

Essex Conservation Commission

December 7, 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.

Absent: Philip Caponigro

Meeting called to order at 7:33 p.m.

A request made by Barbara Stafford for the Commission to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, for the upgrade of a septic system at 97 Southern Avenue was heard at 7:35 p.m.

Ms. Stafford told the Board she has been mandated by the Board of Health to upgrade her septic system. The wetland area and an intermittent stream are on another property. The Board reviewed the Request and plan.

Stephen Gersh moved to issue a negative Determination to Barbara Stafford, 97 Southern Avenue, seconded by Shirley Singleton, with the Board voting unanimously in favor. It will be noted on the Determination that the siltation barrier as shown on the plan will be the limit of work.

The Board signed a Bills Payable Voucher.

A Board of Health Verification of Conservation Commission Jurisdiction Form was submitted for Ruth Montgomery, 73 Pond Street. Shirley Singleton will visit the site to determine if there are wetland issues.

A public hearing was held at 7:45 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Ronald and Donna Gauthier for the replacement of a retaining wall at 14 Coral Hill.

The Board reviewed the Abbreviated Notice of Intent and plan. Mr. Gauthier told the Board the existing wall needs to be replaced and the proposal is to replace it with an 'anchor' concrete retaining wall system. The new wall will be constructed in front of the existing wall, but once it is completed the old wall will be dismantled and the material crushed for backfill. The new wall will be five feet in height - the existing wall is higher - but Mr. Gauthier said he only needs to have a height of

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five feet. All material will be brought in by hand.

Stephen Gersh moved to continue the public hearing for Ronald and Donna Gauthier, 14 Coral Hill, to Tuesday, January 4, 2005, at 7:35 p.m., as at this time no D.E.P. File Number has been issued for the project, seconded by Shirley Singleton, 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 Louis Lima for the installation of a septic system at 5 Lufkin Point Road.

The hearing was continued from the meeting held on November 23, 2004, as a D.E.P. File Number had not been issued for the project at that time. A D.E.P. File Number has now been issued.

Stephen Gersh moved to close the hearing for Louis Lima, for the installation of a septic system at 5 Lufkin Point Road, seconded by Shirley Singleton, with the Board voting unanimously in favor.

Planning Board member Kim Jarvis met with the Board to discuss the 10-acre parcel Peter Van Wyck is giving to the Town off Turtleback Road. The Board reviewed the plan. Ms. Jarvis said the Planning Board requested Mr. Van Wyck bring in a plan with metes and bounds which he has done. She noted that if the conservation easement is granted, it will be granted to the Conservation Commission. A discussion followed regarding the easement, as to the use and liability. Ms. Jarvis said Joel Lerner recommended the vernal pool that is on the property not be part of the easement as the public should not be walking over it. The vernal pool is being certified. Ms. Jarvis said the Planning Board is inviting the Conservation Commission to join them on a site visit on Sunday - there will be two site visits, one at 8:00 a.m. and another at 11:30 a.m. Stephen Gersh requested that a 25-foot buffer be made to the easement property. The question was asked as to where people would park. Ms. Jarvis indicated they would park on Turtleback Road. She said Mr. Van Wyck wants to proceed with the easement because he would like to have more lots released on the Turtleback Road extension. Ms. Jarvis added that the court order does not indicate the conservation easement has to be filed at the Registry of Deeds prior to releasing the land for lots. There will be no road into the property - the only vehicular access would be for emergency vehicles. The Board requested documents for the conservation easement be submitted to them.

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Elisabeth Frye, 31 Apple Street, met with the Board to discuss her interest in becoming a member of the Conservation Commission and to fill the position that is currently available.

A request for a Certificate of Compliance was made by Essex Fortune Palace, 99 Main Street.

Stephen Gersh moved to issue a Certificate of Compliance to Essex Fortune Palace, 99 Main Street, certifying that work regulated by Order of Conditions D.E.P. File Number 21-243 has been satisfactorily completed, seconded by Shirley Singleton, with the Board voting unanimously in favor.

A request for a Certificate of Compliance was made by Claire Spofford for property at 20 Addison Street.

Stephen Gersh moved to issue a Certificate of Compliance to Claire Spofford for property at 20 Addison Street, certifying that work regulated by Order of Conditions D.E.P. File Number 21-327 has been satisfactorily completed, seconded by Shirley Singleton, with the Board voting unanimously in favor.

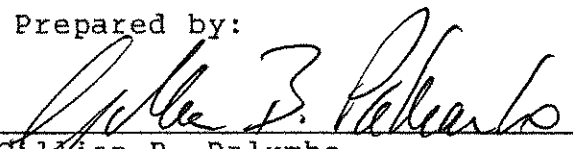
A building permit application was submitted by Edwin Perkins for the construction of an addition at 66 Story Street. The application was signed.

A building permit application was submitted by Ramie Reader, 200 Western Avenue, for the construction of a 24'x22' garage. The application was signed.

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

Meeting adjourned at 8:45 p.m.

Prepared by:



Gillian B. Palumbo
Administrative Clerk

Attest: