

Essex Conservation Commission

June 27, 1995 - Minutes

Present: David Folsom, Chairman, Arthur Hodges, Edith Messersmith, Edwin Perkins, Thomas Prentiss.

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

Thomas Griffith, 43 County Road, met with the Board to submit a Building Permit Application for the construction of an addition to the existing dwelling. The application and accompanying plan were reviewed. The Board felt there would be no violation of the Wetlands Protection Act - Chairman Folsom signed the application.

A Request by Timothy and Susan Cain to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, for the construction of a 16' x 12' deck at 26 Pond Street was heard at 7:45 p.m.

Cain told the Board that the proposed project is to construct 16' x 12' deck off the rear of the house and to replace the front concrete steps with a 4' x 8' wooden deck. The rear deck will be placed on three sono tubes. All digging for the placement of the sono tubes will be done by hand. No machinery will be used. The Board reviewed the Request and accompanying plan.

Perkins moved to issue a negative Determination of Applicability to Timothy and Susan Cain, 26 Pond Street, for the construction of a rear deck and the replacement of the front steps with a wooden deck. The motion was seconded by Messersmith, with the Board voting unanimously in favor.

Cain spoke to the Board regarding the Alsberg property, off Pond Street. Folsom said he had visited the site and found that there was a wetland down gradient. Flagging of the wetlands was done by Paul Sommer of Sommer Environmental Technologies.

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 Albert C. Sivo covering the construction of a driveway within the buffer zone at Lufkin Point Road, Assessors Map 20, Lot 31A. P. Hunt Durey, Hancock Survey Associates, represented the applicant.

Durey told the Board, "The applicant is planning to build a single family dwelling with a driveway. At its closest point, grading for the proposed driveway is 65 feet away from the resource area. Natural vegetation is the proposed siltation barrier for the driveway construction. The portion of the buffer zone between the driveway and the wetland consists of thick field grass. This natural vegetative buffer will control and contain any potential sedimentation from the driveway construction long before it would reach the resource area." Hodges asked Durey why he could not reconfigure the driveway another way so as to bring it completely out of the buffer zone. Durey told him that the driveway was placed this way because that is what the applicant wanted. Hodges - "Would it not be possible to have the driveway out of the buffer zone?" Durey - "Yes, it is possible, if you remove the circle." Durey was asked how far into the buffer zone did the driveway go. He replied, "The closest point is 65 feet from the wetland. Does the Commission feel this would cause an impact on the wetland?" Folsom - "At this point I cannot say if it will have an impact or not." Perkins - "Does the property abut the street?" Durey - "The street layout is at the property line." Bruce Shaw, abutter, "What is the driveway material going to be?" Durey - "It will be an impervious material." Perkins - "There is a very steep grade from the road. Fill will have to be used." Durey - "From the edge of the pavement and property line is a drop in grade of 5-6 feet. We will have to do some filling." A member of the public asked where the run-off would go. Durey - "The run-off will be absorbed naturally in the vegetation." Shaw - "What is the possibility of having some curbing with a different configuration to prevent the leaching of salts, etc.?" Durey - "We could put in a stone skirt on the down gradient edge and curbing on the center basin. We feel there will not be any impact to the wetland from run-off from the driveway." Shaw - "I feel for the long-term protection of the marsh we would need some curbing. You are probably correct in that most times the vegetation would catch any salt or run-off, but there will be times when it will not, and then a curbing will be necessary." Durey - "I reiterate that we feel the amount of run-off generated from the driveway would not necessitate curbing." Margaret Davies - "What is the width of the driveway?" Durey - "14 feet." Theodore Smick, Lufkin Point Road - "Is there any reason why there cannot be a short driveway as opposed to what is drawn?" Durey - "You could have any number of configurations. This is the client's wishes." Smick - "How much fill will have to be removed?"

Durey - "We haven't done any soil borings in the driveway. I feel the soft upper soil will not be more than two feet, but I cannot say for sure." Smick - "I wonder if that information should be given to the Commission prior to their making a decision." Durey - "I don't feel that makes a difference whether we pull out two or three feet of soil, because you are still filling to the existing grade." Chairman Folsom - "I feel it would be reasonable to ask for a plan of the grading of the driveway. I feel we do not have sufficient information to show the impact. I would like to have a road profile. My biggest concern is building a pocket of water next to Lufkin Point Road. I would like to see how you will control the run-off. I want to see how the drainage will work." Mrs. Fitts, an abutter - "Does the water affect abutting lots because I have a well?" Folsom - "What he is creating is a driveway of impervious material. It will still run in the same direction as it did prior to its construction." Peter Tyler - "Perc tests were done along Mrs. Fitts lot line and it did not perc." Hodges - "I feel it would be better if it could be reconfigured to be out of the wetlands. If that is what the applicant wants, then it is not too much to ask for further information to make our evaluation."

Hodges moved to continue the public hearing for Albert C. Sivo to July 18, 1995, at 7:45 p.m. The motion was seconded by Perkins, with the Board voting unanimously in favor.

A public hearing was held at 8:40 p.m. under the Massachusetts Wetlands Protection Act, Chapter 131, Section 40, on a Notice of Intent filed by James N. Lewiecki and Margaret M. Nelson covering the construction of a three bedroom addition to the existing dwelling at 35 Belcher Street. Lewiecki told the Board he is proposing an addition to the existing house and the relocation of a gravel driveway. The grade for the driveway already exists, therefore the extent of the work for the driveway will be to fill in the gullies. No upgrade of the septic system is required. Perkins noted that the area of the addition is on a hill and is considerably higher than the wetland area. Lewiecki told him, "There was never any standing water - even though there is some wetland vegetation, it is dry." An erosion control barrier will be placed between the resource area and the limit of the work and will be maintained throughout the duration of the construction and until such time a stable turf has been established. The Board then reviewed the Notice of Intent and accompanying plan.

Perkins moved to close the public hearing for James N. Lewiecki and Margaret M. Nelson, 35 Belcher Street, seconded Messersmith, with the Board voting unanimously in favor.

A public hearing was held at 8:50 p.m. under the Massachusetts Wetlands Protection Act, Chapter 131, Section 40, on a Notice of Intent filed by The Trustees of Reservations covering the repair and reconstruction of a pier on Long Island.

Hodges removed himself from the Board because of a conflict of interest. Peter Pinciario represented the Trustees. Pinciario told the Board that the proposal is to repair and rebuild the dock. They also propose to eliminate a portion of the pile supported structure as highlighted on the plan submitted with the Notice of Intent. This section would be replaced with floats attached to two pile clusters at either end. They are asking to reduce the width at the end about 8' to 10', but would like to keep the length to 30 feet. They have a mechanism to raise and lower the section near the shore. They will leave the cribbing as is and will not add to it. The Board reviewed the Notice of Intent and accompanying drawings.

Pinciario then asked the Board if he could discuss another matter with them. He told them a motion picture is being filmed on Hog Island and the movie company would like to have a temporary dock installed which will be attached to a temporary gangway. There are no specifications as of yet. Perkins told him that if it is constructed with floats then he could obtain a permit from the Harbormaster. If they go with pilings, then they will need to get a Waterways Permit. Folsom felt there was a mechanism for a temporary dock. Pinciario said he would return to the Board on this matter when he has further information.

Perkins moved to close the public hearing for the Trustees of Reservations, seconded Messersmith, with Folsom, Messersmith, Perkins and Prentiss voting in favor; Hodges abstained from voting.

A public hearing was held at 9:02 p.m. under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Robert K. Dutton covering the construction and maintenance of a pier at Ralston Drive, Lot 109D.

Malcolm E. Low, PE, of Maritime Group, Inc., represented

Dutton. Low told the Board the filing was for the Waterways Licensing for a catwalk over the marsh with a seasonal ramp and float for private recreational use. All materials will be appropriate for Marine use; all hardware will be H.D. Galvanize; all timber will be natural or pressure-treated with no creosote. The proposed project would allow the construction and maintenance of a minimally sized structure in Walker Creek, allowing water access from Lot 109D. The structure is designed to be of the same relative size, proportions, and potential use as the abutting structures on Lots 109 and 109B. Abutters have stated they have no objection to the ramp being within 25 feet of their walkway. The catwalk is designed for, and will carry foot traffic over the marsh, thus protecting the marsh once construction is completed. Construction activities will be minimal, involving only manual setting of 4x4 posts and attachment of bracing and deck timbers. The only machinery involved will be hand-power tools and possibly a hand-held power fence post auger. The catwalk deck will be 4 feet minimum above the marsh below mean high water, reducing the shadow and meeting EPA guidelines for structures of this type. The decking will be removable for the winter season. The ramp and float will be seasonal and are of comparable size to the abutters. The float will be equipped with mud standoffs, in accordance with the requirements of the D.E.P. and the Army Corps of Engineers. Peter Tyler, Lufkin Point Road, asked what the distance was between this float and the abutters'. Low told him about 21 to 22 feet. The Board then reviewed the Notice of Intent and accompanying plans.

Perkins moved to close the public hearing for Robert K. Dutton, seconded by Hodges, with the Board voting unanimously in favor.

A Request made by the Conomo Point Commissioners to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, for the repair of a seawall at Conomo Point adjacent to Assessor's Map 24, Lots 18 and 35, was heard at 9:20 p.m.

Folsom removed himself from the Board because of a conflict - as a Selectman he is also a Conomo Point Commissioner. Perkins became acting chairman. The Conomo Point Commissioners made the Request in order to make repairs to a 40-foot section of seawall located along "the narrows" between the flagpole and house No. 153, Conomo Point Road. The wall had become undermined, and had washed out behind it, leaving a long hole, making it a hazard to anyone walking on

it. The work would involve reclaiming some of the stones that are in the immediate vicinity. Some of the stones could be retrieved by hand, some by machine. All of the work involving the use of the machine could be done with the machine sitting on the banking. All stones would be mortared in place. There would be some excavation on the rear side of the wall to accomodate the placing of stones. The work will be done by the Essex Department of Public Works, under the direction of the Conomo Point Commissioners. Permission was also sought for repairs to the retaining wall along the Access Road to Front Beach at "the Narrows" to prevent the edge of the road leading to the beach from washing away under normal tidal action. This road is important for fire protection, as it gives the Fire Department access to the Essex River for water use in the event of a fire. There is only seasonal water at Conomo Point fed by a 3" line, which would be inadequate for water supply to extinguish a serious fire. The Board then reviewed the Request.

Hodges moved to issue a negative Determination to the Conomo Point Commissioners for the repair of sea walls at Front Beach, Conomo Point, seconded by Messersmith, with Messersmith, Hodges, Perkins and Prentiss voting in favor.

Messersmith told the Board that Marlene Putman, Apple Street, would like to be recommended for an appointment to the Conservation Commission. Although no positions were available at present, it was so noted.

The Board reviewed the correspondence.

The Order of Conditions for Robert Dutton were written.

Perkins moved to approve the project of Robert Dutton for the construction of a pier and walkway on Ralston Drive, seconded by Prentiss, with the Board voting unanimously in favor.

The Order of Conditions were written for the Trustees of Reservations.

Perkins moved to approve the project of the Trustees of Reservations for the reconstruction of the dock on Hog Island, seconded by Prentiss, with Messersmith, Perkins, Prentiss and Folsom voting in favor, Hodges abstained.

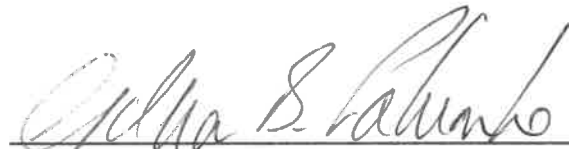
The Order of Conditions were written for James Lewiecki and Margaret M. Nelson, 35 Belcher Street.

Perkins moved to approve the project of James Lewiecki and Margaret M. Nelson for the construction of an addition and driveway at 35 Belcher Street, seconded by Prentiss, with the Board voting unanimously in favor.

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

Meeting adjourned at 10:00 p.m.

Prepared by:



Gillian B. Palumbo
Administrative Clerk

Attest:

Essex Conservation Commission

June 27, 1995

A G E N D A

Appointments:

- 7:30 p.m. ... Building permit application review -
Tom Griffith, County Road
- 7:35 p.m. ... Request for a Determination of
Applicability - Timothy and Susan
Cain, 26 Pond Street
- 7:45 p.m. ... Public hearing - Albert Sivo, Lufkin
Point Road
- 8:00 p.m. ... Public hearing - James Lewiecki, 35
Belcher Street
- 8:15 p.m. ... Public hearing - Trustees of
Reservations, Long Island
- 8:30 p.m. ... Public hearing - Robert Dutton,
Ralston Drive
- 8:35 p.m. ... Request for a Determination of
Applicability - Conomo Point
Commissioners

Business:

Review correspondence
Sign Bills Payable Voucher
Sign Payroll Voucher
Write Orders of Conditions for this evening's hearings
Recommendations for new Commission member
Next meeting - July 18 at the Scout House