

Essex Conservation Commission

July 12, 2005 – Minutes

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

Present: Wallace Bruce, Chairman, Robert Brophy, Philip Caponigro, Elisabeth Frye, Stephan Gersh, and Shirley Singleton; absent – Philip Lake.

Meeting called to order at 7:36 p.m.

A request made by John Shields for the Commission to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, for the construction of a two-car garage and installation of an in-ground pool at 1 Pine Ridge Road was heard at 7:37 p.m.

Wallace Bruce and Stephan Gersh visited the property and found there were no issues. Robert Brophy and Philip Caponigro visited the site at a later date and found no issues with the projects.

Stephan Gersh moved to issue a negative Determination to John Shields, 1 Pine Ridge Road, for the construction of a two-car garage and installation of an in-ground pool, seconded by Philip Caponigro, with the Board voting unanimously in favor.

A request made by Thomas and Mark Shea for the Commission to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, to level an 800-square foot area and add stone dust at 242 John Wise Avenue was heard at 7:43 p.m.

Tom Shea told the Board the area in question was hit particularly hard during the winter, between the snow plow and the salt, and killed the grass, which then turned into a large mud puddle. They started to level it off, and were stopped by Commission member Robert Brophy. Staked hay bales have been put in place in almost the same area as shown on the plan for the addition to the building. Stephan Gersh said his only concern is making sure the hay bales are tight enough, as the area is only 41-feet to the river. He asked Robert Brophy if he had checked to see how tight the hay bales had been staked. Robert Brophy said he did not, that the Shea Brothers had installed them on their own. Tom Shea said that in some cases the hay bales are doubled up and were completely butted up as tightly as was possible with two stakes. The material to be placed in the area will be 3 to 4-inches thick.

Stephan moved to issue a negative Determination to Thomas and Mark Shea, 242 John Wise Avenue, seconded by Shirley Singleton, with the Board voting unanimously in favor.

A public hearing was held at 7:52 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Joseph Brain for the construction

of a one-story addition to the garage and a 30x22-foot 2-story addition to the dwelling at 59 Wood Drive.

Kent Ellis, contractor for the proposed project, and representing the applicant, met with the Board. Wallace Bruce questioned whether the addition would have a full foundation. Mr. Ellis stated it would. A new septic system will be installed which has received approval from the Board of Health. Chairman Bruce asked what measures would be taken to prevent any siltation into the Lake, as one of the additions would be quite close to the top of the bank. Mr. Ellis said a few trees would have to be removed, but a lot will be saved. The direction of the driveway will be changed so it will go straight into the garage, so a few trees will be removed in that area. A site visit will be made on Saturday, July 16, 2005 at 8:30 a.m.

Stephen Gersh moved to continue the public hearing for Joseph Brain, 59 Wood Drive, to Tuesday, August 9, 2005 at 7:35 p.m., seconded by Philip Caponigro, with the Board voting unanimously in favor.

A request made by James Braier for the Commission to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, for soil testing within 100-feet of Chebacco Lake at 42 Lake Shore Drive was heard at 8:02 p.m.

James Braier met with the Board. Shirley Singleton asked if the soil testing was going to occur in front of the old septic system. Mr. Braier said it would occur towards the back of the garage away from the Lake, in which case it would be 100-feet away from the Lake. He hoped they would not have to do any testing between the house and the garage. The septic system is failing, and they first thought it could be repaired, but it cannot, so a new system would be required. Mr. Braier indicated his garage is approximately 102-feet from the Lake.

Stephen Gersh moved to issue a negative Determination to James Braier, 42 Lake Shore Drive, seconded by Shirley Singleton, with the Board voting unanimously in favor.

A continuation of a public hearing was held at 8:05 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 within the buffer zone at Low Land Farm, Assessors Map 9, Parcel 12(1).

Shirley Singleton requested a plan signed off by the Planning Board. Mr. Van Wyck provided such a plan signed off by the Planning Board in 2004. Stephen Gersh said the Board needed a final approved plan that reflects the agreed upon wetlands line as a result of the D.E.P.'s Superceding Order. He stated that for him to feel satisfied he needs to see and compare the plan dated May 25, 2005. He assumed that the new plan was a result of D.E.P. visiting the site, looking at the wetland line, taking Michael DeRosa's figures and putting them in the section in question. Stephan Gersh re-stated that he just needs to see the other plan. A plan was produced dated May 25, 2005 and reviewed by the Board.

The Board found the wetland line had been changed in accordance with the requirements of the D.E.P.

Stephan Gersh moved to close the public hearing on Low Land Farm, Assessors Map 9, Lot 12(1). Chairman Bruce stated that they were closing the hearing on the location of dwellings which were not shown on the May 25, 2005 plan, so the Board needed to compare the location of the dwellings on a prior plan with the final revised plan. The motion was seconded by Robert Brophy, with Robert Brophy, Philip Caponigro, Stephan Gersh and Shirley Singleton, voting in favor; Elisabeth Frye abstained.

A continuation of a public hearing was held at 8:30 p.m. on a Notice of Intent filed by Peter Van Wyck for the construction of a dwelling, driveway, septic field, septic tank and components and grading within the buffer zone at Low land Farm, Assessors Map 9, Parcel 12(2).

Stephan Gersh moved to close the public hearing for Peter Van Wyck for Low Land Farm, Assessors Map 9, Parcel 12(2), seconded by Robert Brophy, with Robert Brophy, Philip Caponigro, Stephan Gersh and Shirley Singleton voting in favor; Elisabeth Frye abstained.

A continuation of a public hearing was held at 8:32 p.m. on a Notice of Intent filed by Peter Van Wyck for the construction of two dwellings, driveway, septic tank and components and grading within the buffer zone at Low land Farm, Assessors Map 9, Parcel 12(3).

Stephan Gersh moved to close the public hearing for Peter Van Wyck for Low Land Farm, Assessors Map 9, Parcel 12(3), seconded by Robert Brophy, with Robert Brophy, Philip Caponigro, Stephan Gersh and Shirley Singleton voting in favor, Elisabeth Frye abstained.

Robert Brophy thanked the Board for allowing Mr. Van Wyck two weeks to remove the pipe from Elisabeth Frye's property. A site visit was made to the property by Robert Brophy, Wallace Bruce and Elisabeth Frye. Mr. Van Wyck said he would like to continue with the grass coverage along Elisabeth Frye's wall, and would like to clear out the area down to the property of Philip Lake. Robert Brophy said Mr. Van Wyck should come in with a new Notice of Intent. Stephan Gersh said according to his delineation it indicated that the area was a bordering vegetated wetland, and it should be noted that Mr. Van Wyck is destroying a vegetated area. Mr. Van Wyck wants to have grass in the area so that he can mow it. Mr. Van Wyck said he would like to have Philip Lake remove the manure from his storage area on a more regular basis as it filters into his pond creating algae. Mr. Van Wyck said he told Mr. Lake that he would take the manure and put it on Low Land Farm as he has a composting operation there. Elisabeth Frye said Mr. Lake was doing that at one point. It was felt at this time the Board should continue with those items on the agenda, and that Mr. Van Wyck should make some notes on this issue and submit them to the Administrative Clerk.

The Board signed the Order of Resource Area Delineation for Peter Van Wyck for property off Essex Park Road.

The Board signed a Bills Payable Voucher.

An appeal was submitted to the D.E.P. for Order of Conditions D.E.P. File Numbers 21-507 and 21-508, property of Peter Van Wyck , Lots 38 and 39, Turtleback Road.

Board of Health Verification of Conservation Commission Jurisdiction Form – 1) Christopher and Deborah Osborne, 143A Western Avenue – The Board reviewed the plan and signed that it had no jurisdiction over the project. 2) Emil and Karin Gertsch, 11 Haskell Court – The Board reviewed the plan and signed that it had no jurisdiction over the project.

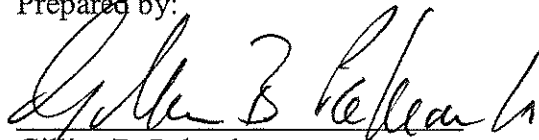
Building permit application review – James Trudeau, 4 Eastern Avenue, for a 2nd Floor deck – Stephan Gersh will review the site.

Stephan Gersh asked if there were any objections to the Conservation Commission agent's job description. Robert Brophy said he had an objection, but felt discussion of this should be on the agenda for August 9, 2005.

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

Meeting adjourned at 9:15 p.m.

Prepared by:



Gillian B. Palumbo
Administrative Clerk

Attest: