

Essex CConservation Commission

October 18, 1994

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

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

John Lampe met with the Board for a Building Permit Application review for the construction of a single family dwelling on Lot 16, Western Avenue. The Board reviewed the application and accompanying plan. A brook that runs to the rear of the property was not shown on the plan, and although Lampe's construction was outside of the 100 foot buffer zone, the Board felt they needed to see the brook marked on the plan before they could sign off the application.

James McDougall of the Essex County Greenbelt Association met with the Board to discuss two properties going under a conservation restriction, namely that of William Tyler and Arthur and Eloise Hodges. Hodges removed himself from the Board for this discussion. McDougall asked that a letter be directed to the Board of Selectmen from the Commission endorsing the conservation restriction and asking the Selectmen to give their approval. He submitted a proposed letter which he said the Commission could sign if they approved of the language contained therein. The Board reviewed the letter and approved the contents.

Perkins moved to recommend to the Board of Selectmen that approval be granted for the proposed conservation restriction to the Hodges property, Apple Street. The motion was seconded by Hewson, with Folsom, Hewson, Messersmith, Perkins, Perrigo and Prentiss voting in favor.

Prentiss moved to recommend to the Board of Selectmen that approval be granted for the proposed conservation restriction to the Tyler property, off Addison Street. The motion was seconded by Hewson, with Folsom, Hewson, Messersmith, Perkins, Perrigo and Prentiss voting in favor.

Peter Van Wyck met with the Board to submit a Building Permit Application for construction of a single family dwelling on Lot A, Turtleback Road Extension, under Order of Conditions D.E.P. File Number 21-164. A superceding Order of Conditions from the Department of Environmental Protection

had been received. The Board reviewed the application and plan, and approved the proposed project.

David Oliver met with the Board to submit a Building Permit Application for the construction of an addition to the existing garage at 72 Martin Street. The Board reviewed the application and plans, and approved the proposed project.

A public hearing was held at 8:00 p.m. under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Holden Bottled Gas, Inc. covering the installation of a 30,000 gallon aboveground propane storage tank at Lot #9, Scot's Way.

Chairman David Folsom removed himself from the Board as he was an abutter; Board member Edwin Perkins became Acting Chairman. Paul Sommer, of Sommer Environmental Technologies, represented Holden Bottled Gas. Sommer told the Board, "We are here to request permission to install an additional tank and to respond to any concerns of the Commission regarding the berm cut and installation of the new tank. The Fire Chief has been contacted regarding this and a discussion took place. He had no concerns. Another issue is the area of the driveway. We are proposing to move the driveway to the up gradient side further away from the wetland area. We are also looking to put more substantial curbing - Holden would like concrete, but if the Commission wants granite that will be done. The project will not involve any change in grade, only excavation for the foundation of the tank and installation of the tank." Perkins asked why the tank was not put on the other side, and have the driveway further away from the resource area. He was told that the Federal Code states that a 50 foot area from the boundary line must be maintained. The Board then reviewed the Notice of Intent and accompanying plans.

Prentiss moved to close the public hearing for Holden Bottled Gas, Inc., seconded by Messersmith, with Hewson, Hodges, Messersmith, Perkins, Perrigo, and Prentiss voting in favor.

At this juncture Folsom rejoined the Board as Chairman with Perkins no longer acting as Chairman.

A Request made by the Massachusetts Highway Department to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, for the cold planing and resurfacing of John Wise Avenue/Route 133 was heard at 8:20 p.m. Robert Boone, Environmental Engineer for the Mass.

Highway Department, told the Board, "The work to be done consists of cold planing and resurfacing the existing roadway. The work will be within the State Highway Layout and paved surface for the length and width of the project and at intersections. There will be no curb work, no sidewalks; 1 1/2 inches will be coming off and the same will be going back on. We are going from the intersection of Western Avenue, along John Wise Avenue, to slightly short of the Ipswich line. Our only problem is closer to the Town where there are wetlands. We will place haybales where there is open space. We will not put haybales if houses are there. We will cold plane and will sweep right behind it everything that is removed as it is removed from the road. There will be no stockpiling. We are advertising for next month." Joseph Ginn, John Wise Avenue, said he had concerns with the existing drainage and wondered if there was any maintenance proposed for the drainage culverts. Ginn specified in particular the culvert near Island Road. Boone said he would make note of it.

Perkins moved to issue a negative Determination and to allow the State to go ahead and replane and resurface and clean culverts on John Wise Avenue/Route 133. The motion was seconded by Prentiss, with the Board voting unanimously in favor.

A public hearing was held at 8:35 p.m. under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by John A. Tirrell covering repair of a septic system in the buffer zone at Cogswell Road, Assessors Map 19, Lot 54. John Dick, Hancock Survey Associates, represented Tirrell.

He told the Board, "What we have done is the best available solution to the site. We have received a letter from the Department of Environmental Protection stating basically that we would like you to make a solution for the whole area. At this time we would like to present the bare bones of the project and request a continuation until such time this is resolved with D.E.P. The system is not in failure, but the use is likely to increase. They would like to use the house year round. Although the system does not meet all the regulations, it comes as close as possible, given the site. We are too close to the A.C.E.C. area, too close to what determines the property line at Conomo Point, and the system is not as large as it should be. We did not anticipate having to design a sewage treatment plant. The state requires you to put in a full leaching field for effluent and

this is the problem here." (It was noted that John Tirrell is Mrs. Tracey's attorney, Mrs. Tracey being the owner of the property).

Perkins moved to continue the public hearing for the Tracey property on Cogswell Road until Tuesday, December 6, at 8:00 p.m., seconded by Perrigo, with the Board voting unanimously in favor.

A public hearing was held at 8:45 p.m. under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Derrick Perkins, Sr., covering the construction and maintenance of a 47' x 71' addition to the existing structure at Essex Park Road, Assessors Map 32, Lot 34. John Dick, Hancock Survey Associates, represented Perkins.

Dick told the Board, "Derrick Perkins (Liberety Research) wants to square off the building by constructing a 47' x 71' addition. We have heard from the D.E.P. who requested a wetlands delineation methodology, a profile plan of the existing intermittent stream to ensure that the replicated area is similar, GW elevations, and proposed construction details and planting plan. We could go in and dig pits to determine if we can replicate. The wetlands have been flagged by Dr. Carr. We would ask the Conservation Commission to give a determination to allow us to dig the holes to see if replication can be done. We would also like to ask for a continuation of the hearing so that we can address the requests of the D.E.P.

Perkins moved to continue the public hearing of Derrick Perkins, Sr., to Tuesday, November 1, 1994, at 8:00 p.m. and to dig the necessary pits by hand for sampling for the replication area. The motion was seconded by Prentiss, with the Board voting unanimously in favor.

The Board felt a site visit should be made and scheduled it for Saturday, October 22, 1994, at 9:00 a.m.

At this time, Commission member Thomas Prentiss had to leave the meeting (9:00 p.m.).

A Request for a Certificate of Compliance was made by Robert Cummings, Lakeshore Drive, for the installation of a dock in Chebacco Lake under Order of Conditions 21-197. The Board reviewed the file and felt a Certificate of Compliance could not be issued at this time until Cummings provided the

Commission with a copy of a Chapter 91 license for the dock. Cummings will be so notified.

The Order of Conditions for Ronald and Donna Gauthier, Coral Hill, was written. Perkins moved to approve the project, the placement of a pump chamber for the septic system and extension to the front of the existing dwelling, of Ronald and Donna Gauthier, Coral Hill. The motion was seconded by Messersmith, with the Board voting unanimously in favor.

The Order of Conditions for Woodman's Inc., 121 Main Street, was written. Perkins moved to approve the construction of a 24' x 44' utility building for Woodman's, Inc., at 121 Main Street. The motion was seconded by Messersmith, with the Board voting unanimously in favor.

The Order of Conditions for J. and T. Farnham's Restaurant, Eastern Avenue, was written. Perkins moved to approve the installation of a holding tank and construction of an addition and deck extension to J. and T. Farnham's Restaurant, Eastern Avenue. The motion was seconded by Perrigo, with the Board voting unanimously in favor.


Perkins moved to accept the following Minutes of the meetings as written: May 10, 1994, May 24, 1994, June 7, 1994, July 12, 1994, August 2, 1994, and August 23, 1994. The motion was seconded by Hodges, with the Board voting unanimously in favor.

The Order of Conditions for Holden Bottled Gas, Inc., Scot's Way, was written. Perrigo moved to approve the installation of a 30,000 gallon aboveground propane storage tank at Scot's Way. The motion was seconded by Perkins, with Hewson, Messersmith, Hodges, Perkins and Perrigo voting in favor; Folsom abstained.

The Board reviewed the correspondence.

Messersmith moved to adjourn the meeting, seconded by Hodges, with the Board voting unanimously in favor. Meeting adjourned at 9:45 p.m.

Prepared by:

  
Gillian B. Palumbo  
Administrative Clerk

Attest:

Essex Conservation Commission

October 18, 1994

A G E N D A

Appointments:

- 7:30 p.m. ... John Lampi, Western Avenue -  
building permit application review
- 7:35 p.m. ... Peter Van Wyck - building permit  
application review
- 7:45 p.m. ... Essex Greenbelt - conservation  
restrictions
- 8:00 p.m. ... Public hearing - Holden Bottled Gas,  
Scot's Way
- 8:15 p.m. ... Request for a Determination of  
Applicability - Mass. Highway Dept.,  
John Wise Avenue/Route 133
- 8:25 p.m. ... Public hearing - John Tirrell,  
Cogswell Road
- 8:35 p.m. ... Public hearing - Derrick Perkins,  
Liberty Research, Essex Park Road

Business:

Review correspondence

Review Certificate of Compliance request for Robert  
Cummings, Lakeshore Drive

Write Order of Conditions - Ronald and Donna Gauthier  
Woodman's, Inc.  
Farnham's Restaurant

Schedule time on next agenda for review of Peter Van  
Wyck's subdivision plan