

Essex Conservation Commission

January 3, 2006 Minutes

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

Present: Wallace Bruce, Chairman, Robert Brophy, Elisabeth Frye, Stephan Gersh, Philip Lake

Meeting called to order 7:35

7:35p.m. – Request for Determination of Applicability for Pallazola Brothers Landscape Construction, 60 John Wise Avenue, continued use of compost pile. The representative for the Pallazola Brothers begin by mentioning they had been here for the project in September just prior to the site plan review application presented to the Planning Board. The Conservation Committee was the commenting agency at the Planning Board and asked the Pallazola Bros. come and explain what was proposed. The applicant states that what was proposed was simply changing the use of the Hardy Hatchery building, pointing to the yellow building on the plan, from a hatchery business to the office of the Pallazola Brothers construction operation. They are proposing to increase the parking area behind the building to provide more room for their vehicles and so they filed the application with the Planning Board as part of the redevelopment of the property. At the time, they had flagged the wetland along the western side of the site, showing the 100 ft buffer zone; the proposed expansion of the parking area is outside that area. The hatchery had a compost pile behind the building and it is still there today and what the Pallazola Brothers are requesting is to continue to use the composting pile. When they were here in September, the Commission asked that they come back with an RDA for the review of this, because of concern about the reuse of the compost pile and that is why they are here. The Pallazola Construction Company anticipates putting cut grass, plants, and other organic material from their landscaping operations in to the composting pile, and liming from the compost pile, cured material and using it as a soil amendment in their landscaping operations.

S. Gersh asks what would the volume be. The applicant answers that at this point in time they don't have enough control of what comes in or their compost need, but do predict that the compost pile would remain approximately the same size at it is now. It will fluctuate depending on what the projects they are receiving. S. Gersh asks if they are setting up wind rows or are they just going to be rotating. The applicant says it would be a static pile.

W. Bruce asks about whether they had stated that all the use of the composting area would be held within this area or would they be turning it with backhoes or heavy equipment and utilizing the area outside the pile. The applicant did state that they would have to get around the pile with their heavy equipment, but they

have their own equipment to use if needed to turn the pile once a month, or something like that.

S. Gersh asked about an erosion control, and are we talking about a permanent installation like a berm, or what. "You are right on the wetlands, about 30 feet. If machines come around on the West side of the compost, you are only about 4-5 feet off the wetland and there will be erosion of the soil, ruts and run-off because of the hill. What are they proposing to protect this kind of run-off into the wetland?"

The applicant is proposing a silt fence and hay bails to protect that area, pointing out that this wetland is really a wet meadow; it really is a grass and probably continues on the opposite side of the rock wall and this area has historically been hayed or cut a couple times a year to keep it as a wet meadow. S. Gersh, states that the wet meadows are designated as BPW's. The applicant agrees and Mr. Gersh maintains the need to protect them as if they were like any other kind of wetland. S. Gersh suggests we have a little bit more than a permanent structure, silt fences and hay bails disappear faster than you can believe, but it doesn't have to be excessive, some kind of berm built up so that there is at least 24- 30 inches high, at the maximum limit to where the machinery would go and nothing would be driven or dumped over that. Because if they are going to bring the machinery, in fact around the West of that, there will be a lot of ruts and collection of water runoff of the actual compost. A berm would be much more appropriate than a silt fence or hay bails.

P. Lake asks whether the proposition would be a Negative Determination with some kind condition that a berm be built up in the shape of this. S. Gersh reviews the site plan and discusses the perimeters of the berm.

P. Lake would also comment on, noting that right now we have a 40 ft x 70 ft oval as the approximate location of the existing compost areas, to avoid that expanding to include the entire area back there, we would want to have a second condition that they maintain the contours no larger than the contours of the area shown to be the approximate location of the existing compost area - 40 foot x 70 foot. S. Gersh comments that they have to get around it. P. Lake reiterates it would just be the pile itself. E. Frye, states that the pile would be in the same footprint. The applicant suggests that if they did ever want to go outside the pile, they would just have to come back and ask permission, At this point just wanting to continue to use it.

P. Lake voices a concern about in the past there being some chicken products composting in there, and wants to reiterate that it would just be grass and such from the landscaping business, but there might be a change of use, such as ice or salt storage. We need to specifically state a condition that there would be composting only.

S. Gersh makes a motion for a Negative Determination. W. Bruce states that there has been a motion made to file this a Negative Determination with the conditions discussed. The three conditions are:

1. that there be an installation of a 36 inch high, 3 foot by 10 foot, soil berm along what is marked as the proposed erosion control on the plan of 8/9/05, revised 9/23/2005. Western most erosion control.
2. The compost pile must remain the size of the existing compost area not to exceed 40' x 70'.
3. Storage of only composting materials, for example, grasses, leaves, and the like.

E. Frye seconds the motion, the Commission votes unanimously in favor of a Negative Determination for the Pallazola Brothers continued use of the compost pile at 60 John Wise Ave.

7:45 p.m. – Open the Public Hearing on a Notice of Intent by Jeffrey Allsopp for Greenbelt Association renovations to existing structures, additions, walkways, and retaining wall at 82 Eastern Ave. Assessors map 14 (9). Mr. Allsopp mentions that they don't have any abutter issues and have gotten all, but two return receipts back from the mailings. Mr. Bruce states that unfortunately there is no DEP number issued at this time and the Commission can't open the hearing with out that number. There must be a continuation. Mr. Allsopp does sign a continuation form and will be available on the 17<sup>th</sup>. Mr. Gersh makes a motion to continue this public hearing for the Greenbelt Association based on not having a DEP number, E. Frye seconds the motion and the Commission votes unanimously in favor.

7:55 PM – Continuation of a public hearing for Peter Van Wyck, three houses and appurtenances at Low Land Farms, Assessors Map 12 (3). Mr. Bruce states that this would have to be continued on the Boards behalf because there is not a quorum.

Mr. Van Wyck says that there has already been an Order of Conditions for lot 3. It is all sealed and done and there was never any question about the septic system. He states that he has always gone along with the Commission and wonders what is the problem. Mr. Bruce restates that we do not have the members we need to substantiate this properly. Mr. Van Wyck asks what could we do as it could go on forever.

Mr. Lake states that we do usually have two other members here and that it would then be a quorum and the future it will not be a problem.

Mr. Van Wyck suggests that the Commission owes him something and should do more than just putting it off until next time. Mr. Bruce reminds Mr. Van Wyck that he has continued this for a couple meetings and doesn't think that by continuing this until the next meeting is being unfair to him. Mr. Van Wyck disagrees.

Mr. Lake asks if this project is in front of the Planning Board. Mr. Van Wyck states that he goes in front of the Planning Board tomorrow. S. Gersh makes a motion to continue the hearing due to the lack of a quorum until January 17<sup>th</sup>. After a discussion about abutters on the Board; R. Brophy seconds the motion, with a unanimous vote to continue until January 17<sup>th</sup>, P. Lake and E. Frye abstaining.

Mr. Van Wyck asks what would happen if he didn't sign the Continuation.

P. Lake is baffled by the fact that the Commission continues things for him regularly and then when he is asked to continue one thing it gets opposed. He states that the Commission has been very agreeable in the past when plans are rejected and has allowed P. Van Wyck to continue for months at a time. What is the difference between him asking for multiple continuations and the Commission doing the same now?

P. Van Wyck states that it has been before the Commission for a long time. (P. Lake interjects that it has been continued by the request of Mr. Van Wyck many times.) The reason why there have been continuations is because he wants to be doubly sure that he is within the boundaries of the requirements and has done a lot to be sure that he would not be in default of the borders. He puts forth an Order of Conditions already issued by the Board and states that he has been very nice about giving the Commission information about his projects.

R. Brophy reminds the Chairman that the motion has been carried to continue this hearing. The Commission ceases discussion and moves on.

Mr. Van Wyck still wants to learn why he has to sign the Continuation and the Commission states that he doesn't have to but the Commission has been very generous with him considering he didn't show up for the last continuance and the Board went ahead and moved to continue. Mr. Van Wyck asks what the Board would do for him in return for him signing the Continuance. The Commission voices frustration and states that he would have to start over from day one with a new Notice of Intent. A review of the rules ensues.

Mr. Bruce asks that Mr. Van Wyck sign the Continuation so that we can move on to the 17<sup>th</sup>. He understands that Mr. Van Wyck has frustration, but we can only say that the situation is what it is. Mr. Van Wyck wants some consideration as he is doing something for the Commission by signing. Mr. Bruce restates that it would be best to sign the Continuation so he is not forcing a position where you have to start this process all over.

A review of the Rules of Procedure does not give information concerning the issue of Applicant not signing the Continuation. P. Lake states that in the future the Commission could reject a continuation and have them go back to the beginning with a new filing and the cases where the Commission was hospitable to applicants would be ruined by this situation. Mr. Van Wyck signs the Continuation.

8:15 PM – Next on the agenda is Joe Parady and an informal discussion about wetland and marsh area. Mr. Parady introduces himself and states that he is a Gloucester resident and works for the city of Gloucester as a police officer. The reason why he is here today is because he is seeking permission to rebuild a duck camp that was on Great Marsh and a blizzard came by and knocked it off the pilings.

There is still an existing footprint on the marsh; the pilings are still there with lots of lumber and stuff that needs to be cleaned up. Mr. Gersh inquires about the location. Mr. Parady shows the site map and pin points the location. He states that the camp does have frontage on the river on the inside so he won't be dragging any lumber or materials across the marsh disrupting anything. E. Frye asks what he is planning on doing to get the materials there. Mr. Parady wants to pre-cut all the studs and just put up the four walls for a basic structure. He also states that he is a member of an organization called Ducks Unlimited and if the Commission passes this, will assist in protecting indigenous species. He states that he has contacted a biologist from Ducks Unlimited and presents a letter which says that a shelter of this nature will not cause any damage to the marsh. S. Gersh asks the size of the lot. It has been measured and is approximately 15 x 20. S. Gersh asks about how high he would be at high tide. Mr. Parady does plan on finding the highest tide and then making the adjustments to make it 1 foot about that. Mr. Parady states that he does have information on such things like grasses and things that could be planted to raise the water mark to give birds safe nesting areas. S. Gersh asks about fees for other hunters. Mr. Parady assures that this is for personal use only and he is not a guide. R. Brophy states that Coastal Zone Management says that there is the right to build and maintain a sleep-in duck blind. S. Gersh states that next Thursday the head of the Wetland Commission will be at a meeting and he will ask him about the legitimacy of this request. R. Brophy will also attend. The Commission will be in touch with applicant.

#### Building Permits:

1. Mark and Ingrid Rengi, 89 Choate St. - S. Gersh looked at the property and e-mailed the Administrative Clerk stating that if the addition was in the rear of the second floor there would be no problem, but the front is close to a stream and would need to be reviewed. A review of the site plan ensues. It is determined that everything is fine. The permit is signed and forwarded to the Board of Health.
2. Philip O'Connell, 63 Pond St. - The project is to demolish the existing deck and construct an 18 x 22 foot family room. After reviewing the site plan, there does not appear to be any danger to the wetlands so the Commission signs off and forwards the permit to the Board of Health.
3. John Theo, 77 Wood Drive, - The project is to add an addition extending over existing footprint adding second floor to back of house. The site plan is reviewed. The permit is signed.

Edward Gallivan, 25 Haskell Court - The project will be coming to the Commission in the Spring when the work will begin. The Board of Health verification is continued.

Susan Bjork, 28 Belcher Street, S. Gersh has reviewed the property and now signs the verification for the Board of Health.

Certificates of Compliance:

1. Sandy Patrican, 107 Belcher St. - There was an issue with the driveway. W. Bruce agrees to review the property and get back to the Commission.
2. Bill Wolbach, 4 Ralston Dr. – A subsurface sewage disposal system was put in. R. Brophy agrees to review the project and get back to the Commission.

A discussion of the DEP denial of a superceding order for DEP # 021-0507 is discussed.

A review of recent mail takes place. i.e. Moratorium issued by the Division of Marine Fisheries, Bio Fence advertising, Newsletters, etc.

Budget for 2007 is reviewed and discussed.

Administrative hours and other expenditures are signed.

November 1<sup>st</sup> and 15<sup>th</sup> minutes are reviewed and a motion to approve the minutes with the changes is made by R. Brophy, E. Frye seconds, and the Commission votes unanimously in favor.

Because there have been many filings by Peter Van Wyck, a review of what is currently on the table and a discussion about what the issue of concern is with this particular project takes place.

9:05 - Motion to close meeting is made by R. Brophy, W. Bruce seconds, and the Commission votes unanimously in favor.

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Mary M. Ferreira  
Administrative Clerk

Attest: