

Essex Conservation Commission

May 14, 1996 - Minutes

Present: David Folsom, Chairman, Edith Messersmith, Edwin Perkins, Peter Perrigo, Thomas Prentiss.

Meeting called to order at 7:35 p.m.

Robert Tyack met with the Board for a building permit application review for the construction of a single family dwelling at 65 Pond Street. Tyack also wished to discuss with the Board the construction of the driveway onto the property, a portion of which is in the buffer zone. Tyack was told he must file an Abbreviated Notice of Intent for the driveway. Upon review of the building permit application the Board found the structure was not within the buffer zone and was, therefore, not in violation of the Wetlands Protection Act. Folsom signed the application noting that it was for the structure only and not for the driveway.

The Commission was requested by Ray and Marion Cahoon to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, for the clearing of brush and debris at Patriot's Lane, Assessors Map 8, Lot 32D.

Marion Cahoon stated that they would like to clear brush and debris from one portion of the property. William Hickey, an abutter, requested that all Commission members make a visit to the site and look at the conditions of the area, and then tell him it is not a wetland. He felt you could not walk out there because it is a wetland. He also felt it would be violating the wildlife habitat law. The Board said they would make a site visit to the property and make their decision at that time. A site visit was scheduled for Friday, May 17, 1996, at 8:00 a.m.

A public hearing was held at 7:53 p.m. under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Margot R. Anderson covering the construction of an addition to the existing dwelling and retaining wall and regrading within the buffer zone at 1 Riverview Hill, Assessors Map 41, Lot 23C.

Joseph Walker, property owner, met with the Board. He told the Board that the Board of Health have approved the septic system. A retaining wall will be built to a height of eight feet per 310 CMR 15.255. The wall will be raised up four to

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five feet with fill. The base of the wall will be anchored to the ledge. Folsom said the most critical thing is to know how the wall is to be constructed. This information was not submitted with the Notice of Intent and the Board felt it was necessary to continue the hearing until more information was obtained.

Perkins moved to continue the hearing for Margot Anderson, 1 Riverview Hill, until June 4, 1996, at 7:45 p.m., seconded by Messersmith, with the Board voting unanimously in favor.

Marc Fagan met with the Board for an informal discussion regarding the addition to an existing dwelling at 48 Southern Avenue. Upon review of the plan submitted by Fagan the Board felt there would be no wetland issues.

A public hearing was held at 8:00 p.m. under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by James Stavros covering the construction of a driveway across a wetland area, grading and filling within the buffer zone relative to construction of a residential dwelling on Pond Street, Assessors Map 5, Lot 4.

Commission member George Stavros removed himself from the Board because of a conflict of interest. Engineer Clay Morin represented Stavros. Morin told the Board the property is owned by Mr. Bruce. The wetlands were flagged by Michael DeRosa in 1994, and all location survey work was done by John Bennett. He noted that a stream travels down to Rocky Hill Road behind Jay Ramsey's property to the property of Peter Van Wyck. There is a high water level so the septic system had to be raised, and therefore some regrading is necessary. Paul Sommer, Sommer Environmental, submitted a replication methodology report for the area. The replication area will be 2,500 square feet in size for the 1,985 square feet that will be disturbed. Two culverts are proposed, 24 inches in diameter, to pick up the flow. The driveway may possibly be gravel. The Board told Morin that they prefer the 25' - 30' of driveway over the wetland to be paved. Morin then said that the road will be two and a half feet above the high water mark. Morin also noted that a revised report will be submitted by Paul Sommer of Sommer Environmental at a later date. Mrs. Montgomery, an abutter, then submitted photographs of the area. The Board reviewed the Notice of

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Intent and accompanying plan.

Perkins moved to close the hearing, seconded by Prentiss, with Messersmith, Perkins, Perrigo and Prentiss voting in favor. Stavros did not vote as he had removed himself from the Board because of a conflict of interest.

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 Peter Clark covering the regrading within the buffer zone for a septic system upgrade at 3 Riverview Hill, Assessors Map 41, Lot 14B.

Commission member Edwin Perkins abstained from any discussion because of a possible conflict. Clay Morin, Morin Engineering, represented Clark. Morin told the Board that the existing septic tank will be removed and will be replaced with a 1,500 gallon septic tank. They found an indication of a high water table and therefore the system had to be raised accordingly. The system is just outside of the buffer zone, but the regrading is within the buffer. All the area is lawn. The retaining wall is 3'-4' high and tapers to nothing on the other side. Morin then noted that the Health Agent may allow them to move the leaching area over slightly, which would eliminate the wall. If permission is given, then he would file an amended plan. The Board reviewed the Notice of Intent and accompanying plan.

Prentiss moved to close the public hearing for Peter Clark, seconded by Perrigo, with Messersmith, Perrigo, Prentiss and Stavros voting in favor; Perkins abstained from voting because of a possible conflict of interest.

A public hearing was held at 8:25 p.m. under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by John and Constance Hsai covering the repair and maintenance of an existing concrete pierhead at 36R Robbins Island Road.

David Calder, Richard and Carol Carter, and Constance Hsai were present at the hearing. Calder told the Board that they had a meeting and a question arose as to the exposure of the wooden pier. They agreed they would apply for this site which has a concrete walkway leading to a wooden walkway and

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then to a concrete pier. The walkway to the pier was installed in 1961. Folsom asked if they were abandoning the other structure covered under D.E.P. File Number 21-278. Calder said if the license could be transferred they would maintain it. Folsom then questioned, as a Conomo Point Commissioner, whether the Town of Essex owned the right-of-way. Hsai said it was not recorded.

Perkins moved to close the hearing for John and Constance Hsai, seconded by Stavros, with the Board voting unanimously in favor.

The Order of Conditions was written for James Stavros, Pond Street.

Perkins moved to approve the project for James Stavros, for property on Pond Street, as defined in the Notice of Intent, seconded Messersmith, with Messersmith, Perkins, Perrigo and Prentiss voting in favor; Stavros abstained.

The Order of Conditions was written for Peter Clark, 3 Riverview Hill.

Prentiss moved to approve the project, as defined in the Notice of Intent, for Peter Clark, 3 Riverview Hill, seconded Perrigo, with Messersmith, Perrigo, Prentiss, and Stavros voting in favor; Perkins abstained.

The Order of Conditions was written for John and Constance Hsai, 36R Robbins Island Road.

Perkins moved to accept the project of John and Constance Hsai, as submitted in the Notice of Intent, at 36R Robbins Island Road, seconded Stavros, with the Board voting unanimously in favor.

Perkins moved to accept the Minutes of April 2, 1996, as read, seconded Prentiss, with the Board voting unanimously in favor.

The Board reviewed properties in Town, as requested by the Board of Health. Folsom said he checked the property of Jessie Horsman, Grove Street noting it is not a brook running through the property, but a drainage ditch from lower Milk Street, School Street, and Southern Avenue. Prentiss said he

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checked on the property of Elizabeth Fortier, 47 Southern Avenue - He noted there is a substantial amount of water in the back yard exiting to the brook. There is a pipe around the property - a perimeter drain. Prentiss said it was stated that 'it is not a sump pump - it has never been connected up. The condition of the property was never like this until the Town incorporated catch basins into the pipe and increased the drainage to this part of Southern Avenue.' Prentiss said he did not believe the perimeter drain is a problem. Perkins said he visited the property of Barry Ewing, 75 Southern Avenue. He found a 4" PVC pipe coming out of the back corner of the cellar. If the cellar is flooded, it would flow to the drainage ditch behind John Killiam's property on Addison Street. He added that he found further up the street someone has dug ditches through the yards, so that Southern Avenue could shed run-off to the ditch behind Killiams. Perrigo said he checked the property of Alma Ingalls, Pickering Street. He stated there is a definite stream behind the property, which continues to flow behind Dr. Isabell's property, where it is enclosed. Perrigo also checked on the Moulton property, across from Richdale's Store, and indicated that a sump pump runs out into the marsh. Barry Loy, 6 Southern Avenue - The brook runs in between the Begg property and Loy's property. It has granite sides and runs up to the former AmVets property on School Street. Many kinds of pipes were running into the brook, which finally runs into a storm drain.

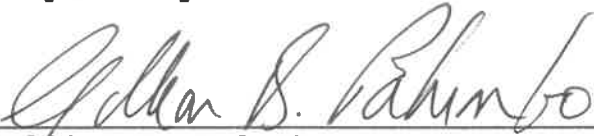
The meeting schedule for the summer is as follows: June 25, July 9, and August 13, at the Scout House, Pickering Street.

The correspondence was reviewed.

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

Meeting adjourned at 9:40 p.m.

Prepared by:


Gillian B. Palumbo
Administrative Clerk

Attest:

Essex Conservation Commission

May 14, 1996

A G E N D A

Appointments:

- 7:30 p.m. ... Building permit application review -
Robert Tyack, Pond Street
- Building permit applicatipn review -
Anthony Loiacano, 105 Martin Street
- 7:35 p.m. ... Request for a Determination of
Applicability - Ray and Marion
Cahoon, Patriot's Lane
- 7:45 p.m. ... Public hearing - Margot Anderson,
1 Riverview Hill
- 7:55 p.m. ... Kris Fagan, 48 Southern Avenue -
informal discussion re: addition to
dwelling
- 8:00 p.m. ... Public hearing - James Stavros, Pond
Street, Assessors Map 5, Lot 4
- 8:10 p.m. ... Public hearing - Peter Clark, 3
Riverview Hill
- 8:15 p.m. ... Public hearing - John and Constance
Hsai, 36R Robbins Island Road

Business:

Review correspondence

Review Scout House Calendar for summer meeting
scheduling

Approval of Minutes of April 2, 1996

Next meeting date - May 21 or 28?