

Essex Conservation Commission

April 20, 1993

Present: Canan Hewson, Chairman; David Folsom; Alan McCoy;
Edwin Perkins; Peter Perrigo; Thomas Prentiss.

Meeting called to order at 8:07 p.m.

A continuation of a public hearing was held at 8:08 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 at Low Land Farms, off Apple Street. A site visit was made by Commission members David Folsom, Canan Hewson, Edwin Perkins, and Peter Perrigo, and Elizabeth Frye, Mr. and Mrs. Donald Browning, and Mrs. Whittemore, residents of the area.

Browning - "Peter said that someone illegally dug a ditch across the road and lowered the water by 6 inches. The area would have more water on it."

Van Wyck - "Carr took the maximum amount of water storage and his calculations were based with the ditch closed, not open."

Hewson - "I feel we should have the Planning Board plan in front of us to see the context of the lot. You say this will be farming, and yet you have a subdivision plan before the Planning Board. There seems to be a conflict."

Van Wyck - "I want to put houses in this area, but the Planning Board has not reacted to what I want, so I cannot say what will happen. This has not been ploughed in five years, so I would like to reseed it."

Browning - "The area we walked over was mostly clay. The topsoil has been stripped. How can you plough clay? I can see cutting, not ploughing."

Frye - "In view of the violations, I think you should be aware of what is going on in each of the areas. The largest violation that Nancy Baker ever saw was the ditch by Pond Street. Jim Sprague said did the Commission look at it."

Perkins - "Yes, we did. He had a Notice of Intent and Order of Conditions for that project. This Board went down numerous times to check on it."

Browning - "I'm mainly concerned that the buffer zone is not altered. I know what he does and he will either raise or lower the level. I have pictures of him in the cat-o-nine tails. There is no reason for him to be in the buffer zone. In this area (pointed out on the map) he would like to make a lot out of it. He's tried to drain it, and numerous times the D.E.P. has said no and so has the Conservation

Commission."

Perkins said he felt the best way to deal with this would be to have a definite boundary. Van Wyck questioned the need for a silt fence in certain areas. He then said he would get grand jury minutes defining the area near Apple Street, an area the state questioned as to whether it was an isolated wetland subject to flooding. Hewson said she was confused because Van Wyck was also submitting a Determination of Applicability for the same property for a subdivision road.

Perkins moved to continue the public hearing until May 11, 1993, at 8:15 p.m., seconded by Prentiss, with Folsom, Hewson, Perkins, Perrigo, and Prentiss voting in favor.

Frye said, "You must realize that what you have may not necessarily take place." Perkins told that maybe true, but the Commission had to act on the Notice of Intent they had in front of them,

Van Wyck then submitted a Request for a Determination of Applicability covering construction of a 20-foot wide road along an existing cart path on property known as Low Land Farms, Apple Street. It will be heard on the May 11 agenda at 8:45 p.m.

A public hearing was held at 8:45 p.m. under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Paul and Patricia Rullo covering regrading and thinning of weeded area for construction of a single family dwelling on Lot 6, Low Hill Road.

Work within the buffer zone includes regrading and thinning of the existing wooded area as part of constructing a single family dwelling. The total area within the buffer zone to be regraded is approximately 800 square yards and total volume to be filled is approximately 310 cubic yards of which approximately 280 cubic yards will come from the cut of the proposed dwelling foundation. The final surface restoration will be loam and seed, which will be planted as soon as practicable. Immediately after seeding, straw mulch will be spread to minimize erosion. A temporary silt fence will be put in place, as shown on the site plan, prior to construction to prevent siltation. Applicant Paul Rullo was asked how far back in the buffer zone he would be using heavy machinery. Rullo said it would be from the stone wall. After review of the site plan and Notice of Intent, Perkins moved to close the public hearing, seconded by Prentiss, with

the Board voting unanimously in favor.

The Board reviewed the site plan of John Coughlin for construction of a 35' x 100' accessory building on Western Avenue for the use of storage of trucks and trailers. The bordering vegetated wetland was approximated on the plan and the Board felt they needed to have it clearly defined by a certified botanist.

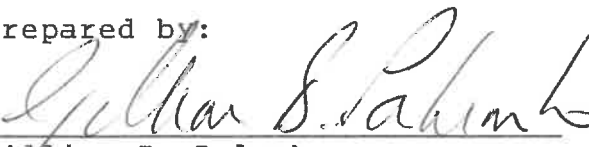
McCoy met with Town Counsel and the Board of Selectmen for a discussion on the litigation between Peter Van Wyck and the Town. He said that the town would like to move forward with Van wyck and his properties. They want to create a joint committee to meet with Van Wyck and his attorney. The Commission was requested to review all matters involving Van Wyck, to decide which projects and issues need to be resolved and to deal with those that are best left alone. Town Counsel gave a timetable of two weeks for the Commission and the Planning Board to come up with a laundry list, and then through a third party mediate all existing conditions and issues. The Board felt they should meet on Thursday, April 27, 1993, at 8:00 p.m. to review all the files of Van Wyck's.

The Order of Conditions for Paul Rullo, Lot 6, Low Hill Road, were written. Perkins moved to approve the project as shown on the plan "Proposed Subsurface Sewage Disposal System" for Paul Rullo, Low Hill Road, dated May 10, 1988, subject to the Special Conditions contained in the Order of Conditions. The motion was seconded by Prentiss, with the Board voting unanimously in favor.

Richard Southgate, 85 Western Avenue, met with the Board to request a Certificate of Compliance for D.E.P. File Number 21-86. Southgate said he had never begun the project of brook maintenance and regrading. Perkins moved to issue a Certificate of Compliance to Richard Southgate, 85 Western Avenue, D.E.P. File Number 21-86, seconded by Prentiss, with the Board voting unanimously in favor.

Perkins moved to adjourn the meeting, seconded by Perrigo, with the Board voting unanimously in favor. Meeting adjourned at 10:10 p.m.

Prepared by:


Gillian B. Palumbo

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A G E N D A

Appointments:

- 7:50 p.m. ... Richard Southgate - Certificate of
Compliance
- 8:00 p.m. ... Continuation of public hearing - Peter
Van Wyck, Low Land Farms
- 8:30 p.m. ... Public hearing - Paul and Patricia
Rullo, Lot 6, Lowe Hill Road
- 8:45 p.m. ... Addition to John Coughlin's property,
Western Avenue

Business:

Review correspondence