

Essex Conservation Commission

September 22, 1992

Present : Edwin Perkins, Chairman; David Folsom; Arthur Hodges; Alan McCoy; Sheldon Pennoyer; Thomas Prentiss.

Meeting called to order at 8:00 p.m.

David Savoie met with the Board to submit an Abbreviated Notice of Intent for Dr. George Evans to raise the existing house and construct a foundation at 10 Lufkin Point. Savoie said the house at present is on footings. A public hearing was scheduled for October 6, 1992, at 8:15 p.m.

A Continuation of a Public Hearing was held at 8:10 p.m. under the Massachusetts Wetlands protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Gloucester Bank and Trust covering construction of a portion of a residential structure, driveway and regrading within the buffer zone on property at the corner of Western Avenue and Essex Park Road. Engineer Clay Morin represented Gloucester Bank and Trust. Morin said, "We have had the perimeter line determined, which is not much different than what we thought it was, but it has created a few problems with the Board of Health. We are, therefore, requesting a continuance of the public hearing to the next meeting.

Hodges moved to continue the public hearing until Tuesday, October 6, 1992, at 8:00 p.m. The motion was seconded by Prentiss, with the Board voting unanimously in favor.

Hodges updated the Board on the herbicidal spraying by the Department of Public Works. John Henderson of Southern Avenue had originally objected to the spraying and had asked the Commission in a letter as to what action they were taking to stop the use of the spraying. Hodges wrote to the D.P.W voicing concern that excessive spraying could be harmful to the Town's water supply and wetlands. A letter was received from the D.P.W. stating "the Department of Public Works has been spraying the sides of the roads with Round-up which has been proven by E.P.A., to be non-toxic and biodegradable after a five day period. Therefore, there is no residual that would be harmful in our streams or wetlands, to either wildlife and/or flora and fauna. The D.P.W. has been spraying the sides of the roads as a cost effective means of keeping back the brush and weeds, so that they do not cause a

public safety hazard. Obviously, since Round-up is sold over the counter, it is not considered a detrimental herbicide."

Michael and Jacqueline Buckley submitted an updated plan for the siting of their house on Choate Street, as was requested in their Order of Conditions, D.E.P. Number 21-228.

A Continuation of a Public hearing was held at 8:33 p.m. under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by the Society for the Preservation of New England Antiquities covering the construction/placement of a 12" water main along Spring Street. Engineer Clay Morin represented S.P.N.E.A. Morin said, "A site visit was made on August 19 during which areas of wetland were identified which had not been identified on the plan submitted with the Notice of Intent. We have consulted with Paul Sommers, a biologist, but he has not flagged the wetland area yet. This will bring the water line closer to the buffer zone." The hearing was then open to the public for their comments. As there were no questions at this time, Hodges moved to close the public hearing for S.P.N.E.A, seconded by Folsom. Madeline Emmons, Spring Street, asked Morin why they needed to extend the water line through the buffer zone if it was not necessary. Morin said that there were three options, but it was difficult not to go through the buffer zone with any of the options. It was noted that the water line could not be routed in one of the direction because the flow did not meet Department of Public Works regulations. Emmons voiced her concern of placing the water line through the buffer zone if there was an alternate route.

The Board voted unanimously in favor of closing the public hearing.

A Public Hearing was held at 9:00 p.m. under the Massachusetts Wetlands Protection, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by James and Madeline Albani covering construction of a residential dwelling within the buffer zone on Lot Number 5, Pine Ridge Subdivision. Engineer Clay Morin represented the applicant. Morin told the Board that initially the proposed house and deck was outside of the buffer zone. The applicant wants to move the building slightly with a result the deck is in the buffer zone. The deck will be supported by five columns in sono tubes. A siltation barrier will be placed between the construction activity and the adjacent resource area. The

siltation barrier will consist of either staked haybales or a siltation fence. The Board reviewed the Notice of Intent and accompanying plan. As no comments or concerns were offered by the public, McCoy moved to close the hearing. The motion was seconded by Hodges, with the Board voting unanimously in favor.

A Public Hearing was held at 9:15 p.m. under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Louis Rome covering the construction of a retaining wall and septic system repair on Lot 16, Lufkin Point Road. Engineer Clay Morin represented the applicant. Morin told the Board, "The cesspool had been removed and the retaining wall had been built when the Department of Environmental Protection had a site visit and gave us a Cease and Desist Order. We are under orders from the Board of health to repair the system. We are working in the buffer zone and in the ACEC area. Elevation 19.35 is at the base which has been verified by FEMA Rm #3. The system itself is outside of the ACEC area, but the walls are within that area."

Perkins - "Where do you stand with the D.E.P.?"

Morin - "It was my understanding that in time we file for an adjudicatory hearing."

Perkins - "Have you heard yet?"

Morin - "Rather than wait out the time period we filed a Notice of Intent."

Perkins - "You do, of course, realize that anything we do will be subject to the D.E.P.? Is there anything going to be done with the wall that is there?"

Louis Rome - "I expect to wood face it or trellis it; we are not sure yet."

Hodges - "Under today's regulations this would not be allowed to be built now?"

Morin - "Correct, under Title V."

Michael McGraw - "We certainly sympathize with Louis. We have a mutual beach that goes eight feet out. We have a concern that there will be leaching on to the beach. I was totally surprised to find the wall near my line. I felt it would be in the back, not eight feet away from the beach."

Morin - "The septic tank would be where the old tank was. The leach field would be nearer the driveway."

Rome - "The bank has been eroding away the past few years and has eroded away at least six feet."

Morin - "On a plan drawn in 1952 the mean high water mark was different than it is today. We have shown this on the plan."

Morley Piper - "I have two properties that abut this

property. I feel we have raised legitimate environmental concerns. Ecology is pretty fragile down there. I was surprised to see the wall located as close to the water as it was. We have a couple of wells in the area which have given us trouble in the past, so we are on the lookout for anything that may affect them. I ask that whatever is done be environmentally correct."

McCoy felt that the Board must be careful with this project, because this would be a long term thing that could affect the area.

Katherine McGraw - "There is a lot of difference between a summer home than a year round home and the impact on a septic system."

Rome - "The reason for this is a repair. There was an old, volatile cesspool sitting on the marsh. Clay came up with what was the best design for the area."

Hodges - "What are the drawbacks of us requiring a holding tank?"

Morin - "The cost of pumping a tank is \$210, and you might be pumping once a week or every ten days, as opposed to a system which costs \$6000."

McCoy - "This is what our concern was when this project first came up, the change of seasonal to year round."

Perkins - "We have to decide whether the wall will be allowed or not."

Morin - "The wall was put there to be a breakout barrier."

Perkins - "How deep does the wall go into the ground?"

Morin - "The wall goes down 18 inches. There is ledge under the footing so the footing is heavily reinforced."

As there were no further comments from the public or the Board, McCoy moved to close the public hearing. The motion was seconded by Hodges, with the Board voting unanimously in favor.

A Public Hearing was held at 9:55 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Whitewater Development Corp. covering construction of a 174' x 120' commercial building with parking lot on Lots 4 and 5, Scot's Way. Engineer Clay Morin represented the applicant.

Morin - "The proposed project will take place on Scot's Way. We have combined Lots 4 and 5 and a portion of Lot 3 to make one lot. Instead of three buildings we will erect one building, but the buffer zone goes through the building. A major portion of the run-off from this project will flow into the roadway and into the culvert. The Commission has asked that we try to direct some of the run-off to the pond on the Redding property."

Board Member Sheldon Pennoyer noted that the building has not come before the Planning Board as yet.

Betsy Fawcett asked if it would be possible to see the plan under the Wetlands Protection Map, the FEMA maps and the Wetlands Watershed Protection by-law. Robert Cronin of the Hamilton Conservation Commission asked how it affected the Hamilton side of the property. Morin showed him on the map how the run-off flowed from the property and indicated the run-off would not be going towards Hamilton.

Joel Horovitz - "We have a half acre pond on our property fed by wetlands in front of it. What are we doing with the natural flow of the water into our pond? Are we diverting the natural flow, as this flows down to the Ipswich River? If you are putting in a building in the buffer zone, what is its impact?"

Morin said that anything from the building will flow into the culvert in the road way.

Kathleen Marcella, Jennifer Road, asked if a site visit had been scheduled. After some discussion, the Board scheduled a site visit for Saturday, September 26, at 7:30 a.m.

When asked for a description of the building, applicant David Verdon said, "The building is a 174 feet by 120 feet by 23 feet high cement block building with three loading docks. The plant processes frozen fish. There is no time that the product is unfrozen. The fish is breaded and then shipped out. Two or three truck a day will be going out and one or two trucks per day will be coming in. The business will employ between twenty to thirty people per shift. If we go to a second shift we will be working at night. The water use will be 1000 to 1500 gallons per day. The water is used for the mixing of batter and clean up."

Verdon was then asked if cooking would ever be done on the premises. He said cooking may be done at some time in the future. Betsy Fawcett asked if this was related to Gorton's. Verdon said it was not, that he was just a real estate developer, and that the person who runs the business now has 10,000 square feet and requires 20,000 square feet.


Joel Horovitz - "If he choose to go from this to another type of work would he have to come before the Commission. I feel I would like to see that the applicant has to come before the Commission again if the type of work changes." There were concerns by the public as to where the greywater leached to. Hodges said he was concerned about a major leaching field about 3000 feet from Chebacco Lake. One member of he public questioned whether Title V allowed a fish processing facility. Horovitz asked if this plant was identical to the one in Gloucester only twice as big. It was suggested that a site visit to the Gloucester plant would

help the public get a picture of the whole process.

Pennoyer moved to continue the public hearing until Tuesday, October 6, 1992, at 8:00 p.m. The motion was seconded by Hodges, with Perkins, Hodges, Pennoyer, McCoy and Prentiss voting in favor; Folsom abstained as he is an abutter.

Hodges moved to adjourn the meeting, seconded by Prentiss, with the Board voting unanimously in favor. Meeting adjourned at 11:00 p.m.

Submitted by:

  
Gillian B. Palumbo

Essex Conservation Commission

September 22, 1992

A G E N D A

Appointments:

- 7:50 p.m. ... David Savoie - submittal of Notice  
of Intent for Dr. Evans, Lufkin Point  
Road
- 8:00 p.m. ... Continuation of public hearing -  
Gloucester Bank and Trust - property  
at corner of Western Avenue/Essex  
Park Road
- 8:30 p.m. ... Continuation of public hearing -  
S.P.N.E.A., Spring Street
- 9:00 p.m. ... Public hearing - James Albani, Lot #5,  
Pine Ridge subdivision
- 9:15 p.m. ... Public hearing - Louis Rome, Lufkin  
Point Road
- 9:30 p.m. ... Public hearing - Whitewater Development  
Corp, Scot's Way

Business:

Review correspondence

Sign bills payable voucher