

Essex Conservation Commission

April 5, 2005 – Minutes

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

Present: Wallace Bruce, Chairman, Robert Brophy, Elisabeth Frye, Stephen Gersh, Shirley Singleton, Philip Caponigro (9:30 p.m.); Philip Lake absent.

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

A continuation of a public hearing was held at 7:34 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Todd and Christine Twombly for the construction of an addition to the existing dwelling at 67 Western Avenue.

Wallace Bruce, Elisabeth Frye and Stephen Gersh visited the site and noted the addition is quite straightforward. The silt barrier and any excavation will be as far from the wetland as is possible.

Stephen Gersh moved to close the public hearing for Todd and Christine Twombly, 67 Western Avenue, seconded by Shirley Singleton, with the Board voting unanimously in favor.

7:40 p.m. – Hunt Durey, Restoration Planner of the Massachusetts Office of Coastal Zone Management Wetlands Restoration Program met with the Board to make a presentation on the Coastal Wetlands Restoration Plan for Essex.

8:15 p.m. – Stephen Gersh moved to approve the project of Todd and Christine Twombly, 67 Western Avenue, seconded by Elisabeth Frye, with the Board voting unanimously in favor. The following conditions will be added to the boiler plate: 1) stockpiling of any material will be to the rear adjacent to the front corner of the deck, and 2) a silt fence should be placed 18-feet from flags A6-A8.

A public hearing was held at 8:20 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 a sanitary disposal system, driveway and grading at Lot 38, Turtleback Road.

John Morin of the Neve-Morin Group, represented the applicant, who also attended the meeting. Mr. Morin told the Board that on a previous filing for this lot - Assessors Map 9, Parcel 11M - they had withdrawn three out of the four lots. The wetlands are at the rear of Lot 24, which is the abutting lot. The proposed project is for a soil absorption system, grading, and the construction of a small portion of the driveway. The corner of

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the driveway is 98-feet from the wetland area. Mr. Morin noted they had had a comment from the Board of Health and revised the plan, and they now feel they should have approval of the plan at their next meeting. Wallace Bruce questioned the septic system on the next lot being so close to the lot lines. Mr. Morin told him they had engineered the lot line of Lot 39 to allow the septic system on that lot. The Board then reviewed the Notice of Intent and plan.

As no D.E.P. file number had been issued at this time, Stephen Gersh moved to continue the public hearing for Peter Van Wyck for Lot 38, Turtleback Road, to Tuesday, April 19, 2005, at 7:35 p.m., 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 Peter Van Wyck for the construction of a sanitary disposal system, retaining wall and grading at Lot 39, Turtleback Road.

John Morin, of Neve-Morin Group, represented the applicant, who was also present at the hearing. Mr. Morin told the Board that this was the same wetland series as for Lot 38. A small portion of the back half of the leaching area is within the buffer zone. The reserve area is between two primary trenches. Shirley Singleton asked Mr. Morin what was the height of the retaining wall. He told her there was a range in height from almost 0 to 4-feet. The highest point is four feet. A grading easement was made so that the owner of Lot 39 can grade and the owner of Lot 38 will not block the grading for Lot 39. The Board reviewed the Notice of Intent and plan.

As no D.E.P. File number had been issued at this time, Stephen Gersh moved to continue the public hearing to Tuesday, April 19, 2005, at 7:45 p.m., seconded by Shirley Singleton, with the Board voting unanimously in favor. A site visit will be made to the property on Saturday, April 16, 2005, at 8:00 a.m.

A public hearing was held at 8:40 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 two dwellings, driveway, septic components and grading at Low Land Farm, Assessors Map 9, Parcel 12(1).

Paul Alunni, Apple Associates, represented the applicant, who was also present for the hearing. Commission member Elisabeth Frye questioned whether she was an abutter to the property. Review of the plan indicated that from the lot line she was not an abutter as her property was more that 100-feet away. Mr. Alunni stated Mr. Van Wyck is an abutter to the lot. Elisabeth Frye noted the Planning Board signed the plan on April 2004 and

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questioned whether this plan was the same as the original plan of 1994. Mr. Alunni said he did not know if it was the same plan. He told the Board that a small corner of the septic system clips the buffer zone – the closest point to the buffer zone is 95-feet. He said the plans have been submitted to the Board of Health. Septic components for two of the three dwellings are within the buffer zone. Dwelling #2 is 24-feet from the wetlands. It was felt that all three dwellings on this lot should have been noted in the Notice of Intent as a small portion of the dwelling not mentioned in the Notice of Intent had a small portion within the buffer zone. Mr. Alunni noted that a stake has been placed on site indicating the center of each dwelling. Although a D.E.P. File Number has been issued for the proposed project, the Commission was advised by the D.E.P. to continue the hearing until such time they have issued a Superceding Order of Resource Area Delineation on Low Land Farm.

Stephen Gersh moved to continue the public hearing for Peter Van Wyck for Lot 1, Low Land Farm, to Tuesday, May 3, 2005, at 8:05 p.m., seconded by Shirley Singleton, with the Board voting unanimously in favor.

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 Peter Van Wyck for the construction of a dwelling, septic field, septic tank and components and grading at Low Land Farm, Assessors Map 9, Parcel 12(2).

Stephen Gersh moved to continue the public hearing for Peter Van Wyck for Lot 2, Low Land Farm, to Tuesday, May 3, 2005, at 8:15 p.m., seconded by Shirley Singleton, with the Board voting unanimously in favor.

A public hearing was held at 9:00 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 two dwellings, driveway, septic tank and components and grading at Low Land Farm, Assessors Map 9, Parcel 12(3).

Stephen Gersh moved to continue the public hearing for Peter Van Wyck for Lot 3, Low Land Farm, to Tuesday, May 3, 2005, at 8:25 p.m., seconded by Shirley Singleton, with the Board voting unanimously in favor.

Robert Brophy said he went to Low Land Farm on Sunday and took photographs and still stands by his judgement that the one area in question, Area B, is not a wetland. Wallace Bruce and Elisabeth Frye reviewed the same area. Wallace Bruce said he is in agreement with Robert Brophy; Elisabeth Frye abstained from giving an opinion. The photographs will be sent to the D.E.P. to be made part of the submittal of information for the Superceding Order of Resource Area Delineation for Low Land Farm.

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A public hearing was held at 9:10 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Peter Van Wyck to filter surface water run-off prior to entry into an existing pond at 9 Turtleback Road, Assessors Map 9, Parcel 11R.

Peter Van Wyck told the Board that surface water from the dwelling rolls over the stone wall and sits. He would like to dig a trench by the wall and fill the trench with leach sand. The intent was to persuade the Board to focus on clean water. Stephan Gersh told him that had he cleaned up the rear of the property where he was to re-vegetate, there would be less erosion and would clear up the problem. He added that the vegetation in one area was completely lost and has never had a re-planting. Shirley Singleton told Mr. Van Wyck he was compounding a series of projects without completing one of them. She told him to complete a project and create some credibility. Stephan Gersh said he would like to have a plan from Mr. Van Wyck's engineer and that Mr. Van Wyck should tell the engineer what he would like to accomplish and have the engineer create a plan. Stephen Gersh said he would go on record stating that what Mr. Van Wyck is proposing to do will not work as he has tried it on his own property. Wallace Bruce told Mr. Van Wyck that the Board would like to see some of the concerns addressed and some of the unfinished projects completed. The Board will visit the site and address the following: restoration of the first 50-feet of buffer, and to have Mr. Van Wyck stop work on the retaining wall until he files an Abbreviated Notice of Intent. Scottie Robinson, 4 Turtleback Road, told the Board that the pond in which Mr. Van Wyck proposes to push the water is on the border of her front yard, and she does not want it to overflow to that area. She added that her concern is also the state of the culvert under the road and that it is not maintained well.

Robert Brophy moved to continue the public hearing for Peter Van Wyck, Assessors Map 9, Parcel 11R, to Tuesday, May 3, 2005, at p.m., seconded by Shirley Singleton, with Robert Brophy, Shirley Singleton and Stephan Gersh voting in favor; Elisabeth Frye abstained.

Stephan Gersh read a letter that he had written for submittal to the Board of Selectmen regarding the conservation restriction for the 10-acre parcel that Peter Van Wyck is giving to the Town and what the Commission wants to see done to the parcel prior to accepting it. The Board members will review the letter and vote on it at the next meeting. Shirley Singleton felt the Board should make a stand on this. Philip Caponigro wanted to go on record as objecting to the way Commission member Stephan Gersh tossed the letter to Chairman Wallace Bruce.

A request for a Certificate of Compliance was made by William Mahoney, 20 Coral Hill.

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Stephan Gersh moved to issue a Certificate of Compliance to William Mahoney, 20 Coral Hill, certifying that work regulated by Order of Conditions D.E.P. File Number 21-0428 has been satisfactorily completed, seconded by Philip Caponigro, with the Board voting unanimously in favor.

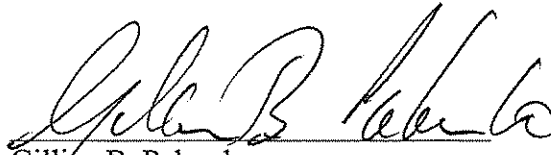
A building permit application was submitted for review by Tennessee Gas Pipeline for the relocation of their building on Southern Avenue. The building permit application was signed.

A building permit application was submitted for review by Brad and Joan Ketchum for the construction of a dwelling at 1R Lufkin Point Road. Stephan Gersh will check the site.

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

Meeting adjourned at 10:10 p.m.

Prepared by:



Gillian B. Palumbo
Administrative Clerk

Attest: