

Essex Conservation Commission

September 1, 1998 - Minutes

Present: Edwin Perkins, Chairman, Robert Brophy, Edith Messersmith, Peter Perrigo, Thomas Prentiss, George Stavros.

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

A public hearing was held at 7:37 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Erica Funkhouser covering the repair of two existing culverts within the driveway at 179 Southern Avenue.

Funkhouser told the Board that the proposed project is for improvements to the drainage of the driveway. One culvert running parallel to the driveway near Southern Avenue needs to be enlarged from a 6" pipe to an 8" pipe in order to manage run-off from Southern Avenue and the nearby hilly ledge. Another culvert, further up the driveway, has partially collapsed, and needs to have a 16" pipe installed in order to handle the run-off from the hilly ledge. The driveway, also, will be paved between the two culverts, in order to prevent further erosion of the woodland surrounding the driveway. Funkhouser noted that she was planning to use a steel pipe for the culvert. Perkins suggested a concrete pipe as he felt steel rotted out sooner. Funkhouser said that Maurice Roberts, the contractor who will be doing the work, suggested the steel pipe. She also said that he intended to complete the work during the dry season, when the seasonal stream that occupies one of the culverts will be completely dry. The Board reviewed the plans submitted with the Notice of Intent.

Prentiss moved to close the public hearing for Erica Funkhouser, 179 Southern Avenue, seconded by Perrigo, with the Board voting unanimously in favor.

A public hearing was held at 7:49 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Dorothy B. Lunken Trust, covering the reconstruction of an existing pier located on the Essex River at 64 Eastern Avenue.

David Vine, of Nucci Vine Associates, Inc. representing the Dorothy B. Lunken Trust, together with E.B. Lunken, met with the Board. Vine told the Board the project includes the reconstruction of portions of a deteriorated timber pier that

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was constructed approximately 30 years ago. The 243 linear foot timber walkway/pier varies in width from 3.5 to 4 feet. The decking consists of 1"x6" timber decking supported by three 2"x6" stringers. The stringers are supported by two 2"x6" split caps that rest on 4"-6" diameter timber piles, further supported by 2"x4" cross bracing. The last 15 feet of the pier, near to the river bank, has been completely removed due to severe deterioration. The pier originally ended with a 7'x9' pile supported landing that provided access to the Essex River via a 30 foot long aluminum gangway. The gangway connected to a 12'x24' timber float. The piles that supported the landing had to be removed because of deterioration. The timber guide piles, used to anchor the float, need to be replaced. The proposed project will include the installation of four steel guide piles for the 12'x24' timber float and six new timber pile posts to support the reconstructed 15 foot end section of the pier. Four new timber piles will be installed to support the 7'x9' landing. The existing footprint of the pier will be maintained, other than the installation of the steel piles and timber piles to support the landing. Vine noted that they will be applying for a Chapter 91 License for the pier. Perkins questioned why they were using steel beams instead of timber. Nucci said he felt they were more durable than timber. Stavros asked how high was the walkway above the marsh. Vine indicated approximately three feet. Vine was asked if they would repair the entire walkway. He said they would repair as needed, but it could include installing new posts. Perkins said he had a problem with the steel pilings and suggested a tripod. A discussion followed on the preference of steel pilings to timber. Vine noted that the steel guide piles for the float and the timber piles will be installed by a barge-mounted crane, to eliminate heavy equipment traffic over the marsh. Repairs to the walkway will be made from the deck and within the immediate area, without the need for heavy equipment.

With no further questions from the public or the Board, Stavros moved to closed the public hearing for Dorothy B. Lunken Trust, 64 Eastern Avenue, seconded by Messersmith, with the Board voting unanimously in favor.

Stephen Gersh met with the Board at 8:00 p.m. to discuss the site visit to Centennial Grove for the creation of a trail. Gersh said before he discussed the site visit he would like to state that he neither condoned or approved of what happened with the vernal pool on Wood Drive. He added that there must be

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accuracy with the submitted information and the need to request permission to go on peoples' property.

Gersh went on to say that he, Commission members Robert Brophy and Edwin Perkins, and a representative from Mass. Audobon, went to Centennial Grove for the Trails Program to get an idea of what the project would entail. They found some brush cutting would be required, so it was felt a Request for a Determination of Applicability would be sufficient. Gersh said they would like to commence the first phase of the project in about three to four weeks, and then complete it in spring. He added that it is the same trail that was discussed last year, but it has been made smaller.

Stavros told the Board that the Cape Ann Golf Course is proposing to enlarge the pond and install a pumping station, and would like the Board to have a site walk.

Wood Drive vernal pool issue - A letter was sent to the Board of Selectmen requesting a meeting with the Commission and Derek Brown to discuss the certification of a vernal pool on Wood Drive and the subsequent situation involving the Environmental Protection Agency. Perkins noted the E.P.A. has called the vernal pool on the property of John and Marilyn Heath a 'limited vernal pool', i.e. a vernal pool without a buffer zone. Lloyd Waites, who had purchased the lot adjacent to the lot with the vernal pool, was allowed to continue to construct his house, but not to fill in the depression. Kyla Bennett, of the E.P.A., called Waites to tell him he could continue to build.

The Order of Conditions was written for Erica Funkhouser, 179 Southern Avenue.

Brophy moved to approve the project for Erica Funkhouser, 179 Southern Avenue, as submitted in the Notice of Intent, seconded by Prentiss, with the Board voting unanimously in favor. Prentiss will be the Commission's representative for the project.

The Order of Conditions was written for Dorothy B. Lunken Trust, 64 Eastern Avenue.

Messersmith moved to approve the project for Dorothy B. Lunken Trust, 64 Eastern Avenue, as submitted in the Notice of Intent, seconded by Stavros, with the Board voting unanimously in favor.

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Perkins will be the Commission's representative for the project.

A request for a Certificate of Compliance was made by The Trustees of Reservations for the reconstruction of a dock on Long Island under D.E.P. File Number 21-267.

Brophy moved to issue a Certificate of Compliance to The Trustees of Reservations certifying that work regulated by D.E.P. File Number 21-267 has been satisfactorily completed, seconded by Messersmith, with the Board voting unanimously in favor.


Review of Peter Van Wyck's Turtleback Road subdivision plan - The Board felt, upon review of the plan, that there were many wetlands issues and that they would have to address the final approved plan. They requested the Planning Board review the drainage system very closely so as to minimize the impact to the wetlands.

The Board will make a site visit to the Periton property on Wood Drive to see if the project is satisfactorily completed so that removal of the haybales is in order.

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

Meeting adjourned at 9:40 p.m.

Prepared by:

  
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Gillian B. Palumbo  
Administrative Clerk

Attest:

Essex Conservation Commission

August 16, 1998 - Site Visit, Wood Drive

Commission Members present: Edwin Perkins, Chairman, Robert Brophy, R. Jeffrey Lyman, Peter Perrigo, Thomas Prentiss, George Stavros.

Public present : Marilyn and John Heath, James and Jill Periton, Mr. and Mrs. Lloyd Waites, Don Fryckland (contractor for the Waites') and Derek Brown.

Present from the U.S. Environmental Protection Agency -Stafford Madison - Madison was reporting to:  
Kyla Bennett - Wetland Enforcement Coordinator, U.S. Environmental Protection Agency

The Conservation Commission Clerk was not present at the site visit. The following summary was provided by Commission Members Edwin Perkins and Robert Brophy.

Met at the site at 11:05 p.m. on property owned by Waites, Assessors Map 4, Lot 108E. Went to the Periton property, Assessors Map 4, Lot 108A and viewed the vernal pool site which had been certified by Matthew R. Burne, Vernal Pool Ecologist, Natural Heritage and Endangered Species Program. Brown insisted he had made a mistake and that this was not the proper site - the depression on the property of Waites' and Heaths was what he thought he certified, both depressions being similar to one another in the same gravel pit, but on different lots.

Derek Brown admitted to trespassing on the Heath and Waites lots in order to take photographs of the uncertified depression. The Conservation Commission had on February 4, 1997, heard a Request for a Determination of Applicability for this depression and had given a negative Determination on the basis that the depression was non-jurisdictional, as it was less than the required volume to define it as Isolated Land Subject to Flooding.

After much discussion, with Miss Madison taking several photographs of the area in question, the site visit was concluded. Brown was told he was trespassing and to refrain from taking further photographs. It was decided that Commission member Perkins would call Kyla Bennett of the E.P.A. on Thursday afternoon, August 20, 1998, for her opinion/finding of the situation.