

Essex Conservation Commission

March 16, 1993

Present: Canan Hewson, Chairman; David Folsom; Edwin Perkins;
Peter Perrigo.

Meeting called to order at 8:05 p.m.

A continuation of a public hearing was held at 8:06 p.m. under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Peter Van Wyck covering removal of brush, ploughing, fertilising and reseeding Low Land Farms, off Apple Street.

Van Wyck said he wanted to talk about the particular area near the Browning property. He said, "There is a difference between isolated land subject to flooding and bordering vegetated wetlands. The D.E.P. has identified this area as being isolated land subject to flooding. The area has to be of a size to be of jurisdictional importance - one quarter-acre foot of water. We had to determine whether this area was large enough to meet the requirements. We have proved it is too small to be of concern to them. When you look at it it looks like a small stream, but it is a ditch which I fill in. Then someone will open it up, but I don't know who. You must realize that the ditch should be closed. The report is saying that this area is not jurisdictional. It is supposed to be closed. That is the only questionable area." Van Wyck then said he did not mind extending the hearing in order for the Board to make a site visit. After some discussion, the Board agreed to a site visit to the Van Wyck property on April 17, 1993, at 9:00 a.m.

Perkins moved to continue the public hearing until Tuesday, April 20, 1993, at 8:00 p.m. The motion was seconded by Folsom, with the Board voting unanimously in favor. Elizabeth Frye told the Board, "Fred Fawcett spoke to you about the fen area near this. This is very important. I would like to know as an abutter why Peter must work in the buffer zone. I would like the Notice of Intent to state there will be grading." Van Wyck indicated that he wanted to use the area up to the wetlands for farming. Frye said, "The D.E.P. has said you do not have a farm so you do not have a right. There is no approved subdivision at this time. When there is you will see it. Please take proper consideration when addressing this. You should have more information to deal with it." Donald Browning - "I have

never dug a ditch. The ditch was there because prior to Peter being there and digging his pond, it was a natural flow across Mrs. Frye's land."

Engineer Clay Morin submitted as-built plans for the water line for Curlew Cove Realty Trust, David Lane, Trustee, D.E.P. File Number 21-200. The Board compared the original plan with the as-built. Morin said the scale of the plans was different because the D.P.W. wanted a 40 scale. It was found in one area of the plan that the water line was shown too far to the north, but in all other aspects the as-built plan was in order.

Perkins moved to issue a Certificate of Compliance to Curlew Cove Realty Trust, David Lane, trustee, upon submittal by Morin Engineering, Inc. of an amended Page 2 of the as-built plans, which would move the water line further to the south. The motion was seconded by Folsom, with the Board voting unanimously in favor.

Joseph and Joan DiFluri met with the Board to discuss property on Gregory Island Lane. DiFluri said they have just purchased the Flynn property on Chebacco Lake. There is a guest cottage on the property and they would like to update the roof and siding, and also construct a cantilevered deck about 5 feet towards the water, but not the whole length of the building. The DiFluris were given an Abbreviated Notice of Intent to submit for the work.

Perkins moved to adjourn the meeting, seconded by Perrigo, with the Board voting unanimously in favor.

Meeting adjourned at 9:15 p.m.

Prepared by:



Gillian B. Palumbo
Administrative Clerk

Attest:

Essex Conservation Commission

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A G E N D A

Appointments:

- 8:00 p.m. ... Continuation of a public hearing -
Peter Van Wyck, Low Land Farms
- 8:15 p.m. ... Clay Morin - submittal of as-built
plan for water line - Curlew Cove
Realty Trust, David Lane
- 8:30 p.m. ... Joseph and Joan DiFluri - deck and
exterior shingle, Gregory Island Road

Business:

- Review correspondence
- Sign Bills Payable voucher
- Sign Payroll Voucher