

# ESSEX CONSERVATION COMMISSION

## Minutes

July 7, 2009

Members: Wallace Bruce, Chairman – present  
Robert Brophy - present  
Philip Caponigro – present  
Elisabeth Frye - present  
James Rynkowski – absent  
Shirley Singleton – present

### Building Permit Applications:

A building permit application presented by the Clerk for the owners of 21 Turtleback Road was reviewed and signed by W. Bruce.

### Appointments:

Clay Morin met with the Conservation Commission representing Angus Bruce, homeowner of 51 Pond Street. Mr. Bruce was asking the Commission to review the OCC which had been issued to maintain a walkway to the water. After the excessive rains it was determined that putting in the original boardwalk would be more beneficial and less invasive. The boardwalk would be 3 ½ ft. wide with no handrail. Mr. Bruce advised that he had spoken with the abutter and it was agreed that this change would not be a problem. R. Brophy advised that no pressure treated wood should be used due to issues with toxins. The Commission agreed to the change and initialed the plan provided by Mr. Morin to add to the file. A motion to amend the order of conditions referencing the plan accepted by the Commission was made by R. Brophy, seconded by P. Caponigro and passed by unanimous consent.

Clay Morin also met with the Commission to discuss work to be done at 99 Main Street at the Fortune Palace II. The applicant had requested and received an OOC for work which had not been completed due to the proposed work to be done on Route 133 by Mass Highway. The applicant will request a partial Certificate of Compliance for the work done and will submit a new NOI for the parking area work which will be done once the work on Route 133 is complete.

A Public Hearing was opened at 7:47 pm on a Notice of Intent filed by Joshua Taylor to construct a single family dwelling, driveway and utilities within 100 feet of a bordering vegetated wetland at 67 Apple Street. Chuck Johnson represented the owner and presented the plan for the building of a new single family home. Mr. Johnson advised that most of the work would be outside the buffer zone. The Commission questioned if the Planning Board had approved having two homes on the lot. Mr. Johnson advised that the applicant had not been to the Planning Board yet. It was advised that the applicant should get approval from the Planning Board and then come to the Commission. Mr. Johnson agreed to continue the hearing to July 21. A motion to continue the hearing to July 21 at 7:45 pm was made by R. Brophy, seconded by P. Caponigro and passed by unanimous consent.

The Public Hearing on a Notice of Intent filed by Paul Goodwin, Superintendent for the Town of Essex, Department of Public Works to maintain and repair roads, pipe repair, water and sewer distribution/collection system, drainage, erosion control in the Town of Essex was continued starting at 8:00 pm. The Clerk advised that the DEP file number had been received for the NOI filed by the Town of Essex for work to be done by the DPW. A motion was made by S. Singleton to close the public hearing, seconded by R. Brophy and passed by unanimous consent. A motion to issue an OOC was made by R. Brophy, seconded by P. Caponigro and passed by unanimous consent.

A Public Hearing was opened at 8:10 pm on a Notice of Intent filed by Gilbert Guerin to construct a portion of an On-site Sewage Disposal System within the 100 foot buffer to the wetland area at 46 Choate Street. John Judd of Gateway Consultants represented the owner and presented the plan for a new sewer disposal system. After a review the Commission determined that a site visit would be needed before a final decision could be made. A site visit was scheduled for July 8 at 6 pm. A motion to continue to July 21 at 8 pm was made by R. Brophy, seconded by E. Frye and passed by unanimous consent.

#### Business:

The Commission discussed the placement of sand at Clammer's Beach as requested by the Town Administrator. It was agreed that the guidelines provided by S. Singleton should be followed and the Clerk will issue a memo.

A motion to approve the Minutes for the meeting of June 2, 2009 was made by R. Brophy, seconded by E. Frye and passed by unanimous consent.

The Clerk advised that with the resignation of Mr. Gersh from the Commission a new appointee to the Community Preservation Committee must be made. A motion to appoint Wally Bruce to the CPC, with P. Caponigro as alternate was made by R. Brophy, seconded by S. Singleton and passed by unanimous consent.

The Clerk advised that the Town had received a second bill from DeRosa Environmental for work at Water Street. The Commission agreed that this bill would be paid from the Wetlands Fund. A motion to pay DeRosa Environmental for \$937.50 was made by R. Brophy, seconded by S. Singleton and passed by unanimous consent.

The Clerk advised that she had been contacted by The Neve-Morin Group regarding soil testing at one of the Van Wyck residences which is currently empty and has a failing septic system. She advised that once the soil testing had been completed the owner would be filing a NOI. The Commission agreed to allow the soil testing without a filing.

The Conservation Commission scheduled a site visit for Lot 11A on Turtleback Road for Wednesday, July 8 at 6:30 pm to review the property after receiving a letter from an abutter regarding potential violations to the WAPA.

A motion to close the meeting was made by R. Brophy, seconded by S. Singleton and passed by unanimous consent at 9:30 pm.

Approved: \_\_\_\_\_  
Wallace Bruce, Chairman

Prepared by: \_\_\_\_\_