

Essex Conservation Commission

October 18, 2005 – Minutes

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

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

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

A request made by Michael Galli for the Commission to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, for the demolition and reconstruction of a dwelling at 54 Lakeshore Drive was heard at 7:35 p.m.

Richard Clarke of EPS Associates, together with the applicant, met with the Board. Richard Clarke told the Board Mr. Galli purchased the house across the street from him and wanted to build on the house but realized it was in very poor shape with structural damage and mold issues. Mr. Galli would now like to demolish the existing structure and reconstruct a modular on the same footprint. Mr. Clarke indicated there was a possibility that the modular could be smaller than the existing footprint, thereby creating less impervious surface. Philip Caponigro asked if the patio was staying. Mr. Clarke told him it is a 3-foot high concrete patio and is part of the structure of the house and they are proposing to take down the whole area. They have not gone to the Board of Health as yet, but Mr. Clarke noted the septic system is out of the 100-foot buffer zone. He said he has spoken to the Health Agent and will be putting in an alternative system. All storage and storage of equipment will be outside the buffer zone.

Stephan Gersh moved to issue a negative Determination to Michael Galli for the demolition and reconstruction of a modular dwelling on the same footprint at 54 Lakeshore Drive, seconded by Philip Caponigro, with the Board voting unanimously in favor. The following condition will be written into the Determination: A silt fence will be in placed on site as shown on the plan dated September 30, 2005. All storage of material must be outside of the 100-foot buffer zone.

A request made by Donald Reed for the Commission to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, for the installation of a 20x40-foot in-ground pool at 40 Southern Avenue was heard at 7:45 p.m.

The Board reviewed the plan. Shirley Singleton asked if the loam pile could go into another area. Mr. Reed said that was where the pool company drew it, but it could go wherever the Commission wants to it to go as he has a fairly large yard. Shirley Singleton asked if the pool would be drained in the winter. Mr. Reed said it would not, as it is a gunite pool and therefore has to stay full. If it were drained it would pop out of the ground. It will be chlorinated as the ultra violet filter is too expensive. Mr. Reed said the only water that would be drained would be when the filter is backwashed. Stephan

Gersh said that in another pool installation the Board had required a drywell away from the wetlands. Their concern was that no chlorinated water flow into the wetlands.

Stephan Gersh moved to issue a negative Determination to Donald Reed, 40 Southern Avenue, for the installation of a pool, seconded by Philip Caponigro, with the Board voting unanimously in favor. The following condition will be written into the Determination: A drywell or a storage tank must be installed, located 50-feet from the bordering vegetated wetland to control the backwash from the pool.

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 Christopher Gibson for the construction of a gravel driveway and installation of two drainage pipes at 102 Apple Street.

Kurt Young, Wetlands Preservation, Inc., together with the applicant, met with the Board. Mr. Young said the applicant would like to demolish the rear portion of the structure. There is a bordering vegetated wetland and a small intermittent stream in the area. Coming off of Apple Street there is a 12-inch corrugated metal pipe that runs under Apple Street. He pointed out on the plan a catchment area to collect roadside run-off. Mr. Young said the water has come out from that area and has scoured a channel through the paddock area. What they would like to do is catch that and pipe it – there is also an erosion problem on the side of the road where that has been flowing. The proposal is to culvert the run-off and when the addition is constructed to put in some foundation drains and a circular driveway to access the side of the house and barn. The catch basin will be just outside of the road layout and will have to be cleared with the Town D.P.W. There is an erosion problem in the first 20-feet particularly along the edge of the road that they are trying to deal with. A site visit will be held on Saturday, October 22, 2005 at 9:30 a.m.

Stephan Gersh moved to continue the public hearing for Christopher Gibson, 102 Apple Street, to Tuesday, November 1, 2005 at 7:35 p.m., seconded by Philip Caponigro, with the Board voting unanimously in favor.

A continuation of a public hearing was held at 8:10 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Peter Van Wyck for the construction of three houses and appurtenances at Low Land Farm, Assessors Map 9, Lot 12(3).

The public hearing had been continued from the meeting of October 4, 2005 in order to receive information from the Board of Health. Mr. Van Wyck said the Board of Health wanted another perc test that has now been done. Mr. Van Wyck was asked why the Health Agent wanted another test hole. Mr. Van Wyck said the system was a little larger than what she has dealt with and there was an area of the system where she was not sure what was underneath.

Page Three

October 18, 2005 - Minutes

Stephan Gersh moved to continue the public hearing for Peter Van Wyck, Low Land Farm, to November 1, 2005 at 8:05 p.m., seconded by Shirley Singleton, with Philip Caponigro, Robert Brophy, Stephan Gersh and Shirley Singleton voting in favor; Elisabeth Frye abstained.

Special Conditions for Peter Van Wyck for mowing wet meadows – Robert Brophy asked the Board why they are making Mr. Van Wyck put in large boulders when other areas the Board has required 6x6 pressure treated posts. Stephan Gersh said it is partly aesthetics; the second reason is that to install the posts securely Mr. Van Wyck would have to bring in a backhoe and use an auger that could disturb more area than they are worth; thirdly, it is less likely the boulders will move.

Stephan Gersh moved to accept the special conditions written for the removal of the loam pile and mowing of the fields on Lots 1, 3 and 4 for Low Land Farm Road and based on a plan dated August 8, 2005, seconded by Shirley Singleton, with Robert Brophy, Philip Caponigro, Stephan Gersh and Shirley Singleton voting in favor; Elisabeth Frye abstained.

Robert Brophy told the Board that Tom Webster was called on the Gallagher property at 147 Eastern Avenue. He needs to have a 44-foot easement and is calling a botanist to re-flag the area. The silt barriers need to be replaced so Robert Brophy told them not to start work until a new silt barrier is installed.

Rolf Madsen made a request to the Board to issue a Certificate of Compliance for work at 89 Pond Street.

Stephan Gersh moved to issue a Certificate of Compliance to Rolf Madsen, 89 Pond Street, certifying that work regulated by Order of Conditions D.E.P. File Number 021-0490 has been satisfactorily completed, seconded by Philip Caponigro, with the Board voting unanimously in favor.

A building permit application was submitted for review for David and Nancy Mering, 37 Spring Street, for the construction of an addition to the existing dwelling. Stephen Gersh will make a site visit prior to signing the application.

Stephan Gersh moved to hire Mary Ferriera for the position of Conservation Commission Administrative Clerk, seconded by Robert Brophy, with the Board voting unanimously in favor.

Wallace Bruce said he received an e-mail from Town Administrator Brendhan Zubricki and Planning Board Chairman Robert Fitzgibbon regarding the Conservation Restriction off Turtleback Road. Town Counsel is suggesting that the Conservation Commission and

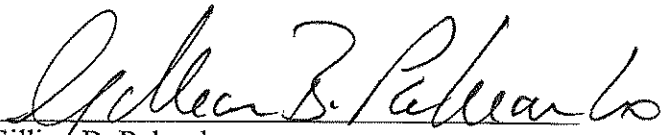
Page Four
October 18, 2005 – Minutes

Planning Board accept what they can get. Peter Van Wyck's attorney has said Mr. Van Wyck has done what is expected of him.

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

Meeting adjourned at 8:45 p.m.

Prepared by:



Gillian B. Palumbo
Administrative Clerk

Attest: