

Essex Conservation Commission

October 4, 1994

Present: David Folsom, Chairman; Canan Hewson; Edith Messersmith; Peter Perrigo; Thomas Prentiss; Arthur Hodges (8:10 p.m.)

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

Kent Bowker, Indian Rock Lane, met with the Board for a review of a building permit application covering an addition to the existing dwelling. There were no wetlands issues and the Commission, therefore, signed the application.

A Request by Howard and Leila Altholtz to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, for the construction of a stone wall at 54 Wood Drive was heard at 8:00 p.m.

Altholtz told the Board, "I have had a number of Determinations on my property. When I built the deck I put in seven footings and received a negative determination. I had three stumps pulled out by David Dunn and received a negative determination. I feel I have a pretty good scope on what might have an impact on wetlands. I contacted the Building Inspector for the wall, who said I didn't need a building permit. I told him I would be putting in gates and would contact him at that time. There is not much to the project. I understand that some Commission members have already been to look at it." Altholtz then submitted photographs of the wall, adding that the proximity of the wetlands to the project is 50 feet. Footings will be dug for the gate by hand, but that will be the extent of any digging. Gary Eno, 68 Wood Drive, said he had a complaint. He told the Board that Altholtz began the project without a permit and continued to do it without a permit. Folsom told him that a letter was sent to Altholtz requesting he meet with the Board to discuss the project. Altholtz called him and he told him that there should not be any more work done until he had met with the Commission.

Hewson moved to issue a negative Determination to Howard and Leila Altholtz for the construction of a stone wall at 54 Wood Drive. The motion was seconded by Prentiss, with Hewson, Messersmith, Perkins, Perrigo and Prentiss voting in favor.

Ed Becker, Essex County Greenbelt Association, met with the

Board to present two conservation restrictions to the Board for their approval. Becker said, "The first restriction is the Hodges property off Apple Street, adjacent to the Warren/Weld conservation land, amounting to approximately 12 acres. The land will continue to be owned by Eloise and Arthur Hodges, but will be subject to a conservation restriction which will run with the title. I will be asking the Conservation Commission to sign a Municipal Certification Form. The second restriction is land off Addison Street belonging to William Tyler. A good portion of the property is already subject to a conservation restriction. This final phase of the conservation plan would encompass 3.72 acres, making a total conservation area of 43.3 acres. A site visit to the Tyler property was scheduled for Saturday, October 8, 1994, at 9:00 a.m. Perkins noted that the Open Space Committee had given their approval to these conservation restrictions.

A public hearing was held at 8:10 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Ronald and Donna Gauthier covering placement of a pump chamber for the septic system and extension to the front of the existing dwelling at 5 and 14 Coral Hill.

Engineer Clay Morin represented the Gauthiers. Morin told the Board, "The project is for the placement of the pump chamber. There is a cess pool located where the the pump chamber is indicated on the plan. We would like to use this system, which was originally planned for the garage. The Gauthiers went to the Planning requesting they be allowed to have an apartment over the garage, but it was denied. This system required a variance from the Board of Health for the pump chamber, which was approved. We will be installing a siltation fence, 30 feet from the edge of the water, which will remain in place until all areas have been stabilized." Hewson asked whether the garage had plumbing. Morin said it did not, that the system was designed for the apartment above the garage, which was denied by the Board of Appeals when the Gauthier's appealed the Planning Board denial. Perkins questioned the maximum pressure at pump. Morin told him almost 40. Perkins then questioned whether 2" PVC was adequate. Morin said he thought it was. Perkins said his concern was if there should be a blowout if it would run down to the Lake. Morin said they could increase the size of the pipe to a schedule 80, but noted that there is an alarm system in the pump chamber if it should stop pumping. It must also have one day's storage above the normal level.

The chamber has a 500 gallon capacity, with the day storage being 250 to 300 gallons. Morin then told the Board that there would be no excavation on the house addition. There is an existing cinder block wall and the addition will extend over the wall. The existing stairs also will be repaired. Gauthier said he would like the option to use brick as opposed to the pressure treated wood as noted on the plan. The Board then reviewed again the Notice of Intent and plans.

Perkins moved to close the public hearing for Ronald and Donna Gauthier, Coral Hill. The motion was seconded by Hodges, 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 Woodman's, Inc., covering construction of a 24' x 44' utility building adjacent to the coastal marsh at 121 Main Street. Engineer Clay Morin represented Woodman's.

Morin told the Board, "The proposal is for a 24' x 44' addition to an existing utility building on the right-hand side of Woodman's Restaurant. The extension is required for the storage of clambake equipment. The addition will be going into the existing parking lot so there will be no increase in the amount of run-off as the surface is impervious already. The dumpster site will be moved down to the Lobster Trap site. We can put in a siltation fence along the pavement. We found a drain and found the water table in the drain to be about 1" high, but we have no idea where it drains to. There will be no facilities in the building and no floor drains." Hodges said he realized this was not a Commission issue, but wondered if there would be any additional lights, as he felt the area, at present, was extremely bright. Morin said he didn't know - no one had told him there would be any more high intensity lights. The Board reviewed the Notice of Intent and accompanying plan.

Perkins moved to close the public hearing for Woodman's, Inc., seconded by Prentiss, with the Board voting unanimously in favor.

A public hearing was held under the Massachusetts Wetlands Protection Act, Chapter 131, Section 40, on a Notice of Intent filed by Joseph and Terry Celluci covering the installation of a holding tank and construction of an addition and deck extension to Farnham's Restaurant, Eastern Avenue. Engineer Clay Morin represented Joseph and Terry Celluci.

Morin told the Board, "The project is in two phases. The first phase consists of the installation of a holding tank. An agreement was made with the Board of Health in June that a holding tank be installed for bathroom facilities for the restaurant and for the apartment upstairs. The State will not make a decision until they have received the Order of Conditions. The second phase is to streamline the back of the building. The intent is to straighten out the back side of the building to allow more kitchen facilities. A screened porch area would like to be added to the back section of the dining area. The intent is to protect people from the bugs. It also has to be made wheelchair accessible and to have the bathroom plumbing on the inside - it is now on the outside. The number of bathrooms would not change. With regard to the foundation, the only area of solid foundation would be in the kitchen area and bathroom area. The other areas will be on pilings. We will have to scrape down 18 inches of silt, so there will be minor grading at the rear of the building."

Joseph Celluci - "The bathrooms were directly vented outdoors. The space heaters that were used were not acceptable to us because they are dangerous, so we would like to have the plumbing inside if we are to stay open all year. The Board of Health was not happy with the existing leach facilities and its impact on the creek and wanted the holding tank." Celluci then indicated that they had had it pumped out approximately three or four times the whole summer. Folsom asked Morin if they would be able to place a siltation barrier on top of the bank. Morin said, "Yes, we will be using a silt fence and not hay bales." Perkins - "The proposed concrete bumpers - how are they hitched so they do not go into the water?" Morin - "It was originally going to be paved concrete, but on review, we feel we will put in pre-cast bumpers with steel rods."

Perkins moved to close the public hearing for Joseph and Terry Celluci, Farnham's Restaurant, seconded by Perrigo, with the Board voting unanimously in favor.

David and Daisy Means Coffin submitted a Request for a Determination of Applicability for property at 189 John Wise Avenue. They told the Board they had been trying to sell a parcel of land, but it had not been selling. The Real Estate agent told them to clear the area for a view. Upon clearing the land they found standing water so they felt they needed a botanist. They called in Paul Sommer, of Sommer Environmental Technologies, who flagged areas he felt needed

to be flagged. They had been under the assumption that the wetlands were on the other side of the marsh, but upon clearing found standing water. Their intent now is to build a new dwelling on the lot and was told to come to the Commission with the Request. Folsom told them that the Commission could not act on the Request because they had not sited the house on the plan, and, therefore, a Determination could not be made until that was done.

A Request for a Determination of Applicability was submitted by the Massachusetts Highway Department for the repaving of John Wise Avenue. The Request will be heard on the October 18, 1994, meeting at 8:15 p.m.

A letter was received from the Community Development Committee regarding the cleaning of Centennial Grove. The Commission could see no problem with this providing that the Determination of Applicability be followed, in that all brush cutting be done with hand tools.

Commission member Canan Hewson said she received a call from Martha Hoar stating that the area to the west of the Elementary School and the length of the soccer field had been mowed. This area joins a maple swamp, contains a vernal pool, cattails and lithrum, and is a rich wildlife habitat and educational resource. Perrigo said he would speak to the Department of Public Works to be sure they did not do the mowing.

The Order of Conditions were written for Essex Mini Storage, Western Avenue. Hewson and Folsom removed themselves from any discussion as they are abutters to the property.

Prentiss moved to deny the project proposed by the applicant Jonathan Janes for the Essex Mini Storage, Western Avenue, because it is felt the impact to the wetlands will be substantial from what it is now to what it will be. The motion was seconded by Messersmith, with Messersmith, Perrigo and Prentiss voting in favor; Perkins opposed.

Prentiss moved to withdraw his motion to deny the project proposed by applicant Jonathan Janes for the Essex Mini Storage, Western Avenue. The motion was seconded by Perrigo, with Messersmith, Perkins, Perrigo and Prentiss voting in favor.

Perrigo moved that a partial approval be issued for the proposed project for the Essex Mini Storage, applicant

Jonathan Janes, with the following modifications: That the pavement shall be no closer than 50 feet to the wetlands and that the trees and existing vegetation in the 50 foot area between the pavement and wetlands be preserved. The motion was seconded by Perkins, with Messersmith, Perkins, Perrigo and Prentiss voting in favor.

It was noted that the Essex River dredging will commence again after October 10.

Hodges moved to adjourn, seconded by Messersmith, 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

October 4, 1994

A G E N D A

Appointments:

- 7:45 p.m. ... Ed Becker, Essex Greenbelt
- 7:45 p.m. ... Kent Bowker, Indian Rock Lane -  
Building Permit Application review
- 7:50 p.m. ... Barry Steele, Forest Street -  
Building Permit Application review
- 7:50 p.m. ... Request for Determination of  
Applicability - Howard Altholtz, 54  
Wood Drive
- 8:00 p.m. ... Public hearing - Ronald and Donna  
Gauthier, Coral Hill
- 8:15 p.m. ... Public hearing - Woodman's Inc.,  
121 Main Street
- 8:30 p.m. ... Public hearing - Joseph and Terry  
Celluci, Farnham's Restaurant,  
Eastern Avenue
- 8:45 p.m. ... Request for Determination of  
Applicability - Daisy Means Coffin,  
John Wise Avenue

Business:

- Bills Payable voucher
- Review correspondence
- Write Order of Conditions - Essex Mini Storage
- Request for Certificate of Compliance - Robert Cummings,  
Lakeshore Drive
- Submittal of Notices of Intent - Holden Gas,  
Tracey/Tirrell, Liberty Research
- Request for Determination of Applicability - Mass.  
Highway