

Essex Conservation Commission

February 21, 2006-Minutes

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

Present: Wallace Bruce, Chairman, Shirley Singleton, Elisabeth Frye, Robert Brophy

Meeting called to order 7:30

7:30 – A review of Building Permit for Jonathan Schreiber, 6 Lufkin Point Road. There is a review of the site plan and a discussion about demolition and rebuilding, including adding about 3 feet off the current front door. S. Singleton asks about removal of material and the applicant points out places that are high and away from the water. W. Bruce asks if the renovations include going any higher and is told that the ceilings will be higher but no second floor will be added. Because the work is squarely within 50 feet from the water, the Commission asks that the applicant file an Abbreviated Notice of Intent.

7:45 – John Fenton, 47 Lebaron Rd., asks for the Commission to reevaluate the request to file an Abbreviated Notice of Intent as he reviewed the requirements and feels that it is only necessary to file a Request to Determine Applicability. He reviews the site plan and the project at hand. He reviews the proximity to the mean high water mark and found it to be 275 feet from one structure and 412 feet from the other. S. Singleton asks about the two different projects that have been discussed and making a bundle versus two separate filings. Mr. Fenton understands, but wants to have this issue reviewed separately. He feels he qualifies for a Negative Determination with conditions as opposed to a Notice of Intent. He believes, according to his research, that this qualifies in a couple different ways; he points to buffer zone activities and criteria he pulled off the internet. Another document also suggests that this project be excluded from a Notice of Intent because it can be considered a minor activity with in the parameters he discusses. W. Bruce does consider a Request for Determination sufficient and asks the rest of the Commission members. They concur, obviously with conditions put in place, hay bails, storage of debris, etc. The Commission states Mr. Fenton can go ahead with a RDA.

8:00 – W. Bruce calls for a minute for the Commission to review how they will deal with the next case, particularly because there is no voting quorum. A discussion about whether the public hearing can be closed despite no voting quorum. The consensus is that the hearing can be opened and continued, with no vote occurring tonight.

8:10 – Continuation of public hearing for Peter Van Wyck, 3 houses and Appurtenances at Lowland Farms, Assessors Map 12 (3). W. Bruce reiterates

the basis of the discussion among the Commission and lets applicant know that there is not a voting quorum available tonight. R. Brown, the attorney for applicant, agrees that it would be better to continue the hearing. W. Bruce asks if there is anything that he wants to discuss any issues about the site visit. Mr. Brown states that he would be happy to discuss the site visit, but if there are not enough people to vote, a continuation would be the best to not jeopardize the issue. He says he wants to continue the hearing to the next meeting as the best precaution for any unanswered questions regarding the lack of attendance by the Commission. There is a motion by R. Brophy to continue this Public Hearing until March 7th, S. Singleton seconds the motion, the motion is granted by unanimous vote, E. Frye abstaining.

8:15 – Continuation of Public Hearing for Peter Van Wyck, the extension of a trench off Apple Street and the installation and extension of a gas line on Turtleback Road (DEP # 021-0522). E. Frye states that this is the same issue as the previous case so the Commission should proceed in the same way. S. Singleton asks about whether P. Van Wyck will be a distributor of the gas. She is told that this is not the case and Peter just wants to put it in with the utility company running the gas line. Ms. Singleton asks then why the company wouldn't be cutting across a town road, particularly for the liability issue. R. Brown does not have the answer to this. R. Brophy states his neighbor did his own extension, but that was just for his own property. It is made clear that Mr. Van Wyck will not be a distributor of the gas. A suggestion that a letter from the DPW would be helpful in assuring the Commission of safety issues is made. This hearing is continued until March 7th as well.

8:25 – Building Permit for Steve and Rhonda Woodman, 121 Main St., adding a third floor dormer, is reviewed. This was reviewed by W. Bruce and approved. The permit is signed.

Building Permit for Dennis and Rose Burnham, 210 Rear Western Ave., repair and rebuild garage, is reviewed. There are no issues, the permit is signed.

Mac Bell issue was continued as S. Gersh is unavailable for discussion.

The special conditions for the Request for Determination for Joseph Parady are reviewed and then a Negative Determination is signed.

R. Brophy asks about the Commission's opinion to put up more osprey towers around town. The Commission does not have issue with this.

A motion is made to close the meeting by S. Singleton; it is seconded by E. Frye, and voted on unanimously.

Mary M. Ferreira
Administrative Clerk

Attest: