

Essex Conservation Commission

June 25, 1996 - Minutes

Present: David Folsom, Chairman, Edith Messersmith, Peter Perrigo, George Stavros.

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

Michael Phelan, scheduled to meet with the Board, was not present.

A Request made by Patrowicz Land Development for the Commission to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, for the installation of a drainage pipe at 65 Eastern Avenue was heard at 7:40 p.m.

Scott Patrowicz of Patrowicz Land Development requested that the Request be continued to the next meeting to be held on July 9, 1997. The Board agreed to the continuation.

A continuation of a public hearing was held at 7:45 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Robert Tyack covering the construction of a driveway to a single family dwelling at 65 Pond Street.

Tyack told the Board he notified Hugh Mulligan that the driveway had been staked. Hugh Mulligan of Gulf of Maine Research Inc., representing Dr. John Stavros, an abutter to the property, told the Board he went out twice to look at the flagging. He noted that "there are wetland plants that extend well up the slope to the abutting property. If you check the soil, the soil is not wetland soil. We did determine that the actual wetland boundary was from 5 to 42 feet upgradient of the indicated wetland boundary." Tyack said they put out flags at 84'-119' from the edge of the driveway. Mulligan stated that in opinion of Gulf of Maine the proposed buffer zone activities could occur without damaging Dr. Stavros' wetland, provided that proper measures, including sediment barriers for erosion control, are installed and maintained until all disturbed areas are stabilized. They also did request to see the area of the septic system to determine if it met the required 100 foot setback.

Prentiss moved to close the public hearing for Robert Tyack for property at 65 Pond Street, seconded by Perrigo, with Folsom, Stavros, Perrigo, and Messersmith voting in favor; Perkins was

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not present at this time.

Folsom told the Board he had been told by Arthur Clarke of Choate Street that clearing had been taking place in wetlands off Choate Street. He issued a Cease and Desist Order to the property owner, John Donovan.

The Board reviewed the building permit application for Albert Sivo, Lufkin Point Road, for the construction of a swimming pool. The Board could find no wetlands issues and therefore signed off the application.

A public hearing was held at 8:00 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Ray and Marion Cahoon covering the construction of a pier, ramp, dock and fence at Patriot's Lane, Assessors Map 8, Lot 32D.

Cahoon told the Board that they are proposing to put a dock in Chebacco Lake. In order to do that, they have to bridge the wetlands. They have marked a 46 elevation where they want to cut brush. The pier will be joined to the existing concrete footing. The height of the walkway is 2 feet, so that light can get under it for wetland growth. George Benoit, an abutter, stated he is in favor of the project. The Board reviewed the Notice of Intent.

Perkins moved to close the public hearing for Ray and Marion Cahoon, Patriot's Lane, seconded by Perrigo, with the Board voting unanimously in favor.

A public hearing was held under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Mary Trudeau covering the upgrade of a septic system at 152 Eastern Avenue.

Mary Trudeau, an environmental planner, represented the property owners, Robert and Sandra Hanwell. Stavros abstained from any discussion because of a possible conflict of interest. Trudeau told the Board that 152 Eastern Avenue is on the market for sale, but cannot be sold because the septic system does not meet Title V, so they must upgrade the system. The flow will be pumped up to the leaching area because they could not find a low enough area. The engineer did not feel, at this time, that they would have to blast.

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He felt the work could be done with an excavator. The plan has been submitted to the Board of Health, but has not, as yet, received approval. The submitted septic plan is a considerable improvement to the existing situation. The Board reviewed the Notice of Intent.

Perrigo moved to close the hearing, seconded by Prentiss, with Folsom, Messersmith, Perrigo and Prentiss voting in favor; Stavros abstained from voting.

Charles Hay met with the Board for an informal discussion on a request for an amendment to the Order of Conditions for Apple Street Realty Trust. Hay told the Board there would be a net reduction of the building size and driveway. The Board felt a public hearing should be scheduled because of the changes.

The Order of Conditions was written for Robert Tyack, 65 Pond Street.

Prentiss moved to approve the project of Robert Tyack, 65 Pond Street, as submitted, seconded by Perrigo, with the Board voting unanimously in favor.

The Order of Conditions was written for Ray and Marion Cahoon, Patriot's Lane.

Perkins move to approve the project of Ray and Marion Cahoon, Patriot's Lane, as submitted, seconded Perrigo, with the Board voting unanimously in favor.

The Order of Conditions was written for Raggs, Inc., property of Robert and Sandra Hanwell, 152 Eastern Avenue.

Perkins moved to approve the project, as submitted, for Raggs, Inc., 152 Eastern Avenue, pending approval of all other permits, seconded by Prentiss, with the Board voting unanimously in favor.

Samuel Appleton, Eastern Avenue, would like to cut down trees on his property. The Board felt he should file a Request for a Determination of Applicability, and show where the trees are to be cut down, together with photographs.

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

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Meeting adjourned at 8:50 p.m.

Prepared by:

  
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Gillian B. Palumbo  
Administrative Clerk

Attest:

Essex Conservation Commission

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A G E N D A

Appointments:

- 7:30 p.m. ... Michael Phelan, 21 Gregory Island Road  
building permit application review
- 7:35 p.m. ... Request for a Determination of  
Applicability - Scott Patrowicz, 63  
Eastern Avenue
- 7:45 p.m. ... Continuation of a public hearing -  
Robert Tyack, 65 Pond Street
- 7:55 p.m. ... Richard Means, County Road - informal  
discussion on construction of a pole  
barn
- 8:00 p.m. ... Public hearing - Ray and Marion  
Cahoon, Patriot's Lane
- 8:10 p.m. ... Public hearing - Mary Trudeau, 152  
Eastern Avenue
- 8:15 p.m. ... Charles Hay - informal discussion on  
amendment to Order of Conditions for  
Apple Street Realty Trust

Business:

- Review correspondence  
Sign Bills Payable Voucher  
Sign Payroll Voucher  
Review building permit application for Sivo pool, Lufkin  
Point Road, for sign-off  
Next meeting July 9, 1996 at Scout House