

Essex Conservation Commission

August 24, 2004

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

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

Meeting called to order at 7:34 p.m.

A public hearing was held at 7:35 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on an Abbreviated Notice of Intent filed by Michael and Lynne March for the construction of a deck and the remodeling of the existing structure at 3 Southern Avenue.

Michael March told the Board the proposed project is to raise the existing building and add a floor and entrances to the first and second floors, together with a parking area. Mr. March showed the Board a modification to the original deck plan, after speaking with Kim Jarvis of the Planning Board. The landing proposed for the side of the house will now be incorporated within the side of the house instead of protruding from the side. The deck to the rear of the building is larger than what exists presently. The building will be kept to the existing footprint. The decks will be constructed on sono tubes, with a total of six being used. Mr. March was asked how he would access the rear of the property to do the work. He indicated that no big equipment will be required for work on the decks - all other work will be from the front of the property. The Board reviewed the Notice of Intent and plan.

Stephen Gersh moved to close the public hearing for Michael and Lynne March, 3 Southern Avenue, seconded Philip Lake, with the Board voting unanimously in favor.

Stephen Gersh moved to approve the proposed project of Michael and Lynne March, 3 Southern Avenue, as submitted in the Abbreviated Notice of Intent, seconded by Robert Brophy, with the Board voting unanimously in favor.

A public hearing was held at 7:48 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Mark Gallagher for the construction of a 20-foot driveway at 147 Eastern Avenue.

Stephen Gersh removed himself from the discussion because of a

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possible conflict of interest. John Judd of Gateway Consultants, Inc. represented the applicant.

Mr. Judd told the Board the property consists of 6-acres, and the proposal is to access the lot with a driveway. The driveway would traverse the wetlands, which would necessitate 3,625 square feet of wetlands replication for the wetland crossing. A 24-inch diameter culvert will be placed under the driveway. The driveway will be supported on one side by a boulder wall. The 20-foot roadway extends from Station 00 to Station 300. Mr. Judd told the Board they did not want to exceed the 10% slope, so the slope is 10% going back up to a gradual 7%. The replication area will be replicated with indigenous plants of the area. An intermittent stream runs through the area. Robeert Brophy asked Mr. Judd if he had calculations for the water going under the road with a 24-inch culvert. Mr. Judd told him he could provide those calculations. Philip Lake asked if it would be better to have more pipes than just one 24-inch pipe. Mr. Judd replied that that was a possibility. He indicated there would be a 6-inch deep spreader to try and mimic the present conditions. It was noted that Michael DeRosa of DeRosa Environmental flagged the area. Mr. Judd stated that the size of the replication area is based on the road and rip-rap area, and that two growing seasons are customary for replication. Howie Lane, 143 Eastern Avenue, owner of Essex Seafood, an abutting property, questioned the applicant whether the road would have an impact on his parking area. Mr. Gallagher indicated it would not. Ivan Muise, 137 Eastern Avenue, asked what would be going in once the road was complete. Mr. Gallagher said he may put his business there and possibly build another house. Felicia Selig, 135 Eastern Avenue, questioned where the building would be located. Mr. Gallagher pointed out the area on the plan. A site visit will be made to the property on Saturday, August 25, 2004, at 8:30 a.m.

Philip Lake moved to continue the public hearing for Mark Gallagher, 147 Eastern Avenue, to Tuesday, September 7, 2004, at 7:35 p.m., seconded by Shirley Singleton, with the Board voting unanimously in favor.

A continuation of a public hearing was held at 8:23 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on an Abbreviated Notice of Resource Delineation for Peter Van Wyck at Low Land Farm.

Christopher Gajeski, Apple Associates, represented the applicant.

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Mr. Gajeski told the Board that he and Michael DeRosa, who represents the Conservation Commission, walked the entire site and then went over some questionable areas on July 23, 2004. Mr. Gajeski then showed the Board on the plan the areas of flagging and the reasons for the flagging. Shirley Singleton asked if both wetland consultants were in agreement. Mr. DeRosa said he had received a report from Christopher Gajeski but had not had time to review it. He added that he has no problem with the coastal bank. The Board was told that in one area, area B, A35 to A37, Mr. Gajeski checked on the soil, while Mr. DeRosa checked the plants. Mr. DeRosa said he would like to take a second look. He added that he had 241 and 242 moving, but the report indicated only 241. A71, A241, A242, and A246 were changed in the field, but have not been changed on the plan. Mr. DeRosa reiterated he had no problem with the coastal bank, but there were three distinct areas that needed more review. A site visit will be made on September 18, 2004, at 9:00 a.m. Shirley Singleton asked what was the amount of surface area of the areas in question. Mr. Gajeski said he did not calculate the area, but an estimate would be collectively over 5,000 square feet.

Stephen Gersh moved to continue the public hearing for Peter Van Wyck, Low Land Farm, to September 21, 2004, at 8:00 p.m., seconded by Shirley Singleton, with the Board voting unanimously in favor.

Peter Van Wyck told the Board he would be starting a project at 9 Turtleback Road under Order of Conditions D.E.P. File Number 021-0451.

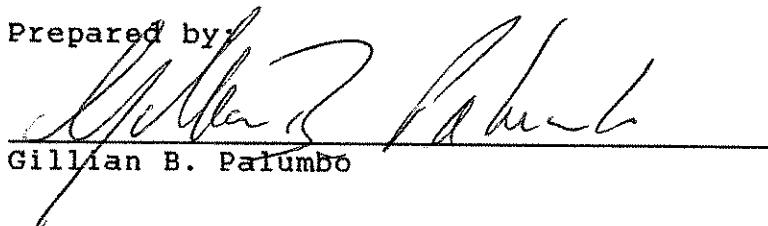
The Board signed a Bills Payable voucher.

A discussion was held on a proposed Enforcement Order to Peter Van Wyck for property on Turtleback Road. The Board felt the Enforcement Order should not be sent at this time.

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

Meeting adjourned at 10:00 p.m.

Prepared by:



Attest:

Gillian B. Palumbo