

Essex Conservation Commission

November 15, 2005 – Minutes

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

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

Meeting called to order at 7:35

7:35 p. m. – A request made by Marcia Greenbaum, 50 Apple St., for the Commission to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, section 40, for a septic repair. Shirley Singleton inquired about the system being a repair and not new project. Ms. Greenbaum confirmed it is a repair and required by the Board of Health as it is a failed system. She stated she will be replacing the system that she has and not part of the sewer, its essential. Shirley Singleton inquired about the placement of the system and asked if is in a new place on the property. The Applicant confirmed it will be a bit to the left of existing placement, not sure of the overlap, but can review plans for further information. Philip Lake inquired about a full site plan as what is in front of the Commission is a small portion. A discussion about the necessity of a full site plan and the changes between the old plan and the new plan ensued. The driveway and the lay of the property were reviewed. S. Gersh inquired about the approval of the Board of Health. The Applicant stated the BOH has approved the plan. Mr. Gersh stated that the Commission needs a copy of the approval from the BOH and a full site plan for the file. The Applicant did present from her files at this time a full site plan for review, but stated it is her only copy and wants to retain it. The Commission was able to review the full site and make a determination. S. Gersh made a motion to make a Determination, with P. Caponigro seconding, on two conditions: 1) that a copy of the full site plan and 2) a copy of the stamped approval of the septic system from the Board of Heath, be made available for the Commission's files. The Applicant agreed. Once done the Negative Determination will be issued. A unanimous vote from the Commission for a Negative Determination is rendered. Applicant thanked the Commission.

7:45 p.m. – Continuation of public hearing under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent by John Donovan, 77 Wood Drive, septic system upgrade. S. Gersh went down to take a look at the site. There is a house between the Lake and where the Applicant's septic system is, which he wants to improve so he can prevent on going pollution to the lake. The intentions are clear and hay bails are required on the left side of the house only. The wall, which is in fact along the edge of the lake, is ,as the applicant described, it is a purely a hand-carry job of moving boulders that have come off the wall back on to it. There is no machine work; there is no mortar; it is just dry labor. S. Gersh saw no reason for two separate filings. It doesn't warrant that elaborate approach and can be folded into the septic system plans, which was presented as

a Notice of Intent two weeks ago. A motion was made to close the public hearing by W. Bruce. R. Brophy made the point that he had questioned the fact that there was little discussion about the wall repair and wanted to be assured of its applicability. Now that S. Gersh has seen the property, he finds no problem with the issue. A new motion to close the public hearing is made; S. Singleton seconded it, with the Commission voting unanimously in favor.

Stephen Gersh discussed conditions for 77 Wood Drive. 1) Full silt fence between house and the work. 2) The restoration of stone wall must be done by hand only, with no machinery or mortar.

W. Bruce agreed to be the overseer of this project.

A discussion about a DEP file number and the need for abutter notifications/green cards took place. DEP File Number was found, but no abutter notifications. Order of Condition was issued contingent on abutter notification.

8:00 p.m. – Request for continuation of a public hearing for Peter Van Wyck, 3 houses and appurtenances at Low Land Farms, Assessors Map 12 (3). A motion to continue the public hearing to December 6, 2005 was made by P. Caponigro, seconded by S. Singleton, Commission votes unanimously for continuation, with E. Frye and P. Lake abstaining.

A discussion about Commission's rules of procedure took place and how to better educate the public about requirements before work can begin on projects.

8:10 p.m. – Building permit review

Phyllis Pascucci, 154 Eastern Ave., - demolish and construction of barn. S. Gersh agreed to take a look and contact M. Ferreira and W. Bruce with findings.

John Fenton, 47 Lebaron Rd. – second floor addition, in foot print of house. A concern about where the construction material and equipment will be and if it will affect the wetlands was voiced. A continuation is necessary and a full site plan is required before approval.

Request for Certification of Compliance by Susan Dillon, 92 Pond St., DEP # 21 – 0491. P. Caponigro has looked at project and stated everything is fine. A motion to issue the Certificate was made by S. Gersh, seconded by S. Singleton, with the Commission voting unanimously in favor.

BOH Verification of Conservation Commission Jurisdiction:

Edward Gallivan, 25 Haskell Court, W. Bruce will take a look.

Johnathan Cort, 51 Story St., no jurisdiction by Conversation Commission.

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Bills Payable for Peter Van Wyck reimbursement and Health Resources were signed.

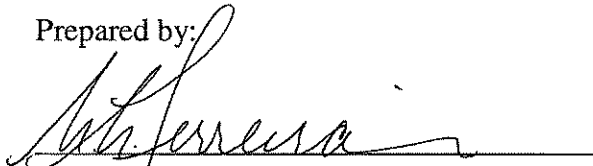
Order of Conditions for Christopher Gibson were discussed. A decision to require a sediment trap to be installed and cleaned out twice a year at 6 month intervals and evidence of clean out to be provided to the Commission annually every May was made.

Reading material was distributed.

S.Gersh moved to adjourn meeting, seconded by S. Singleton, with the Commission voting unanimously in favor.

Meeting adjourned at 9:00.

Prepared by:

A handwritten signature in cursive script, appearing to read "Mary M. Ferreira", is written over a horizontal line.

Mary M. Ferreira  
Administrative Clerk

Attest: