

Essex Conservation Commission

June 4, 1996 - Minutes

Present: David Folsom, Chairman, Edith Messersmith, Peter Perrigo, Edwin Perkins, Thomas Prentiss, George Stavros, Arthur Hodges (8:00 p.m.)

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

Charles Hay met with the Board for an informal discussion on an amendment to Order of Conditions D.E.P. File Number 21-263, property owner Apple Street Realty Trust/Sherman Jones, Trustee. Hay indicated he would like to change the position of the house and driveway slightly, creating less area in the buffer zone. The building area originally proposed was 3,500 square feet; Hay wishes to reduce it to 2,200 square feet. The driveway area originally proposed was 2,760 square feet; Hay wishes to reduce it to 2,350 square feet. Hay was advised to file an Amendment to the Order of Conditions. Note: Arthur Hodges was not at the meeting for this discussion.

A Request made by Jason Heath for the Commission to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, for the removal of trees and reconstruction of an existing stairway at 63 Wood Drive was heard at 7:45 p.m.

Heath told the Board that he would like to clear out trees in area #1, as shown on the drawing attached to the Request, in order to create a view of Chebacco Lake, to allow sunshine to penetrate to the house and allow light through so that grass may be planted. He would also like to rebuild stairs that have washed away, providing a safe route downhill. He would also like to place a 12' x 12' storage shed at the bottom of the hill. The shed will sit on cinder blocks. Perkins told the Board he has viewed the property and found there was a very steep banking between the project area and the Lake.

Perkins moved to issue a negative Determination to Jason Heath, for the removal of trees, to rebuild stairs, and placement of a storage shed at 63 Wood Drive, as shown on the plan accompanying the Request for Determination of Applicability, seconded Stavros, with the Board voting unanimously in favor.

A continuation of a public hearing was held at 7:55 p.m.

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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.

Engineer Scott Patrowicz, representing Anderson, submitted plans from structural engineer Joseph A. Salvia regarding the retaining wall. The wall has been designed to account for the hydrostatic pressure, without weep holes and without tie backs. The Board reviewed the submitted plans.

Prentiss moved to close the continuation of the public hearing for Margot R. Anderson for the proposed project at 1 Riverview Hill, seconded Perrigo, with the Board voting unanimously in favor.

A public hearing was held at 8:05 p.m. under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Robert Tyack covering construction of a driveway to a single family dwelling at 65 Pond Street.

George Stavros removed himself from the Board for the hearing because of a conflict of interest. Robert Tyack told the Board he would like to build a house on the lot and wished to have their own driveway from the frontage on Pond Street rather than from the approved subdivision road. Approximately 69 linear feet of the proposed driveway lies within the buffer zone, the distance from the wetlands being 75 feet. Mrs. Ruth Montgomery, Pond Street, told the Board she was very concerned about the Lake and if a house is allowed to be constructed, then it requires a septic system, with the possibility of it leaching to the Lake. Folsom told Mrs. Montgomery that the Commission's only concern was the portion of the driveway within the buffer zone, and that the septic system was a Board of Health issue. Montgomery then showed photographs to the Board stating there was a swamp on the property. John Stavros, an abutter to the property, told the Board that he had asked Hugh F. Mulligan, a botanist from Gulf of Maine Research Center, Inc., Salem, to represent him at the hearing. Mulligan told the Board that Dr. Stavros has asked him to review this project, not because he wants to stop the project, but because he has some concerns. He told the Board he would like to know the following information -

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1) How far away the property is from the wetlands? He felt it would be helpful if the edge of the road was staked. 2) He would like to know how the edge of the wetland is determined? He noted that an Abbreviated Notice of Intent is only used when 1000 square feet of buffer will be disturbed. Where will the topsoil be deposited when the roadway is constructed? Mulligan said he wants the gravel to be clean gravel. He said there was no indication what other wetlands are in the area. He wondered if notice was made of the estimated wildlife habitat. He noted this is done even though the area may not be in it. Folsom suggested that the public hearing could be continued in order for the driveway to be staked, if Dr. Stavros felt it was critical. Stavros said there are markers which he cannot find, so he thought it would be helpful if the driveway was staked. Robert Tyack said he would like to state for Mrs. Montgomery that the septic system area has been reviewed by the Board of Health and approved. Stavros wondered if it would increase run-off to his property when the trees are removed. Folsom told him the run-off would be the same. He had looked at the site and found it slows down because the top flattens out near the wall and it becomes a gentle flow.

Perkins moved to continue the public hearing for Robert Tyack until June 25, 1996, at 7:45 p.m., seconded Messersmith, with Hodges, Messersmith, Perkins, Perrigo, and Prentiss voting in favor.

Ray Cahoon submitted a Notice of Intent for a dock and walkway to Chebacco Lake at 10 Patriot's Lane. Cahoon noted he had marked Elevation 46. A public hearing was scheduled for June 25, 1996, at 8:00 p.m.

A public hearing was held at 8:30 p.m. under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by The David Wendell 1993 Revocable Trust for the installation of a tight tank at 130 Conomo Point Road.

Clay Morin, Morin Engineering, represented Wendell. Morin told the Board upon review of the site they saw what they thought was a breakout, and which turned out to be a pipe and the location of the cesspool. The condition of the sale is the installation of a tight tank. The proposed installation is on the opposite side of the street from the water, and

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further from the resource area than the existing cesspool. Morin noted that a 3,000 gallon tank is shown on the plan, but the Board of Health may require a 4,000 gallon tank. The only difference between a 3,000 and 4,000 gallon tank is the height. Blasting will have to be done for the installation whatever size tank is used. The Board then reviewed the Notice of Intent and accompanying plan.

Perkins moved to close the public hearing for The David Wendell 1993 Revocable Trust, 130 Conomo Point Road, seconded by Messersmith, with the Board voting unanimously in favor.

Edith Messersmith, Edwin Perkins, and Thomas Prentiss indicated they would like to be reappointed to the Board for another three years. The Board of Selectmen will be notified.

A Request for a Certificate of Compliance was received from John Coughlin, PMC Realty Trust, 239 Western Avenue, for work completed under Order of Conditions D.E.P. File Number 21-262. The Board felt an as-built plan of the project should be submitted.

Perkins moved to issue a Certificate of Compliance to John Coughlin, PMC Realty Trust, for work completed under Order of Conditions D.E.P. File Number 21-262 at 239 Western Avenue, pending receipt of an as-built plan for the project, seconded Prentiss, with the Board voting unanimously in favor.

The Board reviewed a plan submitted by Jerome Crepeau for the upgrade of a septic system at 51 Lufkin Point Road. It was felt an Abbreviated Notice of Intent should be filed.

Engineer Scott Patrowicz asked the Board if he could submit a Request for a Determination of Applicability for work to be performed at 65 Eastern Avenue, even though he was not on the agenda. The Request was accepted.

The Order of Conditions was written for Margot Anderson, 1 Riverview Hill.

Perrigo moved to approve the project as submitted in the Notice of Intent for Margot Anderson, 1 Riverview Hill, seconded by Prentiss, with Hodges, Messersmith, Perrigo, Prentiss and Stavros voting in favor; Perkins abstained.

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The Order of Conditions was written for The David Wendell 1993 Revocable Trust, 130 Conomo Point Road.

Perkins moved to approve the installation of a tight tank for The David Wendell 1992 Revocable Trust at 130 Conomo Point Road, seconded by Messersmith, with the Board voting unanimously in favor.

Hodges reviewed the 1996 Open Space and Recreation Plan submitted by the Essex Open Space Committee.

The correspondence was reviewed.

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

Meeting adjourned at 9:25 p.m.

Prepared by:



Gillian B. Palumbo
Administrative Clerk

Attest:

Essex Conservation Commission

June 4, 1996

A G E N D A

Appointments:

- 7:30 p.m. ... Charles Hays - discussion on property of David Jones, Apple Street
- 7:35 p.m. ... Request for a Determination of Applicability - Jason Heath, 63 Wood Drive
- 7:45 p.m. ... Continuation of a public hearing - Margot Anderson, 1 Riverview Hill
- 7:50 p.m. ... Public hearing - Robert Tyack, 65 Pond Street
- 8:00 p.m. ... Submittal of Notice of Intent for walkway to Chebacco Lake - informal discussion
- 8:10 p.m. ... Public hearing - David Wendell, 130 Conomo Point Road

Business:

Review correspondence

Request for a Certificate of Compliance - John Coughlin, File Number 21-262 - review file

Review plan of Jerome Crepeau, 51 Lufkin Point Road - should a Full or Abbreviated Notice of Intent be filed.

Sign Orders of Conditions for James Stavros, Peter Clark, John Hsai

Next meeting - June 25, 1996

Meeting nights July and August - July 9 and August 13