not meet jurisdictional requirements. There is standing water during rainy periods in spring. Presently, it is a mowed lawn. The Board felt a site visit should be made to the property and scheduled it for Saturday, July 17, 2004, at 9:15 p.m.

Stephen Gersh moved to continue the public hearing for Alberta Shanks, 184R Western Avenue, to Tuesday, August 3, 2004, at 8:25 p.m., seconded by Robert Brophy, with the Board voting unanimously in favor.

A continuation of a public hearing was held at 8:10 p.m. under M.G.L. Chapter 131, Section 40, on an Abbreviated Notice of Resource Area Delineation submitted by Peter Van Wyck for Low Land Farm, off Apple Street.

A check was submitted by Peter Van Wyck to cover the cost of the Town of Essex hiring a wetland scientist to verify the resource area delineation flagging by Apple Associates. Michael DeRosa of DeRosa Environmental will represent the Commission.

Robert Brophy moved to continue the public hearing to Tuesday, August 3, 2004, at 8:35 p.m. in order for a site visit by Apple Associates and DeRosa Environmental to be scheduled, seconded by Stephen Gersh, with the Board voting unanimously in favor.

A public hearing was held at 8:13 p.m. under M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Allen and Charles Dalton for the excavation of contaminated soil at 158R Western

Avenue.

Michael Geiser represented the Daltons. He told the Board the Daltons asked him to complete the process - the project had originally begun with James DeCoulas. The release of oil is in the zone of the public water supply and they have found that water is flowing away from the house down the hill. No groundwater is flowing off site carrying contamination. The soil and groundwater will be numbered and screened. Mr. Geiser noted that it was not known when the leak started so there is a chance it has gone into wetlands which, he thought, might be counter-productive if they tried to remove it. He said they would possibly do a further investigation closer to the Town wells, but at this time it did not appear there would be any oil mobilizing in that area. Shirley Singleton asked Mr. Geiser if he has a monitoring program. He said he has had to file one with the D.E.P. They will hot-load the contaminated soil and take it from the site and then put it on a truck. They will not be stockpiling it on site. A siltation barrier of staked haybales is already in place. Mr. Geiser told the Board there is a mature maple tree inside of the siltation barrier which they may lose, as they need to pull it up to get underneath it. Michael DeRosa, DeRosa Environmental Consulting, representing Marcia Dalton, owner of 158 Western Avenue, told the Board Ms. Dalton, who owns the easement to allow passing and repassing to the rear property, was concerned about the maintenance of the road and that any repairs be made by the Company doing the work as part of the project. Mr. DeRosa also requested that Ms. Dalton be included on the copy list for reports, etc. Philip Lake felt the maintenance of the roadway should be between the two parties and that the Conservation Commission not be included in this. It was felt an Emergency Certification should be issued for this project because of the proximity of the oil spill to the Town wells.

As there were no further questions from the Board or the public, Stephn Gersh moved to close the public hearing for Allan and Charles Dalton, 158R Western Avenue, seconded by Shirley Singleton, with the Board voting unanimously in favor.

A public hearing was held at 8:30 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Susan Dillon for the upgrade of a septic system at 92 Pond Street.

Greg Saab of Morin Engineering represented Ms. Dillon. Mr. Saab

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told the Board they are proposing the installation of a septic system to replace the existing cess pool which is failing. He noted the system is 100-feet from the wetlands, but there will be some grading within the buffer zone. The Board reviewed the Notice of Intent and plan.

As no D.E.P. File Number has been as this time, Stephen Gersh moved to continue the public hearing for Susan Dillon, 92 Pond Street, to Tuesday, August 3, 2004, at 8:10 p.m., seconded Shirley Singleton, with the Board voting unanimously in favor.

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 Rolf Madsen for the upgrade of a septic system at 89 Pond Street.

Greg Saab of Morin Engineering represented the applicant. He told the Board the septic system must be upgraded, but the only area they could find was that shown on the plan, which is 85 feet from a well. A waiver from Title V Regulations is being requested.

As no D.E.P. File Number has been issued at this time, Stephen Gersh moved to continue the public hearing to Tuesday, August 3, 2004, at 8:15 p.m., seconded by Shirley Singleton, with the Board voting unanimously in favor.

A continuation of a public hearing was held at 8:50 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 within the buffer zone at 169 Eastern Avenue.

The public hearing was continued from the Commission's prior meeting as no D.E.P. File number had been received. A number has now been issued; a decision from the Board of Appeals granting a variance for the construction of the front porch was also received.

Stephen Gersh moved to close the public hearing for David Savoie, 169 Eastern Avenue, seconded by Robert Brophy, with the Board voting unanimously in favor.

A continuation of a public hearing was held at 8:53 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), Turtleback Road.

John Morin of Neve-Morin Associates represented the applicant. He told the Board the Planning Board endorsed a Form A that only allowed one lot. Mr. Morin said he requested in a letter that the Notice of Intent be amended to be one lot - Lot 35. All work on the lot will be the same as shown on the original plan. The Board of Health has approved the septic design. He said he is requesting an amendment because the original Notice of Intent included Lots 35, 36, and 38, and as the lots are not now being created the hearing cannot be closed. They are amending the Notice of Intent to be for Lot 35 only. Mr. Morin also noted that there is no proposed wetland filing for the driveway.

Stephan Gersh moved to close the public hearing for Peter Van Wyck, Turtleback Road, Assessors Map 9, Lot 11M, seconded Robert Brophy, with the Board voting unanimously in favor.

9:10 p.m. Michael March, 3 Southern Avenue, met with the Board for an informal discussion on a proposed addition to his property. He wishes to raise the existing building and create another story underneath with an improved foundation. The proposed project will be on the existing footprint, but he will be proposing a larger deck than what exists. Mr. March was told to file an Abbreviated Notice of Intent for the proposed project.

The following building permit applications were submitted for review:

- 1) Sandy and Diane Patrican, 15 Pond Street, to enclose a deck, replace a second deck, and extend the front entry. The Board reviewed the plans and signed the building permit application.
- 2) Marcia Dalton, 158 Western Avenue, for the repair of the front entrance and to add guard rails. The building permit application was signed.
- 3) James and Cynthia Dizio, 5 Goodwin Court, for the installation of a storage shed. The building permit application was signed.
- 4) Stephen and Margaret Hartley, 11 Conomo Lane, for the construction of an 8'x20' deck. Robert Brophy will check the

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site for any wetland issues.

5) Thomas Underwood, 73 Martin Street, for the installation of two sono tubes for a 6'x8' mudroom. The building permit application was signed.

6) Christopher Osborne, 143 Western Avenue, for the construction of a single family dwelling. The building permit application was signed.

7) Robert Morin and Toby Nathan, 3 Hardy Lane, for a 24'x8' deck addition to the front of the house. Robert Brophy visited the site and said there were no wetland issues. The building permit application was signed.

8) Kevin and Cynthia Donaldson, 3 Deer Hill Farm Road, to extend a wall by 6-feet and a deck addition. Philip Lake will make a site visit.

A request for a Certificate of Compliance was made by Albert Stewart, 52 Martin Street, for Order of Conditions D.E.P. File Number 21-0464.

Chairman Bruce said he had made a site visit and found the project to be satisfactory.

Stephen Gersh moved to issue a Certificate of Compliance to Albert Stewart, 52 Martin Street, certifying that the work regulated by Order of Conditions D.E.P. File Number 21-0464 has been satisfactorily completed, seconded by Robert Brophy, with the Board voting unanimously in favor.

Robert Brophy questioned Stephen Gersh as to whether he makes calls to the D.E.P. without approval from the Board. Mr. Gersh replied that he does not call the D.E.P., they call him. Mr. Brophy stated that he does not want to be e-mailed regarding Commission business - he noted the e-mail address is not his, and wishes to be removed from the list.

Hardy's Creek - Robert Brophy said the landing is washing away and would like to have stone put down to prevent this. He said he would speak with D.P.W. Superintendent Damon Boutchie to see if this could be done under the Town's maintenance agreement.

Order of Conditions - David Savoie, 169 Eastern Avenue:

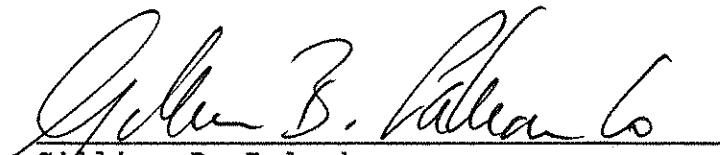
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Stephen Gersh moved to approve the proposed project of David Savoie, 169 Eastern Avenue, as submitted in the Notice of Intent, seconded by Robert Brophy, with the Board voting unanimously in favor.

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

Meeting adjourned at 9:45 p.m.

Prepared by:


Gillian B. Palumbo
Administrative Clerk

Attest: