

Meeting Minutes
Essex Conservation Commission
October 17, 2006; 7:30 pm
T.O.H.P. Burnham Public Library

Commissioners

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

Absent:

Quorum: Yes

Clerk: Deborah Cunningham

The public hearing was opened on a **Notice of Intent** filed by Derrick Perkins for the removal of buried drums at **7 Essex Park Road**, W. Bruce advised the Commission that he had been contacted by the firm representing the applicant that the DEP had not yet issued a file number for this project and that all of the responses from the abutters had not been received. W. Bruce stated that the hearing would be continued and placed on the agenda for the next meeting. The floor was opened to the public for questions, however, W. Bruce advised the public that there was no representative present to answer their questions. R. Brophy made a motion to continue the hearing, seconded by S. Singleton and passed by unanimous consent.

The Commission met with Ian Burgess, homeowner of **16 Harlow Street** to discuss plans for an addition to the single family home. The Commission had issued an Order of Conditions which specified that prior to building the certification of the vernal pools must be completed and that the replication of 1200 sq ft of the wetland was to be completed prior to any work beginning. S. Gersh advised that Mike DeRosa was filing the paperwork for the certification of the vernal pools. Mr. Burgess was requesting that the Commission allow the work to begin on the residence concurrent with the certification and replication. S. Gersh, who is the overseer for the project, advised that he did not see a problem with this. He asked that M. DeRosa provide written confirmation that he was contracted by the homeowners to perform the replication and certification. R. Brophy expressed concerns that the Commission had held up other projects for the completion of replication. S. Gersh expressed the opinion that this project would not be adversely affected if the construction and the wetlands work were done concurrently. When the Commission receives confirmation that M. DeRosa has been contracted to do the work, the Commission would approve moving ahead on the project.

The Commission met with Norris Marsten to discuss maintenance to pilings under the building at the **Riverside Restaurant** on **Main Street**. Mr. Marsten was told that the owners should file an RDA and the Commission would review the project at the next meeting.

The Commission met with Scott Pulver regarding the **Hardy property** on **Island Road**. Mr. Pulver reviewed plans with the Commission to divide the property into lots. Mr. Pulver expressed that he would like to keep the property open and put the houses along the marsh.

He would put development covenants on all the houses. He would also be planning to live in the development and would oversee the building of the homes. Mr. Pulver had contacted different organizations to see if the property could be purchased to be kept as conservation land, however none of these groups had the means at this time. Mr. Pulver requested input from the Commission on what would make this project palatable to the Commission. S. Gersh asked if the concept of conservation subdevelopment had been explored. S. Gersh expressed the opinion that this was poor use of the land because it did not take into account the topography, vistas, or wildlife habitat. He recommended that Mr. Pulver look at the Green Neighborhood Initiative. S. Gersh said that he would be glad to discuss alternatives to a traditional plan if Mr. Pulver would call him.

The Commission met with Greg Dolan of Atlantic Engineering to discuss a proposed plan for the property at **132 Main Street** and the conversion of the Essex River Motel. Mr. Dolan represented a potential buyer. The plan was for the possible development of condominiums. The Commission reviewed the plans and asked about size, parking limitations, run off and storm management. Mr. Dolan explained the current plan, but did advise there were still some questions that the architect and potential buyer were working on regarding the number of bedrooms and use of the home currently on the property. Mr. Dolan advised that when the project was ready to move forward an NOI would be filed for the Commission's review.

Mark Gallagher met with the Commission regarding the property at **147 Eastern Avenue**. He advised that the replication work would be completed the next day and produced pictures to show the work that had already been done. The Commission asked that Mary Rimmer, who was in charge of the replication, provide the Commission with a letter stating that the replication was complete. Mr. Gallagher asked that the Commission sign the building permit for the work to be done outside the buffer zone. The Commission discussed the swale that plan showed to direct water away from the driveway and into the wetlands. S. Gersh asked if R. Brophy as overseer could go out to the property to check the location of the swale. In addition, he expressed concerns about the flow of the water over the property. The Commission advised that the concern was the change of the flow of water into the wetlands due to the paving of the parking area. S. Gersh asked that it be put on the records that when the project is completed if the Commission can determine that there is an increase of water pouring into the wetland which is coming across the site that the Commission's authority will be resurrected and they can ask for any number of things. Mr. Gallagher advised that he thought the water going into the wetland would be positive and would help to keep the replication area saturated with water. Mr. Gallagher's building permit was signed and the plan submitted was stamped and added to the file.

The Commission met with Randy Burley of Mill River Consulting representing Fortune Palace Restaurant. Mr. Burley presented an RDA for the replacement of pipes and vacuum testing of the tanks. Mr. Burley advised that if the vacuum test failed, they would be placing a new tank within the existing one, filling the bottom of the old tank with concrete. D. Cunningham advised the Commission that there was not a file for this project and she did not believe that they had received the filing. S. Gersh made a motion to issue a negative determination on the RDA provided the paperwork could be found, seconded by E. Frye and passed by unanimous consent. Mr. Burley advised that if the paperwork on the RDA could not be located, Mill River would provide additional copies of the filing.

The Commission reviewed and signed an **Amended Order of Conditions** for **Low Land Farms, Lot 3**. The Commission discussed the working being done at Lot 3 and felt that any work being done not in accordance with the Wetlands Act fell under state jurisdiction. At this time the Commission will take no action.

The Commission requested that the Clerk determine the status of the **NOI** filed in connection with **Low Land Farms, Lot 4**.

D. Cunningham advised the Commission that a memo had been received regarding **Low Land Farms, Lot 5** which referenced a revised plan that had been approved by the BOH. The date on the revised plan did not coincide with the plan that the Commission had reviewed and approved. The Commission requested that the Clerk obtain a copy of the plan dated 8/29/06 from the BOH for review at the next meeting.

The Commission requested that the Clerk send a letter to Peter Van Wyck regarding the **Notice of Intent** on **Low Land Farms, Lot 7**. It was the Commission's understanding that Mr. Van Wyck would be with sending a request to withdraw this NOI.

The Commission requested that the Clerk contact the applicant to determine the status of an **NOI** filed in connection with **21 E. Gregory Island Road**.

The Commission requested that the Clerk contact the applicant in connection with an **NOI** filed for **19 Redgate Road**. The applicant should provide to the Commission the receipts to the Notices to the Abutters.

NOTE: Robert Breen, homeowner, advised that he is working on the notices to the abutters after finding out that there were more than originally believed. His plans are on hold until spring, so he is not concerned about the Order of Conditions. Mr. Breen supplied the Commission with the return receipt cards to the abutters when they were received.

The Commission reviewed and approved the payroll and expense reports for Mary Ferriera and an expense report for the Eagle-Tribune as submitted by D. Cunningham.

A motion to close the meeting was made by R. Brophy, seconded by S. Gersh and passed by unanimous consent.

Prepared by: _____
Deborah Cunningham
Administrative Clerk

Attest: _____
Wallace Bruce, Chairman