

Essex Conservation Commission

June 24, 1997 - Minutes

Present: David Folsom, Chairman, Arthur Hodges (7:55 p.m.),
Edith Messersmith, Edwin Perkins, Peter Perrigo,
Thomas Prentiss.

Meeting called to order at 7:37 p.m.

A Request made by Massachusetts Electric Company for the Conservation Commission to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, for the installation of two utility poles and two PVC conduits on Apple Street was heard at 7:40 p.m.

Elizabeth Greene represented Massachusetts Electric. Greene told the Board that Massachusetts Electric Company is proposing to install two utility poles and two PVC conduits on Apple Street for electricity distribution to a lot off Apple Street. The poles will be installed next to the street, so work will be done from the roadway. The work involved consists of augering a hole approximately 1.5 feet in diameter and 6 feet deep. The pole will then be placed in the hole and backfilled with the excavated material. Any excess material will be removed and the area restored to its earlier condition. Mass. Electric estimates that the area disturbed while installing the pole is 3 feet x 3 feet or 9 square feet. The PVC conduits will be placed in a trench extending 10 feet from the base of pole number 601 to the driveway of 84 Apple Street. Each location will be restored to its existing condition. Both poles will require anchors, which will be placed 6-8 feet from the base of the pole. The Board reviewed the Request.

Perkins moved to issue a negative Determination to the Massachusetts Electric Company for the installation of two poles and two conduits on Apple Street, seconded by Perrigo, with Messersmith, Perkins, Perrigo and Prentiss voting in favor.

A continuation of a public hearing was held at 7:46 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Peter Van Wyck covering the replacement of an existing culvert at 9 Turtleback Road.

The hearing was continued from the meeting of June 10, 1997, because Van Wyck did not submit a plan showing the location of the culvert to be replaced. The plan was submitted to the

Page Two
June 24, 1997

Board by Van Wyck for their review.

Perkins moved to close the public hearing for Peter Van Wyck, seconded by Prentiss, with Messersmith, Perkins, Perrigo, and Prentiss voting in favor.

A public hearing was held at 7:55 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Carlton Coose covering the construction of a 20'x16' deck, replacement of roof on a dwelling, and reconstruction of an existing garage at 75 Wood Drive.

Perrigo removed himself from the Board as he is an abutter to the property. Coose told the Board the proposal is to construct a deck to the corner of the existing dwelling. The deck will be placed on sono tubes; there will be no foundation constructed. A siltation fence will be placed between the deck construction and Chebacco Lake. The holes for the sono tubes will all be dug by hand. He would also like to repair the roof of the existing dwelling. At a later date he would like to repair an existing garage on the property and will submit plans to the Board showing the repair. It will remain on the existing footprint. Coose was asked if he could foresee any excavation in the garage area. He said there is a concrete pad with heaves that he would like to repair and added once again, that plans will be submitted to the Board showing the repair.

Perkins moved to close the public hearing for Carlton Coose, seconded by Messersmith, with Hodges, Messersmith, Perkins, and Prentiss voting in favor; Perrigo abstained. Perrigo rejoined the Board.

A public hearing was held at 8:05 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by William Allen covering the raising of an existing structure and reconstruction of the existing floor/foundation at 5 Southern Avenue.

Attorney Michael Tyler represented William Allen. Tyler told the Board "that the building is tilting and the Town has determined that it is unsafe. The time limits set by the Town leaves us in the position of repair it as soon as possible. A company will be jacking up the building and horizontal and vertical supports will be installed as necessary and a concrete pad installed. There will be no enlargement of the footprint.

Page Three
June 24, 1997

It was thought some of the equipment would have to go into the rear, but we have now found out that the concrete can be poured from the front. The wetland runs along in a half-moon circle to the rear of the property." Tyler was asked how far away from the building will haybales be placed. He replied the distance will be about 120 feet from the property. Tyler said he felt the work was outside of the 100 foot limit, but because of time limits set by the Board of Selectmen he did not want to be told he would have to file and then extend the time for filing the Notice of Intent. The Board reviewed the Notice of Intent. It was felt a site visit should be made to the property on June 24, 1997, at 9 a.m. to determine how close the wetland boundary was to the structure.

Perkins moved to continue the public hearing to June 25, 1997, at 9 a.m., seconded by Messersmith, with the Board voting unanimously in favor.

Prentiss moved to accept the Minutes of May 13, 1997, and May 27, 1997, as read, seconded by Messersmith, with the Board voting unanimously in favor.

The next meeting of the Commission will be held on July 8, 1997, commencing at 7:30 p.m.

A public hearing was held at 8:24 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by PMC Realty Trust covering the construction of a 6,960 square foot building, parking, driveway, drainage system and grading within the 100 foot buffer zone at Lot 1, Scot's Way, Map 8, Lot 15A.

Robert Lynch, Atlantic Engineering, represented PMC Realty Trust. Lynch told the Board that the septic system is already on the lot. The size of the building is 6,970 square feet in size, with parking to the rear. The lot has a recharge system as well as a detention basin. The entire building is in the buffer zone. They are about 10 feet from the wetland in the rear. The building itself will be used as a retaining wall. The building will be on slab. When questioned regarding the use of the building, Lynch said it will be office space. Walter Redding, an abutter, said he wanted state that where his driveway is, is an easement that he has been using for fifty years. The Board reviewed the Notice of Intent.

Page Four
June 24, 1997

Perkins moved to close the public hearing for PMC Realty Trust, seconded Messersmith, with the Board voting unanimously in favor.

A public hearing was held at 8:30 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by John and Polly Knowles covering the repair/upgrade of a septic system at 206 Southern Avenue.

James McDowell of Morin Engineering represented the Knowles'. McDowell told the Board that the house is under agreement and therefore, it is necessary to upgrade the septic system under Title V. The rear of the property is ledge, so a system cannot be constructed there. The wetlands have been flagged by Paul Sommer, of Sommer Environmental. The system will, therefore, be constructed in the same place as it is now but will be built higher. There has been no approval, as yet, from the Board of Health. If there is to be any modification as required by the Board of Health, then they will return to the Commission to see if the changes require a new filing. The Board reviewed the Notice of Intent.

Prentiss moved to close the public hearing for John and Polly Knowles, seconded by Perrigo, with the Board voting unanimously in favor.

A public hearing was held at 8:40 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by William Steward for the repair/upgrade of a septic system at 95 Western Avenue.

James McDowell of Morin Engineering represented William Steward. McDowell told the Board that the proposal is to continue the new septic system to the rear of the property. At present there are two cess pools on the property. Perc tests were done at the front of the property, but only heavy clay was found. There will be a retaining wall constructed along the property line. The brook at the rear of the property dries up several times a year, and McDowell feels, therefore, that it does not fall under the Rivers Act. The Board reviewed the Notice of Intent.

Perkins moved to close the public hearing for William Steward, seconded by Hodges, with Hodges, Messersmith, Perkins and Prentiss voting in favor; Perrigo abstained from voting as his

Page Five
June 24, 1997

father is an abutter.

The Order of Conditions was written for Peter Van Wyck for the replacement of an existing culvert at 9 Turtleback Road.

Perkins moved to approve the project, the replacement of an existing culvert, for Peter Van Wyck, 9 Turtleback Road, with the condition that work be done during a no-flow period, seconded by Prentiss, with the Board voting unanimously in favor.

The Order of Conditions was written for Carlton Coose for the construction of a deck, reconstruction of a garage, and re-roofing the existing structure at 75 Wood Drive.

Perkins moved to approve the project of Carlton Coose, 75 Wood Drive, as stated in the Notice of Intent, seconded Prentiss, with Hodges, Messersmith, Perkins and Prentiss voting in favor; Perrigo abstained. The Board stipulated that a silt fence be placed around the entire project to include the garage, and that prior to commencement of work on the garage, the Commission receive a description of the work for review, to be sure the scope of the work does not require an amendment.

The Order of Conditions was written for PMC Realty Trust for the construction of a building at Lot 1, Scot's Way.

Perkins moved to deny the project of PMC Realty Trust because the magnitude of the disturbance within the buffer zone as well as the Watershed Protection District, will create a substantial and deleterious impact on the resource area from this proposal. The necessary permit from the local Planning Board has also not been obtained. The motion was seconded by Messersmith, with the Board voting unanimously in favor.

The Order of Conditions was written for John and Polly Knowles for the upgrade of a septic system at 206 Southern Avenue.

Prentiss moved to approve the project of John and Polly Knowles, 206 Southern Avenue, as detailed in the Notice of Intent, seconded by Messersmith, with the Board voting unanimously in favor.

The Order of Conditions was written for William Steward for the upgrade of a septic system at 95 Western Avenue.

Page 6
June 24, 1997

Prentiss moved to approve the project for William Steward, 95 Western Avenue, pending that all permits be obtained, seconded by Perkins, with Hodges, Messersmith, Perkins and Prentiss voting in favor; Perrigo abstained because of a possible conflict.

Folsom said he would complete the Coastal Zone Management Stormwater Evaluation Form.

The Board signed a Payroll Voucher for the Administrative Clerk.

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

Meeting adjourned at 9:30 p.m.

Prepared by:



Gillian B. Palumbo
Administrative Clerk

Attest: