

Essex Conservation Commission

March 17, 1992

Present : Edwin Perkins, Acting Chairman; David Folsom;  
Arthur Hodges; Sheldon Pennoyer; Thomas Prentiss.

Meeting called to order at 8:00 p.m.

The Board reviewed the building permit application and plan for the addition of a garage to the existing house of Stephen Walker, Island Road. The Board agreed that this construction would not be in violation of the Wetlands Protection Act and would notify the Building Inspector accordingly.

A public hearing was held at 8:15 p.m. under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Diane R. Polley covering construction of a driveway and regrading within the buffer zone at 27 Pond Street. Engineer Clay Morin represented Polley.

Morin said, "The proposed dwelling and septic system are outside of the buffer zone. The driveway has to come through the buffer zone and also the regrading of the septic system will be in the buffer zone. The proposed siltation barrier will be left in place until all activity is completed." The Board reviewed the Notice of Intent and accompanying plan.

Folsom moved to close the public hearing, seconded by Hodges, with the Board voting unanimously in favor.

A Request for a Determination of Applicability made by Kenneth L. Jones covering construction of a two-story addition at 28 Apple Street was heard at 8:20 p.m. Jones told the Board that there is a small area of wetlands on the Apple Street side to the left of the dwelling. The elevation is 2.5 feet lower than his yard. Perkins said he felt there was a drainage area on Apple Street which has created a small wetlands. It was also noted that a stone wall lies between the wetland area and the construction area.

Prentiss moved to issue a negative Determination of Applicability to Kenneth L. Jones, for construction of a two-story addition at 28 Apple Street. The motion was seconded

by Hodges, with the Board voting unanimously in favor.

A public hearing was held at 8:30 p.m. under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, Section 440, on a Notice of Intent filed by Gloucester Bank and Trust covering construction of a portion of a residential structure, driveway and regrading within the buffer zone on property at the corner of Western Avenue and Essex Park Road. Engineer Clay Morin represented the applicant.

Morin said the project had been denied on a prior Order of Conditions. There had been a question as to whether the edge of the buffer zone had been determined correctly. The siting of the dwelling will be 47'-50' back from the road. Perkins said he had received a call from a prior member of the Conservation Commission who told him the flagging was incorrect on the previous submittal. Muriel Feener, an abutter, said, "Our property is next to where they put the house, which is a duplex. When they put it in they put it closer to the brook than it was supposed to be. They filled where they should not have. Since then, our yard has been flooded, and I mean flooded. We haven't been flooded this winter because we haven't had any snow, but come spring it will be flooded. A pipe was supposed to be put in to prevent flooding on my land, which has never been put in. Even if they put in a house, they are going to have to put in fill, which means my yard will be flooded." Former owner Michael Perreault - "Any filling done had no effect on their land. The Conservation Commission prevented us putting cover on the ground. There is a retaining wall between the properties to allow top soil to go through. We never filled in. We built the foundation on the level of the ground." Mrs. Feener questioned Perreault's interest in the property in question if he no longer owned it. Perreault said, "I have no interest in this, but it was used as collateral in a business venture, but the property is owned by the bank." David Elwell - "Do I understand that you want to put in a driveway from Essex Park Road - so you will have a driveway, a house and the brook." Elwell then showed the Board photographs of his property and the subject property. Elwell - "It used to be our pasture, but we could never plough it because it was too low." Elwell noted that if the wall was higher on one side than the other then it would have been filled in, because at one time it was all one level field. The Board felt that a site visit should be made to the property and that the hearing should be continued so that any information obtained could be made part of the hearing.

Hodges moved to continue the public hearing of Gloucester Bank and Trust for property at the corner of Western Avenue and Essex Park Road to April 7, 1992, at 8:00 p.m., with a site visit to the property to be held on Sunday, April 5, 1992, at 9:00 a.m. The motion was seconded by Prentiss, with the Board voting unanimously in favor.

A public hearing was held at 9:02 p.m. under the Massachusetts Wetlands protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by the Essex Historical Society covering construction of a temporary marine railway, supports, and scaffold and placement of stone fill at the Town Ramp, Main Street. Engineer Clay Morin and James Witham represented the Historical Society.

Witham said, "Under the emergency approval for the state we had to file a Notice of intent with the local Conservation Commission. We are going through the Chapter 91 process. It has been signed by the Planning Board." Hodges - "How long does the present lease run for?" Witham - "Through '94. This is a temporary thing until we look for property for a permanent area." Perkins then read a letter into the hearing from Robert D. Reymond and Barbara N.Dyer. The letter stated "...I feel that it is a dangerous precedent to grant any entity such a permit without first having the site restored to its original condition. After the site has been restored, then let the approval process begin. To provide a permit now, after the fact, would condone this violation and encourage future violations. I believe that any entity which has violated the provisions of the Wetlands Protection Act should be held accountable. A charitable organization or a not-for-profit organization should not be exempt from the provisions of the Act any more than a private individual or profit making firm..." The Board reviewed the Notice of Intent and accompanying plan.

Folsom moved to close the public hearing, seconded by Hodges, with the Board voting unanimously in favor.

Thomas Corkery, Jr., Brook Pasture Realty Trust, met with the Board to request a partial Certificate of Compliance for Orders of Conditions 21-196, 21-189 and 21-145.

Folsom moved to issue a partial Certificate of Compliance from Order of Conditions 21-196 for Lot 3 to remove the drainage swale from Lot 3, but the issuance of which does not release Lots 4 and 4B from the Order of Conditions 21-196. The motion was seconded by Hodges, with the Board voting

unanimously in favor.

Hodges moved to issue a partial Certificate of Compliance for Order of Conditions 21-145 releasing Lots 4 and 4B, but not releasing Lot 3, seconded by Folsom, with the Board voting unanimously in favor.

Folsom moved to issue a Certificate of Compliance for Order of Conditions 21-189 issued to cover the replication area finding that the area has now grown in satisfactorily. The motion was seconded by Hodges, with the Board voting unanimously in favor.

Engineer Clay Morin met with the Board to discuss Lot number 3 of Brook Pasture subdivision. Morin said the applicant wishes to amend the Notice of Intent File Number 21-145 for Lot #3. The scope of the proposed project involves the construction of a two-family structure 24' x 108' with a section of the project in the buffer zone. The prior scope of the work involved moving the barn to the site. This will not now be done. Perkins said he could not see any problems with the amendment because the prior project was similar, except he wanted to see the roof drywell increase proportionally to the roof area for run-off.

Folsom moved to accept the amendment as presented with the conditions that the roof leaching area be increased in proportion to the building size. The motion was seconded by Hodges, with the Board voting unanimously in favor.

Engineer Clay Morin submitted to the Board a Notice of Intent for Lansing Banks, Eastern Avenue, for construction of a 40' x 80' retail building with concrete slab foundation within the buffer zone. The hearing was scheduled for February 7, 1992, at 8:45 p.m.

The Order of Conditions for Diane Polley, Pond Street, were written. Hodges moved to approve the construction of a portion of the driveway and regrading within the buffer zone, seconded by Folsom, with the Board voting unanimously in favor.

The Order of Conditions were written for the Essex Historical Society. The project was approved as all work has already been completed.

Hodges moved to adjourn the meeting, seconded by Prentiss,  
with the Board voting unanimously in favor.

Meeting adjourned at 10:25 p.m.

Prepared by:

  
Gillian B. Palumbo

Attest:

Essex Conservation Commission

March 17, 1992

A G E N D A

Appointments:

- 8:00 p.m. ... Public hearing - Diane Polley, Pond Street
- 8:15 p.m. ... Request for a Determination of Applicability - Kenneth Jones, Apple Street
- 8:30 p.m. ... Public hearing - Gloucester Bank and Trust, Western Avenue
- 9:00 p.m. ... Public hearing - Essex Historical Society

Business:

Review correspondence

Sign bills payable voucher

Building permit review

Discussion - site visit to property of Thomas Corkery, Martin Street