

Essex Conservation Commission

October 21, 1997 - Minutes

Present: Edwin Perkins, Chairman, Robert Brophy, R. Jeffrey Lyman, Edith Messersmith, Peter Perrigo, Thomas Prentiss.

Meeting called to order at 7:40 p.m.

A Request made by Sheldon Pennoyer for the Commission to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, for the installation of a concrete culvert in a stream running through grazing pasture off Grove Street and Haskell Court, Assessors Map 11, Lots 4 and 4A, and Map 15, Lot 36, was heard at 7:41 p.m.

Sheldon Pennoyer told the Board he would like to construct a concrete culvert in a stream that runs through a grazing pasture, creating a crossing for his cattle, and then install an electric fence at the edge of the stream on property belonging to Daniel Q. Mills, to prevent the cattle from moving through the wetland area. He said he uses a rotational system for the fields with the cattle, so as to lower the impact on the stream. The stream is not a tidally influenced stream, it is intermittent and does not flow year round. Pennoyer also noted that his property is designated agricultural. Prentiss asked if Pennoyer could submit a sketch to the Board showing the culvert.

Prentiss moved to issue a negative Determination to Sheldon Pennoyer for the construction of a concrete culvert in a stream on property off Grove Street and Haskell Court, seconded by Messersmith, with Messersmith, Brophy, Perrigo and Prentiss voting in favor; Lyman opposed.

John Coughlin, together with Attorney Paul Shea and Robert Lynch of Atlantic Engineering, met with the Board to discuss Lot 1, Scot's Way. Shea told the Board they appeared before the Planning Board, who closed the public hearing, and they are now waiting for their decision. They presented similar plans to those presented to the Commission. Lyman asked why the building was not moved further back from the resource area. Lynch told him they could not move it back because of the parking by-laws. Coughlin will meet with the Commission again once the Planning Board decision is received.

A public hearing was held at 7:55 p.m. under the Wetlands

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Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Priscilla Doucette covering the installation of a 3000 gallon tight tank at 22 Eastern Avenue.

William Perkins, of Saneco, Inc., represented Doucette. Perkins told the Board that Doucette was under a dead line because she is obtaining a loan from the Town for the installation, but the work must be started by October 31, 1997. The existing tank will be filled. The excavation for the tight tank will be approximately 20 feet long by 10 feet wide by 6 feet deep, 10 feet from the house foundation and 30 feet from the edge of the marsh bordering the Essex River. The excavated hole will remain open long enough to set in the tank, and then back filled. Hay bales will be placed around the excavation. E. Perkins was concerned about the tank floating. W. Perkins told him the soil appeared to be adequate to support the tank.

Lyman moved to close the public hearing for Priscilla Doucette, 22 Eastern Avenue, seconded by Prentiss, with the Board voting unanimously in favor.

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 Richard Carter for the construction of bridge on existing abutments for a driveway at 10R Apple Street.

Carter showed the Board a plan dated 1950 showing three bridges over the brook. He said in order to repair the bridge he now uses, he would need to have new abutments poured right into the brook. With the proposed project, the abutments are already in place and all he would need to do would be to construct the driveway on the abutments. The existing driveway would then become a walking bridge only. The proposed driveway would be open grate decking. Carter was asked how wide would the new driveway be. He said it would be 12 feet wide - the existing one is 10 feet.

Brophy moved to close the public hearing for Richard Carter for the construction of a driveway at 10R Apple Street, seconded by Messersmith, with the Board voting unanimously in favor.

The Order of Conditions was written for Priscilla Doucette, for the installation of a tight tank at 22 Eastern Avenue.

Prentiss moved to approve the proposed project for Priscilla

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Doucette at 22 Eastern Avenue, seconded by Perrigo, with the Board voting unanimously in favor. The Board felt it should be noted in the Special Conditions that if, in the judgement of the Commission, either the ground will not support the tank or it will float, then the applicant must return to the Commission with revised calculations to address the issue.

The Order of Conditions was written for Richard Carter for the construction of a driveway at 10R Apple Street.

Prentiss moved to approve the proposed project for Richard Carter at 10R Apple Street, seconded by Messersmith, with the Board voting unanimously in favor.

Certificates of Compliance were requested by the following:

- 1) D.E.P. File #21-232 - William Fraga, John Kotch, Vincent DeMore, and Steven Eddington for a driveway on Belcher Street. Perrigo will review.
- 2) D.E.P. File #21-250 - Essex Mini-Storage, owner Jonathan Janes, for construction of storage units on Western Avenue. Perkins will review.
- 3) D.E.P. File #21-270 - Edward Marchetti, for reconstruction of a dwelling at 20 Ralston Drive. Perrigo will review.
- 4) D.E.P. File #21-311 - Tom Guertner, for the construction of a deck at Periwinkles Restaurant, 74 Main Street. Prentiss will review.

Perrigo said he had been approached by Curtis Jones, Wood Drive, as to what he needs to do to obtain his Chapter 91 License. The Commission had sent a letter to D.E.P. stating that Jones had not complied with the Superceding Order of Conditions issued by them and therefore his license should not be issued. The Board will discuss it at their next meeting.

Brophy said he attended an Open Space meeting. Representatives from the Manchester Conservation Trust attended the meeting. He wondered if the Commission should be looking to purchase land to the rear of Chebacco Lake. A discussion followed on the acquisition of land for the Commission.

The Board reviewed the correspondence.

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

Meeting adjourned at 9:00 p.m.

Prepared by:



Gillian B. Palumbo  
Administrative Clerk

Attest: