

Meeting Minutes  
Essex Conservation Commission  
January 23, 2007; 7:30 pm  
T.O.H.P. Burnham Public Library

Commissioners

Present: Wallace Bruce, Chairman  
Philip Caponigro, Elisabeth Frye, Stephan Gersh, Shirley Singleton  
Absent: R. Brophy  
Quorum: Yes  
  
Clerk: Deborah Cunningham

The following building applications were reviewed:

Sylvia Kerker was represented by her contractor and presented a building application for and addition to her home. After review, the application was signed by W. Bruce.

Amins Ozolins presented an application to extend the roof over a deck and parking area. After review, the application was signed by W. Bruce.

Robert and Daphne Borden presented an application for interior renovations and the addition of a third floor to a single family home. After review, the application was signed by W. Bruce.

A public hearing was opened at 7:45 pm on a **Request for Determination of Applicability** filed by Beth and Jeff O'Neil, homeowners, submitted by Gateway Consultants, Inc. for the addition to the existing residential dwelling at **4 Harry Homan's Drive**. John Judd of Gateway Consultants and John Costello of Costello Construction were at the meeting representing the homeowners. Mr. Judd presented the plan and also expressed that he felt the project fell under an exemption for accessories to homes which included pools, decks, etc. S. Gersh expressed the opinion that the Commission could issue a negative determination under a liberal interpretation of the code. However, S. Singleton and E. Frye were both unsure that an addition could be classified as an "accessory" to a home. It was determined that W. Bruce would contact the DEP for an opinion on this exemption. If the DEP concurred that an addition, such as the one planned, did fall under the exemption, the Commission would issue a negative determination. The Commission agreed unanimously to wait for the opinion from the DEP before issuing the Determination.

NOTE: W. Bruce advised that Jill Provencal of the DEP had stated that the issue of additions had come up before in connection with this exemption and in all cases, the DEP had excluded the additions. The applicant was advised that a negative determination could not be issued and an NOI would have to be filed. The applicant agreed to file the NOI and the hearing will be scheduled for the meeting of February 6, 2007.

The Commission continued a public hearing at 7:55 pm on a **Notice of Intent** filed by Darrell Perkins, homeowner, for the repair of a failed septic system at **35 Conomo Point Road**. The Commission reviewed the plan and S. Gersh expressed concerns about seven (7) cedar trees at the rear of the home. Due to some confusion regarding the layout of the septic system and the leaching field, the Commission determined that it would make a site visit and scheduled this for Saturday, January 27, 2007 at 9 am. The applicant's contractor was asked to mark the position of the leaching field or to be on hand to show where it would be placed. A motion was made to continue the hearing to February 6, 2007 by S. Gersh, seconded by S. Singleton and passed by unanimous consent.

The Commission discussed the coverage of the Commission telephone number which rings at Town Hall. It was suggested that forwarding to a cell phone during non-office hours might help with response time. D. Cunningham offered to add the cell phone to her personal account to minimize the expense to the Commission. D. Cunningham also requested that the current telephone used in the office be updated for more mobility while working. The Commission approved by unanimous consent and D. Cunningham will make the arrangements.

The Commission reviewed the memos received regarding the budget for FY2008.

The Commission also reviewed and discussed a letter received in connection with **66 John Wise Avenue** which was received by the Planning Board. The author claimed to be an abutter who had not received notice of the meetings regarding a change of use of the property. The letter requested confirmation of receipt, but the Commission determined that this should be done by the Planning Board since the letter was addressed to them. As to the work done at the site, the file on the project will be reviewed and, if applicable, the overseer will make a site visit.

NOTE: After review of the files, it was determined that a NOI had not been filed on this project. This did not fall under the jurisdiction of the Conservation Commission.

The Commission reviewed the letters of intent regarding open position on the Commission.

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