

Essex Conservation Commission

October 5, 1993

Present: Canan Hewson, Chairman; David Folsom; Edwin Perkins;
Peter Perrigo; Thomas Prentiss.

The meeting was called to order at 8:00 p.m.

A continuation of a public hearing was held at 8:01 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 installation of a sanitary disposal system and bank revetment at 45 Lufkin Point Road. Paul Sommer of Sommer Environmental Technology represented Rome. Sommer told the Board, "There are two aspects of this property covered by this Notice of Intent. The first is the replacement or revetment of the banking. This has been designed by Giabbai Engineering of Topsfield. We have totally removed the concrete wall except for the foundation. The foundation remains because the Department of Environmental Protection and I felt it was more disruptive to remove it completely, so we will be using it for a base for the stones. We will approach the existing conditions prior to the 'no-name' storm of 1992. The proposed revetment is comprised of a geotextile filter fabric overlaid by small stones and overlaid again by large man-sized stones. This will work as an energy dissipator during extreme storms - 50 to 100 year event storms - which come into the bay on which the property is situated. The purpose of the angles and slope is to allow wave action to run up the dissipator and run down, as opposed to deflecting the wave activity. There have been issues as far as A.C.E.C. is concerned. These have been resolved with the D.E.P. The D.E.P. has concurred with us as far as the design is concerned, and we have a sign off as far as the design.

The second aspect of the plan is the septic system. The original septic system was in the triangle (shown on the plan). That has gone - it was exposed and was a health hazard. An excavator found on the other side of the structure, as far away from the resource area as we could get, a site for the septic system, but we are in the buffer zone. Virtually this whole property is in the buffer zone. There will be placed, closer within the buffer zone, a septic tight tank. The system will drain into the tight tank and then into the leaching area. We have been before the Board of Health and have received approval. There are several variances that must be granted by the State. We are quite hopeful and positive that we will receive these variances because of the down-grading of this site. Although we have approval from

the Board of Health, the State still has to approve various aspects." Sommer was asked if this was a large system. He said, "No, this is essentially a 2-bedroom house. We are not looking for a large system. It has been designed for the house as it exists."

Morley Piper, an abutter with properties at 44 and 52 Lufkin Point Road, said, "I have concerns of threats to our wells. We have two wells in close proximity to the system - one is about 50 feet. We are concerned about contamination, or that it will run dry or be contaminated by salt water. During the time we have been living there we have drilled five wells. Three wells were okay, one was flooded with salt water and the other was brackish fresh water. The original plan put the system 100 feet from the wells, and we are concerned about this. We are asking they switch the tank and leaching system to the other side of the structure. The system was exposed about four years ago and has gradually eroded away. I would like to make a plea for some protection for our wells." Sommer - "The State has required the slope be reestablished (the semi-soft slope) and to be done in such a manner as to prevent further erosion. The aspects of the septic system and the septic disposal system regulations are responsible for the variances being required." Hewson - "Were you asked to file a Notice of Intent with us?" Sommer - "In their release of the Enforcement Order the State instructed us to file a Notice of Intent. If you write an Order of Conditions, it will be reviewed by the State."

Perkins moved to close the public hearing at 8:25 p.m., seconded by Perrigo, with the Board voting unanimously in favor.

The Board discussed with Paul Sommer, who represented Holden Bottle Gas, Inc., a request made by them for a Certificate of Compliance for a project covered by an Order of Conditions at Lot #9, Scot's Way. After a site visit, the Board told Sommer that the hot top area was in poor condition and needed to be paved again. Sommer said he had told Holden who agreed to repave. Perkins said he also felt curbing should be put on either side of the area to prevent any possibility of siltation.

A Request for a Determination of Applicability made by Peter Kopanon covering construction of a pond at 38 Western Avenue was heard. Kopanon said, "I have used the area for farming for a long time. At one time I had planted five hundred Christmas trees and want to make another planting. My concern is that if future summers are like the past summer I would lose them. I would therefore like to put in a pond to use. I took test borings and have water one foot down. The land slopes down from my property and then rises up by the stream, so there is a natural pocket.

Robert Brophy, an abutter, Western Avenue, said, "As a former Conservation Commission member I am in favor of ponds, so I have no objections at all to this project." Abutter Gerald Parady, Prospect Street, said he also had no objections to the proposed project.

Perkins moved to find a negative Determination for the proposed pond at 38 Western Avenue, property of Peter Kopanon. The motion was seconded by Folsom, with the Board voting unanimously in favor.

A Notice of Intent was submitted for Filius Realty Trust, Main Street, for the construction of a pier extension and dredging of the river within the area of the pier. The Board reviewed the Notice of Intent and accompanying plans. The Board felt they needed to have an engineered plan to show the depths, slopes, the depth of the dredging, the whole frontage along the river, including the abutters' banking, to be sure there will be no obstruction of abutters property, and the whole channel, to see how far into the river the pier will be going. It was felt the plan should also be submitted to the Planning Board. The Board felt they could not accept the submittal at this time until this information was received.

Election of new chairman - Perkins moved to elect David Folsom as Chairman, seconded by Prentiss, with the Board voting unanimously in favor.

Benoit property, Patriot's Lane - Heidi Davis of D.E.P. made a site visit to the property because of violations made by George Benoit to the Cease and Desist Order placed on the property.

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

Meeting adjourned at 9:30 p.m.

Prepared by:



Gillian B. Palumbo
Administrative Clerk

Attest:

10/5/93

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A G E N D A

Appointments:

- 8:00 p.m. ... Continuation of public hearing -
Louis Rome, Lufkin Point Road
- 8:30 p.m. ... Request for a Determination of
Applicability - Peter Kopanon,
Western Avenue

Business:

- Review correspondence
- Review submittal of Notice of Intent