

Meeting Minutes
Essex Conservation Commission
December 19, 2006; 7:30 pm
T.O.H.P. Burnham Public Library

Commissioners

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

Absent: Philip Lake

Quorum: Yes

Clerk: Deborah Cunningham

The Commission opened a public hearing at 7:35 pm on a **Notice of Intent** filed by J. Parady for the building of a duck blind on the **Great Marsh**. The Commission reviewed pictures of the original camp and pictures taken by the DEP of the camp as rebuilt by Mr. Parady. Mr. Parady will reseed the pathway used to reach the camp during rebuilding. S. Gersh asked about the area that would be affected by the camp walkway. Mr. Parady explained that the pathway was only two feet wide and about 20 feet to the edge of the marsh. Mr. Parady explained that the building is being constructed on existing pilings. Two of the pilings had been replaced because they had rotted. The Commission reviewed Mr. Parady's outline of the scope of the building and its use. The Commission advised that Mr. Parady send an addendum to the NOI to the DEP explaining that the use of the blind would be intermittent and access would be by boat or foot. It was also recommended that Mr. Parady point out the differences between the original structure, which was much more intrusive on the marsh, and the current structure under consideration. The Commission advised that Mr. Parady should write the DEP and explain that after a review of the NOI with the Commission, it was recommended that the changes mentioned should be taken into consideration. Mr. Parady agreed to prepare a letter. A motion to continue the hearing until January 9, 2007 was made by S. Gersh, seconded by R. Brophy and passed by unanimous consent.

The Commission opened a public hearing at 8:00 pm on a **Notice of Intent** filed by Morgan and Margaret Tomoiolo and represented by Griffen Engineering for the expansion of a proposed septic and new well at **29 Choate Street**. Bob Griffen, Griffen Engineering, and the homeowners, Morgan and Margaret Tomoiolo were present. Mr. Griffen presented the plan to change the tight tank to a septic system. In making the changes, it was determined that the current well would be too close to the septic system and would have to be relocated. D. Cunningham advised that she had obtained a copy of the plan approved by the BOH. R. Brophy advised that when the well was drilled it should be indicated in the Order of Conditions that all of the material coming out of the well should be removed. Mr. Griffen advised that this could be used as fill in the area of the septic system that was outside the resource area. W. Bruce also asked that hay bales and a "moat" be placed around the well while the drilling was taking place to capture any

oils that may come up while the drilling was taking place. This will be put in the Order of Conditions. A motion to close the hearing was made by S. Gersh, seconded by P. Caponigro and passed by unanimous consent. A motion to issue an Order of Conditions was made by S. Gersh, seconded by R. Brophy and passed by unanimous consent.

The Commission opened a public hearing at 8:15 pm on a **Notice of Intent** filed by Darrell Perkins, homeowner, for the repair of a failed septic system at **35 Conomo Point Road**. D. Cunningham advised that there was not DEP number issued for the project yet. The Commission decided to review the project, but advised that no final determination could be made until the DEP number had been received. Brian Farmer, Northeast Environmental was present on behalf of the homeowners. A motion was made to continue the hearing to January 9, 2007 by E. Frye, seconded by R. Brophy and passed by unanimous consent.

The Commission was scheduled to meet with Mark Gallagher of **147 Eastern Avenue** to discuss work currently being done at this location, however Mr. Gallagher did not attend the meeting. Bill Holton of the Planning Board advised that Mr. Gallagher would have a hearing the following evening for the building permit to construct a 2470 sq. ft. building. The building falls under the 2500 sq. ft. limit for a site review and, since Mr. Gallagher combined lots, he will have the correct set backs, footage and square footage. S. Gersh asked about the function of the building and Mr. Holton advised that Mr. Gallagher is moving his auto repair operation from Laurel Lane. S. Gersh asked if the Planning Board required holding tanks for the floor drains so that nothing will leave the building. Mr. Holton advised that the town by-laws have nothing, but the state regulations cover this and the Planning Board would add this to the Order of Conditions. S. Gersh asked about a limit on the storage of vehicles. Mr. Holton advised that there was no limit. S. Gersh asked about vehicles that could potentially leak oil and would the Planning Board specify how the ground should be structured to contain this problem. Mr. Holton advised that this was a point of contention because they were originally advised that the area would be crushed stone and then they were advised that everything would be asphalted so it still unclear how this will be handled. W. Bruce asked if Mr. Gallagher had provided any storm water runoff calculations and had the Planning Board looked at the project from the stand point of impervious surface area excluding the wetland. Mr. Holton could not answer this question. W. Bruce stated that he brought up this point because when Mr. Gallagher met with the Commission, he did not provide much in connection with the building or the run off plan. Mr. Gallagher did suggest that it would be asphalt and that he would channel the run off. W. Bruce and S. Gersh advised that the building is uphill of the wetlands, and that they had advised Mr. Gallagher that they would be able to give input if the runoff would impact the wetlands. The Commission questioned who would oversee this project to see if the guidelines were being followed. S. Gersh advised that unless there was a direct impact to the wetlands before the Commission could get involved. He suggested that the Planning Board could have an impact on this by designating the surface and the containment of it would prevent any future damage. It was suggested that it be asphalted with a downhill curbing with a drainage flow that goes into a retention basin with a gas and oil separator. S. Gersh advised that this had been required before by the Commission. Mr. Holton asked if this was for rainwater run off or

oil. S. Gersh explained that this was for the drippings from the cars. If gravel was used, these drippings would seep into the wetlands. The impervious surface would enable these drippings to be caught into a drain. W. Bruce asked if there was anything that could be worked out so that the quality of the wetlands could be monitored. Mr. Holton did not know if this could be done. S. Gersh recommended that all of this be built in to the requirements from the Planning Board. Mr. Holton recommended a joint meeting of the Planning Board and the Commission to review the plan and make recommendations to protect the wetlands in this area. Mr. Holton advised that he could recommend that the hearing be continued so that the Commission could review the plan with the Planning Board on January 3, 2007. Mr. Holton said he would confirm this.

W. Bruce had been contacted regarding the hot top that had been put down at **60 John Wise Avenue** at Palazolla Landscapers. Mr. Holton advised that this had not been on the original plan.

The Commission reviewed a request from John True for an **Order of Condition** for work done at **97 Conomo Point Road**. R. Brophy will visit the site and advise the Commission at meeting of January 9, 2007 on the status of the project.

The Commission reviewed and approved the payroll and expense reports as submitted by D. Cunningham.

Prepared by: _____
Deborah Cunningham
Administrative Clerk

Attest: _____
Wallace Bruce, Chairman