

Essex Conservation Commission

May 18, 1993 - Minutes

Present: Edwin Perkins, Acting Chairman, David Folsom, Arthur Hodges, Peter Perrigo, Thomas Prentiss.

Meeting called to order at 7:45 p.m.

Joseph DaSilva met with the Board for a building permit application review for the construction of a single family dwelling on Pine Ridge Road. The proposed work is outside of the buffer zone, therefore there will be no violation of the Wetlands Protection Act. Perkins signed the application.

Harold Pratt met with the Board for a building permit application review for the removal of two accessory buildings and the construction of one accessory building on Southern Avenue. The proposed work is outside of the buffer zone, therefore there will be no violation of the Wetlands Protection Act. Perkins signed the application.

A continuation of a Request made by Peter Van Wyck for the Commission to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, covering the construction of a 20-foot wide road along an existing cart path on property known as Low Land Farms, Apple Street, was heard at 8:00 p.m. Hodges removed himself from the Board because he is an abutter to the property.

Van Wyck submitted a plan with the buffer zone marked in. Elizabeth Frye stated her concern about the density of the subdivision. A discussion on Area A followed. Frye - "Are you concerned with the kind of road being built, or are you just concerned with wetlands?" The Board told her they were concerned with all aspects of the project.

Prentiss moved to end the discussion on the Request for a Determination of Applicability for Peter Van Wyck, Low Land Farms, Apple Street, seconded by Folsom, with Folsom, Perkins, Perrigo and Prentiss voting in favor; as noted, Hodges removed himself from the Board and, therefore, did not vote.

The Order of Conditions for Gloucester Bank and Trust for property on Western Avenue/Essex Park Road was written.

The Board reviewed the Board of Health Minutes regarding the

percolation tests done on the property. The easement for grading on to the property next door has not been signed.

Prentiss moved to disapprove the Notice of Intent on the basis of no valid percolation test, no easement to meet the grading requirements has been filed at the Registry of Deeds, all building construction, driveway, roof run-off, drywell and slopes for the Title V septic system are all in the buffer zone. The Soil Survey of Essex County, MA states, "the seasonal high water table limits this soil as a site for dwellings, small commercial buildings, septic tank absorption fields, and shallow excavations. The slow permeability of the substratum is an added limitation for septic tank absorption fields." We feel the way this property is being graded for construction will increase the potential street run-off to the wetlands. The motion was seconded by Hodges, with the Board voting unanimously in favor.

The Order of Conditions for Peter Van Wyck for the removal of brush, ploughing, fertilizing, and reseeded Low Land Farms, Apple Street, was written.

Folsom moved to approve the proposed project of Peter Van Wyck, to remove brush, ploughing, fertilizing, and reseeded at Low Land Farms with the following Special Conditions: 1) With respect to Area A, until a Determination is made by D.E.P. as to whether it is protected by the Act, we will consider it as such and an appropriate 100 foot buffer zone is in effect, 2) Work in the buffer zone area shall be limited to mowing and removal of brush by hand, 3) Prior to any work, a silt fence must be placed on the northeast side of the area. This approval is given subject to the resolution of all outstanding litigation by Federal, State and local authorities, including but not limited to the stipulation signed by Peter Van Wyck dated July 13, 1987, and the Final Judgement dated July 30, 1991, Suffolk Superior Court Action 88-6033. The motion was seconded by Perrigo, with Folsom, Perkins, Perrigo, and Prentiss voting in favor; Hodges abstained.

Folsom moved to issue a positive Determination of Applicability to Peter Van wyck, because the State has not yet determined whether Area A to the north of the roadway is an area subject to protection under the Wetlands Protection Act. Therefore a Notice of Intent should be filed. The motion was seconded by Prentiss, with Folsom, Perkins, Perrigo, and Prentiss voting in favor; Hodges abstained.

The Board reviewed the correspondence.

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

Meeting adjourned at 10:45p.m.

Prepared By

A handwritten signature in cursive script, appearing to read "Gillian B. Palumbo", written over a horizontal line.

Gillian B. Palumbo  
Administrative Clerk

Attest:

Essex Conservation Commission

May 18, 1993

A G E N D A

Appointments:

- 8:00 p.m. ... Continuation of Request for a  
Determination of Applicability -  
Peter Van Wyck, Low Land Farms
- ... Building Permit Review - DeSilva,  
Pine Ridge Road

Business:

- Write Order of Conditions - Gloucester Bank and Trust
- Write Order of Conditions - Peter Van Wyck, Low Land  
Farms
- Review correspondence
- Sign Bills Payable Voucher
- Sign Payroll Voucher