

Essex Conservation Commission

March 1, 2005 – Minutes

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

Present: Wallace Bruce, Chairman, Robert Brophy, Philip Caponigro, Elisabeth Frye, Stephen Gersh

Absent: Philip Lake, Shirley Singleton

Meeting called to order at 7:42 p.m.

Mark and Jacqueline Buckley, 98 Pond Street, met with the Board to discuss the construction of an addition to their house. Mrs. Buckley said they would like to put an addition onto the house, but they are looking for guidance as there are wetlands on the property as well as on the property next to them, which include a small pond and an intermittent stream. The addition would be approximately 380 square feet. The Board reviewed the site plan submitted by the Buckleys. The Board felt they should file an Abbreviated Notice of Intent for the proposed project.

Scott DeWitt met with the Board to request an extension to the Order of Conditions, D.E.P. File Number 021-0452, issued for a proposed project at 199 Western Avenue. Mr. DeWitt told the Board the Order of Conditions was issued in 2002, but because of legal problems he was not able to begin the work until this year.

Stephen Gersh moved to extend for three years the Order of Conditions, D.E.P. File Number 021-0452, issued to Scott DeWitt for a project at 199 Western Avenue, seconded by Philip Caponigro, with Wallace Bruce, Robert Brophy, Philip Caponigro, and Stephen Gersh voting in favor; Elisabeth Frye abstained.

A continuation of a public hearing was heard at 7:56 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by August Meyer for the installation of a 2-inch low-pressure sewer main at 23 LeBaron Road.

Wallace Bruce told the Board a site visit was made by three members of the Commission, namely Elisabeth Frye, Shirley Singleton and Wallace Bruce. There is a pre-existing water main in the area that Mr. Meyer wants to dig up – it has been dug up before. Mr. Meyer was told the most efficient way is to replace the pipe.

Page Two

March 1, 2005 - Minutes

Robert Brophy moved to close the public hearing for August Meyer, 23 LeBaron Road, seconded by Philip Caponigro, with the Board voting unanimously in favor.

Stephen Gersh moved to approve the installation of a 2-inch low-pressure sewer pipe for August Meyer, 23 LeBaron Road, seconded by Robert Brophy, with the Board voting unanimously in favor.

A request for a Certificate of Compliance was made by Susanna McLaughlin for a project at 40 Lakeshore Drive.

Stephen Gersh moved to issue a Certificate of Compliance to Susanna McLaughlin, 40 Lakeshore Drive, certifying that work regulated by Order of Conditions D.E.P. File Number 021-0426 has been satisfactorily completed, seconded by Philip Caponigro, with Robert Brophy, Philip Caponigro, Stephen Gersh, and Wallace Bruce voting in favor; Elisabeth Frye abstained.

Low Land Farm, Apple Street – The Board reviewed the Minutes for Low Land Farm which will be forwarded to the D.E.P. Stephen Gersh and Philip Lake will submit a minority opinion on the subject of the issuance of an ORAD (Order of Resource Area Delineation) to Peter Van Wyck. Wallace Bruce said he is sending information from Apple Associates, including e-mail and plans that were amended three times.

Wallace Bruce then reviewed the meeting with the Board of Selectmen regarding the conservation restriction of Peter Van Wyck for a parcel of land off Turtleback Road extension. He said the Planning Board and Board of Selectmen understand the agreement for judgement and felt Mr. Van Wyck's 10-acre parcel satisfies all aspects of the conservation restriction. Martha Hoar said the conservation restriction should encompass a wildlife habitat and nature study area. Wallace Bruce noted there was a definite difference of opinion. He added that the Conservation Commission is the biggest decision-maker of the conservation restriction. He said the only thing the Open Space Committee presented for the 10-acre site was not realistic and the Committee had not come up with anything else to offer. Meanwhile, the Planning Board has plans A, B, C and D, with A being the most productive. It was noted that this is not a typical conservation restriction, but a judgement, and in a judgement you say you are going to take a particular piece of land and put it under a conservation restriction. Stephen Gersh said he will not sign the conservation restriction until the following happens – stone

Page Three

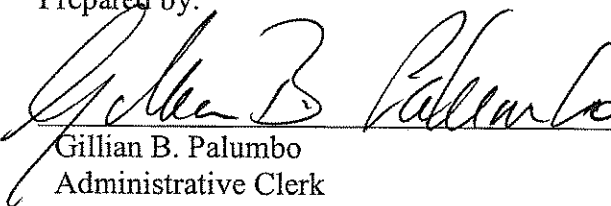
March 1, 2005 - Minutes

monuments installed at the boundaries at Mr. Van Wyck's expense, four feet high and two feet in the ground, and removal of the pile of brush and debris.

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

Meeting adjourned at 9:10 p.m.

Prepared by:



Gillian B. Palumbo
Administrative Clerk

Attest: