

Essex Conservation Commission

May 9, 1995 - Minutes

Present: David Folsom, Chairman, Arthur Hodges (8:15 p.m.)
Edwin Perkins, Peter Perrigo, Thomas Prentiss.

Meeting called to order at 7:30 p.m.

The Commission received a request from the Essex Scout House Pickering Street to Determine the Applicability of the Wetlands Protection Act for the construction of an 8' x 10' bocce court. Walter Andrews, Council on Aging and Warren Grant, Scout House Committee, met with the Board. The Board was told that a small area in the rear right corner of the parking lot needed to be filled to level the field. The Board reviewed the Request and accompanying plans.

Prentiss moved to issue a negative Determination of Applicability to the Essex Scout House, Pickering Street, for the construction of a bocce court as shown on the plans submitted with the Request. The motion was seconded by Perkins, with the Board voting unanimously in favor.

A continuation of a public hearing was held at 7:45 p.m. under the Massachusetts Wetlands Protection Act, Chapter 131, Section 40, on a Notice of Intent filed by Joseph Zaffiro covering the maintenance of an existing wooden pier and pilings in the coastal marsh at 26 Lufkin Point Lane. John Dick, Hancock Survey Associates, represented Zaffiro.

Dick told the Board, "The walkway is an existing structure and was known to be there from the Raytheon photographs. More information has revealed that it was in existence in the sixties. We are seeking the amnesty permit to maintain it in its present structure. We needed to get a Letter of Easement from Mr. Whelton which is being prepared tomorrow."

Perkins moved to close the hearing, seconded by Prentiss, with the Board voting unanimously in favor.

Folsom submitted a letter to the Board for review, in reply to a letter sent to the Board by Timothy Lane, Harry Homan's Drive, requesting the Commission view the activity to the rear of Gaybrook Garage for wetland violations. Upon review of the letter by the Board, Perkins moved to send the letter prepared by Chairman Folsom to Timothy Lane, Harry Homan's Drive. The motion was seconded by Prentiss, with the Board

voting unanimously in favor.

A public hearing was held under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Apple Street Realty Trust, c/o Sherman D. Jones, covering the construction of a single family dwelling with appurtenances on Apple Street, Assessors Map 10, Parcel 2A.

Paul Sommer, Sommer Environmental Technologies, represented Apple Street Realty Trust. Sommer told the Board, "We are filing this Notice of Intent for the construction of a driveway and single family dwelling located off Apple Street. It is a long driveway, with an easement being granted with certain caveats. We have delineated the Federal Resource areas on the map - an area of salt marsh adjacent to the Essex River, which is not an ACEC area. An area of discharge (S1-S4) starts out as a swale and spreads out to support the bordering vegetated wetlands until it reaches the edge of the salt marsh. We also show an isolated area, but it does not meet the requirements for an isolated area subject to flooding. The final area of wetland occurs as you drive in off Apple Street (flags V1-V5). It is off locus, but picked up because you are dealing with the bordering vegetated wetland. We will have erosion controls put in place - haybales/silt fence - wherever the bordering vegetated wetland is. This plan shows the septic system is located 150 feet from the bordering vegetated wetland, 103 feet from the area of salt marsh, and 104 feet from the isolated area. This may be federally, but not state jurisdiction. We have a turn around for fire and rescue equipment and will soon be going to the Planning Board with this. This is a fairly straight forward driveway to a single family dwelling. The loops on the plan indicate an existing stone wall; the straight line indicates the boundary of the property. The proposed road will be gravel. The agreement is in the process of being enacted. The development restrictions include 1) the lot will not be subdivided hereafter, 2) no more than a single family dwelling, 3) all building structures will be only as shown as the building envelope, and 4) all utilities shall be served underground and the driveway shall not be paved and shall not be more than 12 feet wide, except in one area where it is permissible to allow a car to pass. At present it is an old cart path. Betsy Fawcett, Apple Street - "Where is the septic system with regard to the wetlands?" Sommer pointed out the location of the septic system in relation to the wetland areas.

Fawcett - "Will there be any cutting of trees within 100 feet

of the wetlands?"

Sommer - "There is one tree specifically." Sommer added, "A Notice of Intent will be submitted for the house. This is for a building envelope. Where the house will be has not been defined."

Mary Mears, abutter - "We abut this property on Southern Avenue. We have no problem with it. We have an easement for our lot."

Perkins moved to close the public hearing for Apple Street Realty Trust, seconded by Prentiss, with Folsom, Perkins, Perrigo, and Prentiss voting in favor; Hodges had not arrived at the meeting for this hearing.

The Board reviewed the submittal of a Notice of Intent by Peter Van Wyck for the placement of stones along the bank of a pond and to remove brush on his property at Turtleback Road. The hearing was scheduled for May 23, 1995 at 7:45 p.m.

The Board reviewed the submittal of a Notice of Intent by Ray Cahoon for the construction of a single family dwelling on Lot 7A, Patriots Landing. The hearing was scheduled for May 23, 1995, at 8:00 p.m.

A request for Certificates of Compliance was made by David and Tracy Swett, 22 Rocky Hill Road, for Orders of Conditions D.E.P. File Numbers 21-140 and 21-150. The Board reviewed the files.

Perkins moved to issue Certificates of Compliance to David and Tracey Swett, 22 Rocky Hill Road, for Orders of Conditions D.E.P. File Numbers 21-140 and 21-150. The motion was seconded by Hodges, with the Board voting unanimously in favor.

A telephone call was received from the Mass. Highway Department requesting they be notified if there were any sites along Route 133 that may require silt fences when paving of the road takes place. Folsom and Perkins said they would view the area.

A letter was received from Atlantic Engineering requesting the Board lift the Cease and Desist Order on property at 230 Western Avenue, owner PMC Realty Trust, John Coughlin Trustee. The Cease and Desist Order was placed on the property last year due to wetlands violations. A site visit had recently been made to the property.

Prentiss moved to lift the Cease and Desist order at 230 Western Avenue, property of PMC Realty Trust, John Coughlin, Trustee. The motion was seconded by Perkins, with the Board voting unanimously in favor. A letter will be sent stating that the Cease and Desist Order will be lifted with the understanding that access to the property will be made per the sketch submitted to the Board at their meeting on April 25, 1995.

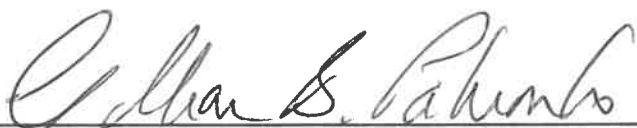
A letter was received from Dennis Outwater with the names of people responsible for his project on Belcher Street, D.E.P. File Number 21-162.

The Board reviewed the correspondence.

Perkins moved to adjourn the meeting, seconded by Prentiss, 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

May 9, 1995

A G E N D A

Appointments:

- 7:40 p.m. ... Request for a Determination of
Applicability - Scout House Bocce
Court, Pickering Street
- 7:45 p.m. ... Continuation of a public hearing -
Joseph Zaffiro, 26 Lufkin Point Lane
- 7:55 p.m. ... Public hearing - Apple Street Realty
Trust, c/o Sherman Jones, Apple
Street

Business:

- Review submittal of Notice of Intent - Peter Van Wyck
- Review submittal of Notice of Intent - Ray Cahoon
- Request for Certificate of Compliance - David Swett,
Rocky Hill Road
- Mass. Highway - wants to know where the Commission would
like silt fences to be placed prior to the road paving
- Lifting Cease and Desist Order - Coughlin property,
Western Avenue
- Sign Bills Payable Voucher