

Essex Conservation Commission

June 13, 2006-Minutes

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

Present: Elisabeth Frye, Stephan Gersh, Wallace Bruce, Shirley Singleton,
Robert Brophy

Meeting called to order 7:35

7:35 – Public Hearing for Notice of Intent by Peter Van Wyck for the construction of two single family dwellings and the construction/ installation of one leaching field, one pump chamber, and two septic tanks at Low Land Farms, Subdivision Lot 5, Map 9 (12) DEP # 021-0527. A revised site plan is presented. W. Bruce recalls the previous plan and asks about the specific adjustments. Applicant states that he has moved houses upon DEP request. He pulled dwellings back and away from wetlands. Russ Brown, representative for the applicant, states that dwelling one's deck moved an additional 15 feet away from the wetlands and dwelling two's deck moved another 13 feet and the foundation another 16. S. Gersh restates the changes to assure accuracy.

A review of the new plan takes place. S. Gersh inquires about the two designated trenches asking about the 4 foot piping and whether it will be a narrow trench. The applicant reviews where the trench will be, adding that the trench will be narrow, and explains what will happen in the future when other pipes are laid.

S. Singleton asks about the gas line (from another proposed project) and where it would come into the property as it is not noted on the site plan. The applicant states it will come in at the driveway. Miles Cambridge, also a representative for the applicant, gives further information about how the gas line will be brought in. W. Bruce and S. Gersh review how many times and how the gas line will come across the property. They want to minimize how many times the wetland area is dug up. S. Gersh asks about the future development and the possibility of doing work simultaneously to avoid repeat disruption. The applicant and his representatives give a big picture review of how the work will be done in an integrated way.

S. Singleton and E. Frye inquire about whether the Board of Health has approved the septic and the field. They are told it has yet to be approved. S. Gersh states that it is imperative and required that the Board of Health must sign off before the Commission can act. A discussion and review of the site plan continues. S. Gersh asks about placing additional boulders for wetland protection. The applicant is agreeable and will provide a site plan with the changes and will contact the Commission when they are in place. S. Gersh makes a motion to continue the public hearing until July 18, seconded by S. Singleton, and voted unanimously in favor, E. Frye abstaining.

Starting an informal discussion, S. Gersh introduces a memo, pertaining to the gas line project, sent from the Commission to the Selectmen regarding an inquiry about whether a private citizen can dig in a public road. He states the response from the Selectmen concerning this inquiry. He introduces another memo sent by the Selectmen to the DPW and KeySpan about procedure. R. Brown is aware of the memos and the issue at hand and reviews how they are going to proceed with the utility plan.

Mike Galli, with the DPW (he is present because of another issue) is asked by W. Bruce about whether a plan has been seen by the DPW regarding this project. M. Galli has not, but says that Mr. Van Wyck has been told that he can not dig or disturb the road or any hot top. He has authority to go down along the street. R. Brophy asks about the depth of the trench and is told 2 feet. S. Singleton asks about whether the neighbors and abutters are notified before work begins and is told by P. Van Wyck that they are. M. Galli states that, as it is a utility, it is up to Keyspan as to whether neighbors are contacted.

S. Gersh tells the Applicant that the Commission needs a plan, bottom line with firm agreement from the rest of the Commission. R. Brophy states that the charge of the Commission is to watch out for the wetlands and voices his concern about the Commission getting involved in the rest of the gas line project like whether it is in the road or what not. He is concerned that this is a Planning Board issue and the Commission should not be involved. He wants the Commission to stay within its boundaries of responsibilities.

A discussion about the placement of the gas line ensues with P. Van Wyck stating that the line will go right down the edge of the road. S. Singleton comments that this is the first time the applicant has stated the location of the pipe despite continued inquires about placement. W. Bruce states that because of the proximity to the wetland, a plan must be provided so the Commission can determine jurisdictional issues and file an Order of Conditions. The Commission decides to move on.

8:20 – Informal discussion with Mike Galli of the DPW regarding a highway maintenance facility that they are trying to construct at the transfer station. He wants to know if an additional building permit is required as they did already built a soft shed on that property, 30 Landing Road. The new building is square 20 feet smaller, instead of being 100' x 100', it is 80' x 80'. He provides an original site plan which is reviewed. It is determined that a building permit is required and M. Galli, being prepared, provides one which is signed.

8:25 – Informal discussion with Shirley Ducker-Lucke, 21E Gregory Island, regarding proper filing and procedures for construction and maintenance of dock on Chebacco Lake. A 91 License was applied for. The project is reviewed. A site visit is scheduled for the following Saturday at 6:00 pm. S. Gersh asks about the size and whether it will be duplicated from present structure. They will be adding a walkway but the floating part will be the same size. S. Gersh states an NOI is required.

8:30 – Informal discussion with Tetrattech NUS, represented by John Meyer and Ally Chivers, regarding decontamination and rejuvenating the waterway at the Essex Ship Building Museum site. Mr. Meyer discusses the contamination found at the site and the different ways they can effectively clean up the area while being cost effective. S. Gersh asks about the depth of contamination and is told it is right at the surface, going down about 1-2 feet in some places and up to 8 feet in others. Mr. Meyer discusses the financial issues at hand at the options given those constraints. They ask for the Commission to give input and guidance on the different decontamination options in front of them. One option would be to dredge the creek and add a vertical wall; the other is to vegetate the area along creek. W. Bruce asks about the possibility of additional dredging having to be done and whether it can be done simultaneously. Tetrattech is unsure about the extent of the dredging issue and won't know what needs to be done until the final plan is in place. W. Bruce asks whether the town landing is involved and is told that it is a separate issue. The Commission is encouraged by the amount of work done thus far and would have little issue with the project utilizing the vertical wall, provided the proper conditions were set in place. Tetrattech will be filing a Notice of Intent at a later date.

9:00 – Informal discussion with Quincy and Natalie Bent, 21 Lebaron Road, regarding restoration of water front area. Applicant explains that they have just recently put a sewer in and provides a site plan to show the property. They are proposing to do some clearing of vegetation while the sewer project is being done. Mr. Bent states that it is extremely dense and wants to remove the scrub, do some excavation of some stumps, and then backfill and plant hay and new trees. S. Singleton suggests a site visit and W. Bruce agrees. R. Brophy states that the wetlands need to be flagged. The applicant needs to file a Notice of Intent and a new site plan with the wetlands noted.

9:15 – Building permit for Edward Mulry, 11 Pickering St., for putting a deck on the back of the house 24' x 13'. A review of the site plan indicates that there are no jurisdictional issues and the permit is signed.

9:20 – Building permit for John and Mary Hickey, 113 Belcher St., for an above ground swimming pool. W. Bruce is familiar with the property and spoke with the applicant. He explains the location of the house and states that it is on high ground with no issues. The Commission concurs that there are no jurisdictional issues and the permit is signed.

9:23 – Building Permit for Leo Provost, 2 School St., for a sunroom off of the mudroom. A review of the plan indicates no jurisdictional issues and the permit is signed.

A review of the letter from the DEP regarding a notice of a site visit to Low Land Farms (Turtleback Road and Apple Street) (DEP File # 021-0522) on July 20th at 1:00 takes place.

S. Gersh states that he will take a look at the project at 138 Western Ave, take photos and report back. His concern is that additional structures were built and the wetlands violated.

The Commission signs the memo to the Selectmen that was previously presented regarding the gas line project of P. Van Wyck.

General paperwork is reviewed:

1. Notice from The Hillside Anti-Herbicide Coalition
2. Notice of Smart Growth Technical Assistance Grants
3. Renewal of MACC

A discussion about the reappointment of Robert Brophy and Stephan Gersh takes place. Both are willing to continue on the Commission. Commission members sign the reappointment forms distributed by the Selectmen's office.

An announcement was made that Mary Ferreira will be leaving her position as Administrative Clerk because of financial issues and time constraints. A discussion about options for Mrs. Ferreira and the Commission takes place.

10:00 – S. Gersh makes a motion to close the meeting, seconded by R. Brophy, with the Commission voting unanimously in favor.

Mary M. Ferreira
Administrative Clerk

Attest: