

Meeting Minutes
Essex Conservation Commission
April 3, 2007; 7:30 pm
T.O.H.P. Burnham Public Library

Commissioners

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

Clerk: Deborah Cunningham

The following building applications were reviewed:

Gary Cole presented an application on behalf of the homeowners at **39 Addison Street** for a single level addition. Site visit scheduled for 8:30 am on April 4 by J. Rynkowski and P. Caponigro.

NOTE: After the site visit, the clerk was advised that the application was approved and could be signed on behalf of Commission by D. Cunningham.

Skip Crocker representing Crocker's Boatyard presented an application for a change of use of the property and clearing the land and grading at **160 John Wise Avenue**. Mr. Crocker advised that he had filed a Request for Determination of Applicability for the repairs to the house and driveway. S. Singleton asked about concerns regarding storm runoff and drainage. W. Bruce asked the Commission for their comments, but believed that this is outside the buffer zone. Richard Nysten was also present to represent Mr. Crocker and advised that any work outside the buffer zone does not require a filing unless that work alters an area under protection. S. Singleton asked about the access to the area outside the buffer zone which was through the wetlands. Mr. Crocker advised that the access would not be widened. S. Singleton also asked about the storm water plan which the Commission had asked to see. Mr. Crocker advised that the plan was available, but he could not leave it because it had to be on site. The plan however did not specifically reference the property under review. Mr. Crocker advised that a berm would be put in place and there would be no storm water runoff into the wetlands. Mr. Crocker's attorney advised that best management practices must be used in commercial areas if there is a large alteration of a site (SWPPP). The more intense use, the greater requirement is to control the runoff. R. Brophy commented that he did not feel that the runoff would go toward the road which was here the wetlands were. He also asked if a screen would be added and Mr. Crocker advised that they would be planting trees and putting in the berm to deter runoff. His plan was to plant 50 to 60 trees and to limit the amount of cutting to trees already on the property. W. Bruce opened the discussion up to the public, but asked that it be limited to the application before the Commission. Peter Kellerman, Aprilla Farm, expressed concerns about the wetlands and the drainage issues. He expressed

concerns that a spill at the Crocker site would end up in the ground water. He also expressed a concern that the clay under the permeable material would not allow for drainage. His concern was that the storm water, which may be of questionable quality, could prove to be an undue risk to a “crucial resource”. It was Mr. Kellerman’s opinion that there would be a change to the amount of water coming off the property that would make this come under the Storm Water Management regulations. There was a discussion of the flow of water off the property and the observations of Mr. Kellerman and the Commission. Another gentleman made comments regarding the fuels which might be leaked from the boats while stored on the property. He also questioned whether the boats would be stored with batteries on board which could cause the bilge pumps to empty. In addition, he expressed a concern about propane being stored on the boats. The homeowner at 33 John Wise Avenue, expressed concerns about changing the landscape due to the grading that would be done and how it would effect the runoff. Mr. Nylen addressed the issues brought up by the public. He advised that the Storm Water Management regulations do not apply unless they fall into the buffer zone. He also advised that if you are working outside the buffer zone there is no jurisdiction for the Commission. He added that Mr. Crocker is also concerned about the property runoff and that a SWPPP will be used when necessary. Mr. Kellerman pointed out that the regulations addressed the issue of water run off which would impact the wetlands. S. Singleton asked if Mr. Nylen if the Storm Water Regulations would be in use when the Request for Determination of Applicability is reviewed. Mr. Nylen advised that the Storm Water Regulations do not apply to single family homes, so it would not be an issue. However, the Commission would take a look at erosion control when reviewing the RDA. S. Singleton asked what would be included in the RDA. Mr. Crocker advised that it would be replacement of doors, windows, and exterior work. There was a question about the driveway and Mr. Crocker advised that there would only be maintenance work done on the driveway. W. Bruce asked for elaboration on the definition of a point source. Mr. Nylen explained that you gather all of the water at one point to discharge it. Sheet flow is where the water flows with the topography of the property. He advised that Mr. Crocker would not change the topography of the property to direct the water. It would continue to flow as it currently does. S. Singleton asked about trimming of the foliage along the driveway. Mr. Crocker advised that they would be trimmed only to allow access to the property. It was again expressed by the public that the grading contemplated would create point sources. Mr. Nylen explained that there would be no change to the ability of the property to hold water. Mr. Kellerman again expressed his concern that changing the soil would change the way the water ran off the property. Mr. Crocker advised that the material to be used would pack down if it was driven over on a regular basis. He explained that there would not be constant traffic in and out of the property everyday which would keep the material from packing down. There would also be a berm which would keep the water from running off. S. Singleton suggested that perhaps by berming up the property would “backfire” and change the water movement. Mr. Crocker advised that he wanted to put it there to contain the water and keep it on the property. Application approved and signed by W. Bruce.

Russ Brown representing Mark Gallagher, homeowner, of 147 Eastern Avenue presented a building application for changes to a plan presented as part of an NOI. The

changes being made are outside the buffer zone. The Commission requested information from the engineer regarding run off and the oil/water separator. It was advised that it may be necessary to file an Request for Determination of Applicability. Mr. Brown advised that he would arrange to have the engineer attend the next meeting to answer any questions the Commission might have.

Public Hearings:

A public hearing was opened at 8:30 pm on a **Request for Determination of Applicability** in connection with a Notice of Intent filed for the construction of two single family dwellings and associated appurtenances, and the construction and installation of one leaching field, one pump chamber, and two septic tanks at **Low Land Farm, Subdivision Lot 5**, Map 9 (12). There was a question regarding the plan which was before the Commission. The Board of Health had approved a plan dated 8/29/2006, however, the Commission did not have a copy of this plan. Mr Van Wyck was advised that the Commission would need to see a copy of the plan approved by the Board of Health. A motion to continue the hearing was made by J. Rynkowski, seconded by P. Caponingro and passed by unanimous consent.

A public hearing was opened at 8:45 pm on a **Notice of Intent** filed by Matthew Ostrowski for construction of a house addition, septic system upgrade, and driveway and site grading at **54 Wood Drive**. Matthew Ostrowski agreed with the Clerk that there was not a DEP number assigned to the file and that the Board of Health had not yet signed off. A motion to continue the hearing was made by R. Brophy, seconded by J. Rynkowski and passed by unanimous consent.

A public hearing was continued at 9:00 pm on a **Notice of Intent** filed by Joseph Parady for the construction of a duck blind on the **Great Marsh**. The Commission agreed to accept the plan as presented. R. Brophy requested that Mr. Parady contact him at the beginning of each phase of the project. A motion to close the public hearing was made by S. Singleton, seconded by R. Brophy and passed by unanimous consent. R. Brophy agreed to be overseer for the project.

The homeowners did not appear for the discussion regarding the project at **49 Martin Street**.

Business:

Bids were reviewed in connection with the hiring of a consultant to review **132 John Wise Avenue**. Karen Moulton was present. W. Bruce explained to Ms. Moulton how things would proceed once Hancock had done the delineation. The bid of Hancock Associates was accepted. A motion was made to accept the bid from Hancock Associates by J. Rynkowski, seconded by R. Brophy and passed by unanimous consent.

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

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

Prepared by: _____
Deborah Cunningham, Administrative Clerk

Attest: _____
Wallace Bruce, Chairman