

Meeting Minutes
Essex Conservation Commission
February 6, 2007; 7:00 pm
T.O.H.P. Burnham Public Library

Commissioners

Present: Philip Caponigro, Elisabeth Frye, Stephen Gersh, Shirley Singleton
Absent: Wally Bruce, Chairman; Robert Brophy
Quorum: Yes

Clerk: Deborah Cunningham

S. Gersh acted as chairman in the absence of W. Bruce.

The Commission reviewed several building applications.

The Commission met with Karen Moulton, homeowner, regarding work done on the property at **132 John Wise Avenue**. A building application had been signed by R. Brophy as a representative of the Commission in late October/early November of 2006 for work to be done to allow the homeowner to run a landscaping business at the property. A letter had been written to the Commission questioning the signing of the application without the proper filings. Peter Kellerman, who is a neighbor, expressed concerns that this areas of John Wise Avenue is being more developed than should be allowed under the current by-laws. The Commission agreed to a site visit to the property on February 10, 2007 at 10 am. The matter will be taken up at the next meeting.

Mark Gallagher, homeowner, of **147 Eastern Avenue** presented to the Commission the new plan for work outside the buffer zone. Mr. Gallagher was attending the meeting of his own accord to keep the Commission informed of the progress of the project. He explained the layout of the driveway and the installation of the oil/water separator to handle the run off. The Commission held that it could neither approve nor disapprove of the plan since it did not fall within the buffer zone. However, the Commission retains the right to review the plans with the input of R. Brophy, who is the overseer on the project.

A public hearing was opened at 8:02 pm on a **Notice of Intent** filed by Beth and Jeff O'Neil, homeowners, submitted by Gateway Consultants, Inc. for the 18' x 20' 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. After review of the plans, the Commission agreed that an Order of Conditions would be issued reflecting the use of hay bales as shown on the plan. S. Gersh explained to the public that the applicant had originally filed an RDA under an exemption to the Wetlands Protection Act. However, after consultation with the DEP, it was determined that the applicant must file a NOI. A motion to close the hearing was made by S. Gersh, seconded by P. Caponigro and passed by unanimous consent. A motion was

made to issue the Order of Conditions by S. Gersh, seconded by P. Caponigro and passed by unanimous consent.

A public hearing was opened at 8:09 pm on a of **Request for Determination of Applicability** filed by Matthew Ostrowski, homeowner, submitted by C.G. Johnson Engineering, Inc. to perform soil testing at **54 Wood Drive**. Bill Manuell with Wetlands & Land Management, who flagged the wetlands, was present on behalf of the homeowner. Mr. Manuell explained that the soil testing would be on the level areas of the property and all perk test holes would be back filled and tamped down. The Commission had no objections and a negative Determination would be issued. A motion to close the hearing was made by S. Gersh, seconded by P. Caponigro and passed by unanimous consent. A motion to issue a negative determination was made by S. Gersh, seconded by P. Caponigro and passed by unanimous consent.

The Commission continued a public hearing at 8:16 pm on a **Notice of Intent** filed by J. Parady for the building of a duck blind on the **Great Marsh**. Mr. Parady was unavailable, so the motion to continue the hearing until February 20, 2007 was made by S. Gersh, seconded by P. Caponigro and passed by unanimous consent.

The Commission continued with a public hearing at 8:30 pm on a **Notice of Intent** filed by Darrell Perkins, homeowner, for the repair of a failed septic system at **35 Conomo Point Road**. S. Gersh asked that a notation be made in the Order of Conditions that on a site visit of January 27, 2007, the applicant agreed to move the septic system and leaching field an adequate distance in order to protect and preserve seven (7) cedar trees located on the property. A motion was made to close the hearing 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 P. Caponigro and passed by unanimous consent.

A public hearing was opened at 8:35 pm on an **Abbreviated Notice of Resource Area Delineation** filed by Wetlands & Land Management, Inc. on behalf of Essex Marina Corp. for **35 Dodge Street**. In attendance was Bill Manuell on behalf of the applicant. Jody Harris of Spring Street had asked about the procedure for changing the use of a property. S. Singleton explained the scope of the Commission and that the Planning Board was where decisions were made on use. Maureen and Jim Appleyard, residents of Essex, were also in attendance. In response to a question from the public, S. Gersh explained the background and procedure for the Conservation Commission to hire a consultant to review the delineation. Mr. Manuell explained that at this time there was no work being presented to the Commission. Mr. Manuell briefly described the different areas flagged on the property. Due to the complexity of this project, the Commission determined that it would have to hire its own consultant to review the plans for the delineation. It was decided to send requests for bids to Rimmer Environmental and DeRosa Environmental. A motion to continue the hearing until a report was received from the consultant was made by S. Gersh, seconded by P. Caponigro and passed by unanimous consent.

The Commission reviewed a modified plan submitted by Jacques Whitford for the property at **7 Essex Park Road**. S. Singleton advised the public that she had been informed that the DEP is going to continue to investigate if there were any additional drums on the property.

The Commission reviewed a letter from the DEP regarding a request for access to the Van Wyck property in connection with the work being done at **7 Essex Park Road**.

The Commission discussed the schedule for meeting with potential candidates for the open position on the Commission. It was decided to try to arrange for two interviews at the meeting of February 20, 2007.

D. Cunningham advised the Commission that the Planning Board was holding a hearing on February 7, 2007 on a change of use for the property at **160 John Wise Avenue**.

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

Motion to close the meeting was made by S. Gersh, seconded by P. Caponigro and passed by unanimous consent.

Prepared by: _____
Deborah Cunningham
Administrative Clerk

Attest: _____
Wallace Bruce, Chairman