

Meeting Minutes
Essex Conservation Commission
March 6, 2007; 7:30 pm
T.O.H.P. Burnham Public Library

Commissioners

Present: Wallace Bruce, Chairman
Robert Brophy, Philip Caponigro, Elisabeth Frye, Stephen Gersh,
James Rynkowski
Absent: Shirley Singleton
Quorum: Yes

Clerk: Deborah Cunningham

The following building applications were reviewed:

Jeff Ward of Ward Construction representing the homeowner, Connie Tipton of **22 E Gregory Island Road** presented an application for a kitchen renovation which would also provide a second means of egress to the home. Approved and signed by W. Bruce.

David Alger, homeowner of **26 Story Street**, presented building permits for the demolition of the current residence and the building of a modular home. Approved and signed by W. Bruce.

L. Moore representing the homeowners of **3 Hardy Lane** presented an application for a 12' by 24' carport and a 12' x 12' deck. Approved and signed by W. Bruce.

The Commission held a discussion with Peter Van Wyck regarding the NOI filed for **Low Land Farms Subdivision Lot 5**. The public hearing had been continued on September 5, 2006 until approval of the plan had been received from the Board of Health. Mr. Van Wyck had not requested that the hearing be continued. Due to the length of time between hearings and a discrepancy between the plan approved by the Board of Health and the plan being reviewed by the Commission, Mr. Van Wyck was asked to file an RDA. W. Bruce expressed concern about the proximity of the septic systems. Mr. Van Wyck explained that trying to move the systems would cause further problems. Mr. Van Wyck will file the necessary application.

The Commission met with Corrinne Finnegan of Jacques Whitford regarding an amendment to the NOI for **7 Essex Park Road**. W. Bruce asked Ms. Finnegan to explain the levels of hazardous metals noted in the testing. Ms. Finnegan stated that the levels were currently below reportable levels. She also mentioned that there will be much more sampling. She advised that they had been using the S2GW3 standard. This is based on the area and use of the area. J. Rynkowski asked about testing of the Alewife Brook. Ms. Finnegan explained that testing had been done at the surface and the sediment. W. Bruce asked if a change would be made in the standards that are being used for testing if the

property was being used in a different manner. Ms. Finnegan explained that they could only address the hazards that they know are there. She also expressed that there could be restrictions on the property depending on the final result of the testing. S. Gersh asked about the DEP's request to have access to neighboring property owned by Peter Van Wyck. Ms. Finnegan explained that her company is currently only working on the property at 7 Essex Park Road and did not know how the DEP would handle anything that might be found on the Van Wyck property. W. Bruce asked if they could make a comparison to levels in the past and Ms. Finnegan stated that there is no data for her to make that kind of comparison. The Commission then moved on to review the Modified IRA and explained that they are asking to amend the notice of intent not to rewrite the notice of intent. She continued to explain how they planned to stabilize the slope to avoid contamination of the brook. This would be done with a bladder dam and would require that they go down the slope and clear some area to avoid damage to the dam which would be approximately 75' long. The dam would change the flow of the brook while it was in place. J. Rynkowski expressed concerns that the public would express concern regarding the dam. Ms. Finnegan stated that they have received very little inquiries from the public. She also stated that should the public express concerns to the Commission that all of the documentation is public record and Jacques Whitford would provide copies if asked. The current number of drums is 144. The speculation based on testing is that the drums contained paint. The modified plan would require that continue to survey for more drums which would require trimming some of the brush to make it accessible for the equipment. Joe Rudder, an Essex resident, inquired about the size of the bladder dam in relation to the size of the brook. Ms. Finnegan explained that they would not be placing the dam in the middle of the brook but along the shore line to avoid damage to foliage in the area and further down the brook. S. Gersh made a motion to allow the modification to the original notice of intent based on the fact that the requests are minor and are appropriate to the nature of the work originally intended, seconded by E. Frye and passed by unanimous consent. Ms. Finnegan asked about the notification to the abutters and the posting in the paper of the modification to the NOI. W. Bruce expressed that the Commission would consider this an emergency situation and that Jacques Whitford could proceed. The Commission will send written notification to Jacques Whitford.

The Commission discussed the 10 acre parcel of land on Turtleback Road being given to the Town. W. Bruce explained that the Town can be held in contempt if the Town does not proceed. The Commission had agreed to accept the parcel with conditions. W. Bruce was told that Mr. Van Wyck would not accept the conditions. The Town is asking the Commission to sign off on the parcel as given without the stipulations. S. Gersh explained a document written by town counsel for a conservation easement, however the document cannot be found. He explained that the document should be located in order to see what the town counsel defined as grounds for a conservation easement. The conditions imposed by the Commission are required by the state. If the Commission did not approve taking the parcel without the conditions, the land could be lost. S. Gersh recommended that the parcel be accepted without the conditions. Brendhan Zubricki had advised W. Bruce that if the Commission did not accept the parcel, the matter would be placed on a town warrant and accepted by the Selectman. S. Singleton had contacted W. Bruce and advised that she would vote not to accept the parcel without the conditions. R.

Brophy expressed the opinion that the town would not vote to take the land once the liability issue was presented to the public. W. Bruce advised that he would contact B. Zubricki that the Commission would accept the parcel without the restrictions. The matter should be added to the agenda for the next meeting.

The Commission discussed the work done at **132 John Wise Avenue**. Karen Moulton advised the Clerk that the sock the Commission had requested was in place. Ms. Moulton had already hired an engineer to evaluation the property. It was determined that a consultant should be hired by the Commission to delineate the property and bids will be sent out to a minimum of two firms. D. Cunningham will contact the homeowner, Karen Moulton and explain the procedure.

E. Frye advised the Commission that the homeowners at **29 Choate Street** had requested a change to the plans for the proposed well and septic system. The Commission asked that the matter be placed on the agenda for May 20 and that the homeowners attend to present the change to the plan.

The Commission reviewed the bids received for the review of the ANRAD filed on behalf of Essex Marina Corp. for **132 Main Street**. After discussion, R. Brophy made a motion to accept the bid received from Rimmer Environmental, seconded by S. Gersh and passed by unanimous consent. A thank you letter will be sent to Seekamp for their proposal.

The Commission was advised by D. Cunningham that they were invited to participate in a meeting with Representative Verga on April 9 at 7:30 pm to discuss the beaver dam problem at Chebacco Lake.

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

Prepared by: _____

Deborah Cunningham
Administrative Clerk

Attest: _____

Wallace Bruce, Chairman