

Meeting Minutes  
Essex Conservation Commission  
February 5, 2008; 7:30 pm  
T.O.H.P. Burnham Public Library

Commissioners

Present: Wallace Bruce, Chairman  
Robert Brophy, Philip Caponigro, Elisabeth Frye, Stephan Gersh,  
James Rynkowski

Absent: Shirley Singleton  
James Rynkowski left the meeting at 8:27 pm

Quorum: Yes

Clerk: Deborah Cunningham

The following building permit applications were reviewed:

Steve MacDonald of **146 Eastern Avenue** presented a permit to add living space to the back of the house. After review of the plans, the Commission agreed that the project was outside the buffer zone. The application was signed by W. Bruce.

Julie Goodwin of **11 Redgate Road** presented a permit to add a deck above the dining area at the back of the property. After review of the plans, the Commission agreed that the project did not encompass any wetlands issues. The application was signed W. Bruce.

Kevin McLaughlin of **2 Main Street** presented a permit for an addition to the home with the demolition of the second floor and rebuild to extend the addition. After a review of the plans the Commission determined that the project did not involve any wetlands. The application was signed by W. Bruce.

Appointments:

Brian Healy met with the Commission to discuss the filing requirements for work that is being considered at **45 Lufkin Point Road**. The owner would like to renovate the home with the addition of a second floor over the current footprint. The renovations would include a kitchen and a bathroom with the addition of siding. The footprint of the home will not change. The Commission advised that the project would not impact the wetlands and no filings would be required. Mr. Healy was advised that D. Cunningham could sign the building permit application once it was completed.

The Commission met with Mr. and Mrs. John DiBlasi regarding the work being done at **18 Lufkin Point Lane**. The DiBlasi's were advised that there was nothing that the Conservation Commission could legally do with the project as it was under the DEP's

jurisdiction under a Superseding Order of Conditions. The DiBlasi's made it clear that they understood, but they wanted to update the Commission on the current situation. The DiBlasi's advised that the mitigation area has been changed since the original plan in September, 2004. Mrs. DiBlasi advised that they had an agreement with Mr. DeRosa and Ms. Provencal had agreed to the height restriction of 4' along the southern boarder of the Pappas property. S. Gersh advised the DiBlasi's should meet with the DEP and Mike DeRosa to address their concerns with the changes made to the mitigation area. W. Bruce suggested that the Commission would write to Jill Provencal on their behalf. A letter was drafted by the Commission to the DEP. R. Brophy wanted it placed on the record that he was visiting the property and was on the road and Dr. Pappas came out of his home and took his picture. In Mr. Brophy's opinion this was harassment.

#### Public Hearings:

A hearing on a Notice of Intent for **51 Pond Street** was opened at 7:45 pm. Clay Morin presented the plan for the boardwalk and float to be installed at the property. Mr. Morin advised that there are remnants of an old walkway. An application for a Chapter 91 License will also be filed once the applicant has gone through the Conservation Commission. Mr. Morin explained that the posts will simply be screwed in which would mitigate the disturbance to the wetlands. W. Bruce asked about the distance for the slats in order to allow sunlight to go through and the distance for wildlife to go under the walkway. Mr. Morin advised that the slats would be spaced wider than usual to allow the sunlight through and there would be enough distance for wildlife to travel under the walkway. Mr. George Irving addressed the Commission to express concerns that he had regarding the project. He advised that the property is unique and the area was originally maintained by one family. Over the years it has become a "kind of" wildlife preserve. For many years it has not been undisturbed. He advised that there is a causeway used on his property to access the lake and wondered if this could be utilized instead of an aluminum structure. Mr. Irving also advised that it was his understanding that there was a restriction that the walkways had to be retractable. His concern was that the wildlife in the area, turtles, blue heron, etc., would be disturbed. Mr. Irving's concern was that the vista would also be disturbed. He asked that the Commission discuss other alternatives with Mr. Bruce. Mr. Morin addressed the Commission that the applicant would consider raising the walkway that was already there so that the boardwalk would not be so intrusive. S. Gersh asked how the walkway would be raised to avoid erosion or having it washed away when the lake was higher. Mr. Morin advised that the use of gravel could be used so that the water could flow through and the walkway would only be 2' to 2 1/2' wide. Concerns with filling were the reason why the plan for the engineered boardwalk was considered. S. Gersh advised that this was maintenance and fell well below DEP guidelines. Mr. Bruce advised that this plan would be more desirable to him. The applicant and Mr. Morin will look at other options for the access to the lake. Mr. Irving expressed concerns about boats that would be used and was advised that only small craft are used in this area. A motion to continue the hearing was made by R. Brophy, seconded by S. Gersh and passed by unanimous consent.

Continuation of hearing opened at 8:10 pm on 75R Wood Drive. Mary Rimmer represented the applicant. She advised that changes had been made to the plan based on the comments from the DEP. W. Bruce asked that Mr. Jones remind the Commission how the fill would be removed. Mr. Jones advised that the work would be done by hand. The work covered by the Order of Conditions should cover the previous orders. A certificate of compliance will be requested once the work is complete so that all orders can be cleared from the deed. A motion to close the public hearing was made by E. Frye, seconded by P. Caponigro and passed by unanimous consent. A motion to issue the order of conditions made by S. Gersh, seconded by E. Frye and passed by unanimous consent.

Continuation of hearing opened at 8:15 pm on **20 Ralston Drive**. W. Bruce advised that the DEP comments related to walls on dunes. Since the wall was not being placed on a dune, the Order of Conditions will indicate that the breaks in the walls will be spaced 8' apart. A motion to close the public hearing was made by P. Caponigro, seconded by J. Rynkowski and passed by unanimous consent. The condition that an 8" conduit be placed every 8' in the wall will be added to the Order of Conditions. A motion to issue an Order of Conditions made by S. Gersh, seconded by R. Brophy and passed by unanimous consent.

Business:

The Commission met with Peter Van Wyck regarding a Request for Certificate of Compliance for DEP 021-0447 for the work on the road at **Low Land Farms**. James Fitzgerald presented pictures of the traps which had been installed in the manholes in the road. A motion to issue the Certificate of Compliance was made by S. Gersh, seconded by R. Brophy and passed by unanimous consent. E. Frye abstained as an abutter.

S. Gersh presented a bill which is before the legislature which would protect conservation lands from being taken by the state or the town. He asked for support from the Commission. The Commission agreed that the bill would be favorable and agreed that S. Gersh could forward comments.

S. Gersh made a motion to issue the Certificate of Compliance on **10 Harlow Street**, seconded by R. Brophy and passed by unanimous consent. S. Gersh will give the Clerk the language which should be incorporated into the deed for perpetual restrictions on the property.

R. Brophy advised that Mr. Parady would like to add an elevated walkway to his hunting camp on the marsh. The Commission advised that Mr. Parady could amend his order of conditions.

R. Brophy advised that he had observed tracks of a four wheel on the Hardy property. He would like to talk with the homeowner before any action is taken by the Commission to write the homeowner to cease and desist using the vehicle in the marsh.

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

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

Prepared by: \_\_\_\_\_  
Deborah Cunningham  
Administrative Clerk

Attest: \_\_\_\_\_  
Wallace Bruce, Chairman