

Essex Conservation Commission

April 18, 2006-Minutes

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

Present: Shirley Singleton, Elisabeth Frye, Stephan Gersh, Wallace Bruce\*

Meeting called to order 7:35

7:30 – Continuation of Public Hearing for William Taylor, Harlow street, construction of a driveway and single family home (DEP # 021-0525). Mike DeRosa discusses the site visit and conditions. One determined that a vernal pool will be designated. Another was that the work would not commence until after August 1<sup>st</sup>, which is when the salamanders leave the pool. S. Gersh comments that this is to include any year. The 1st condition is the no cutting of the wet meadow. S Gersh reminds the applicant that signs determining the wet meadow need to be in place. The applicant agrees. E. Frye asks to be shown the boundary line and trenching. The site plan is reviewed and the culvert and intermitant stream are looked at in relation to the sewer pipe being brought in. Mr. DeRosa reviews the procedure of putting the sewer under the culvert and that the property was subdivided long before Title 5 was set for sewer replacement. With no question from the public, S. GERsh makes a motion to close the hearing; S. Singleton seconds with the Commission voting unanimously in favor.

7:40\* Wally Bruce arrives.

7:40 - Building Permit Jack Gail for Nina Fletcher, 48 Lufkin Street, adding a garage/barn, 20' x 30'. The Commission asks about the location of the property. A review of the site plan indicates that the project is 270 feet from the edge of the marsh so it remains outside the Commission jurisdiction. The permit is signed.

7:45 – Informal discussion, Joe Walker, 1 Riverview Hills, regarding replacing existing

7:35 – Open the Public Hearing on the Notice of Intent from William Taylor, Harlow Street, for the construction of a driveway and a single family home. The applicant is represented by Mike DeRosa, DeRosa Environmental. Abutter cards are given to the Commission. A review of the site plan takes place and discussed by Mr. DeRosa. He points out South Essex Antiques, Eastern Ave., and the Red Barrel Pub across the street as points of reference. He proposes access to Harlow Street using the existing cart path and points out that the wetland does cross over that about 600 square feet of wetland vegetation and soil. He will fill that and create 1200 feet in another area, giving it a 2 to 1 ratio,

giving them access to the back lot. He describes the locations of the sewer and water connections.

Mr. Caponigro asks if the stream on the plan is a perennial stream and is told it is intermittent according to the GIS. Mr. DeRosa discussed the rebuilding of area with tree canopies, different bush and shrubs, and wet meadow seed mix. He discussed how they will accomplish this and then the monitoring.

Mr. Gersh asks about the soil that will be excavated and where it will be going and is told it will be used on site or else removed. E. Frye asks about the soil composition. S. Gersh asks about the elevation and what it will be near the driveway in relation to the wet meadow. Mr. DeRosa states they will do a small stone wall and bring up about a foot higher than the existing. S. Gersh asks how wide the drive way will be and is told it will be 10 feet. He also asks about the stones and if it is adequate to build on and is told it will be a foot, which is sufficient.

E. Frye asks about the future of the development and is given a brief overview of the plans for a house. S. Gersh inquires about the grading and if any changes will occur. He then reviews the wetland line to get a solid picture of the project. He wants to be assured of protection once the project is complete and notices that a boundary might be in order, or adjusting the grade up using a berm. Mr. DeRosa responds with an affirmative and suggests that they use the drainage as a broad spreader to correct for potential erosion. Mr. Gersh asks the applicant if they would be willing to forego fertilizers and is told that who ever buys it would be responsible for that condition. The Commission hadn't realized that this proposal was for the purpose of selling the property and now has a better understanding of the issue at hand. This is just a possible project that is being suggested so the applicant can approach potential buyers with some information about making the lot buildable.

S. Singleton asks if the applicant is not doing the work but just the permitting and is told the applicant just wants to know what has to be done in order to promote purchasing. They want the application reviewed as if it is real and then they have the info. for buyers. S. Gersh asks about whether there is a vernal pool and reviews the necessity to protect that habitat. The Commission and the applicant schedule a site visit for April 15. S. Gersh asks if there are any questions from the public and there is an inquiry about sewer connection and is told that it is all set on that end. With no other inquiries, the Public Hearing is continued until April 18<sup>th</sup> with a motion made by S. Gersh, seconded by S. Singleton, and unanimously vote in favor by the remaining Commission members.

\* 7:55 - Phil Lake arrives

8:00 – Request for a Determination of Applicability, George Stavros, 132 John Wise Avenue, construction of a new septic system, with Clay Morin representing the applicant. The abutter card is given to the Commission. The applicant is upgrading the septic system in buffer and a review of the site plan indicates they will be using appropriate erosion control for the wetland in the rear. S. Singleton asks if there is a well on the property and is told that there is an old well out back that doesn't show in the plan. S. Gersh asks if there are any questions from the public. With no response, he makes a motion for a negative determination with

conditions that reflect the placement on the site plan. He makes a motion to close the discussion, with the Commission voting unanimously.

8: 05 – Request for a Determination of Applicability, Meredith and Loyd Waites, 2 Moses lane, Construction of additions, to include a pool and a farmer's porch.

S. Gersh states that there is an outstanding Order of Conditions for work to extend the deck and an addition to the left side of the house. The applicant reviews the work to be done now, stating that a pool will go off to the side and that they want to enclose it. S. Singleton asks if it is the 100 foot buffer and is told it is on the edge.

P. Lake asks how close is the lake and its position is reviewed on the site plan. He then asks if there is a Notice of Intent for the other project and is told it is being done in two stages. S. Gersh reviews the property as he is the overseer and very familiar with the situation. P. Lake is curious why an RDA is sufficient given the last project required a Notice of Intent. S. Gersh said that the RDA was recommended to the applicant because when on site, there is no possibility of run off from construction into the lake and the pool is behind the existing line of work making it a totally benign project. P. Lake asks how long the other Order is in effect and is told it remains an active project. P. Lake remains concerned about the difference between the NOI and the RDA. S. Gersh explains that in this case the work can be folded into the other Order of Conditions so just the RDA is necessary.

Kim Jarvis with the planning board asks what the square footage will be once the pool and other work is done. The applicant does not know but is cautioned by Ms. Jarvis about the requirement of site plan review by the Planning Board if the area is adjusted too much. She gives him input about the approval process and things to think about as he proceeds. S. Gersh makes a motion for a Negative Determination, seconded by P. Caponigro, voted in favor by B. Brophy and E. Frye, S. Singleton and P. Lake 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). S. Gersh asks if a letter from Public Works is available and is told there is no letter. Mr. Gersh reiterates the conversation between Paul Goodwin at the DPW and M. Ferreira, stating that there was a request from the Commission for Mr. Goodwin to come to the meeting. Mr. Goodwin stated that Mr. Van Wyck has never been before the DPW with any paperwork to show what the plan is and therefore, the DPW can not act or comment on the issue.

Mr. Van Wyck states that he has brought paper work to the DPW this last year, July or August, and that he has been waiting for this authorization for months. He was told by the DPW to go before the planning board, which he did. They stated that it was not in their domain and that they have no decision one way or the other. Mr. Van Wyck wants the Conservation Commission to state, in writing, the same lack of jurisdiction so he can move forward. S. Gersh restates that for the last three months the Commission has said that there is not sufficient information on this matter and, with out comment from the DPW, the Commission will not act. M. Ferreira will send the updated site plan to the DPW in the hope of

assisting to move this matter forward. A letter from the DPW, or a visit from a DPW representative, letting us know their approval of this project from their end, is required before the Conservation Commission will proceed. A motion to continue this hearing until April 18<sup>th</sup> is made by S. Gersh, seconded by S. Singleton, and voted unanimously in favor by the Board, E. Frye abstaining.

8:25 – Order of Conditions for P. Van Wyck, Lowland Farm, Lot 3, is reviewed for signage. A site visit will occur this coming Saturday at 9:00 am to contemplate the placing of the stones. The special conditions are reviewed and the Order of Conditions is signed.

8:30 – The invoice for DeRosa Environmental Consulting, site visit at Lowland Farm, is signed.

8:35 - Order of Conditions for Schreiber, 6 Lufkin Point Lane, is reviewed and signed.

The minutes from February 21<sup>st</sup> are reviewed and accepted by Commission.

A motion is made to close the meeting by P. Caponigro; it is seconded by S. Singleton, and voted in favor unanimously.

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Mary M. Ferreira  
Administrative Clerk

Attest: