

Essex Conservation Commission

April 27, 1999 - Minutes

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

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

A Request made by Sebastian J. Aparo for the Commission to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, for the construction of a deck and stairs at 11 Red Gate Road was heard at 7:35 p.m.

Sebastian Aparo told the Board that he is changing the egress of his dwelling to the side of the house. The proposed project is a 5'x10' deck with stairs to either side of the deck. Five holes for sono tubes, eight inches wide, will be dug to take the load of the deck. The project is 37 feet from Chebacco Lake. The Board reviewed the submitted plan.

Perrigo moved to issue a negative Determination to Sebastian Aparo for the construction of a deck with stairs at 11 Red Gate Road, seconded by Brophy, with the Board voting unanimously in favor.

A Request made by Michael and Julie Thompson for the Commission to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, for the construction of an addition at 1A Brook Pasture Lane was heard at 7:45 p.m.

Michael Thompson told the Board that the proposed project is for the construction of a one-story addition to the south-west side of his dwelling, to be used as a sunroom. The size of the addition is 10'x22'3". There is a small stream which runs along the side of the proposed addition, plus a stream to the rear of the property. The proposed addition is 70 feet from the side stream, but over 100 feet from the rear stream. The Board reviewed the submitted plan.

Messersmith moved to issue a negative Determination to Michael and Julie Thompson for the construction of an addition to their dwelling at 1A Brook Pasture Lane, seconded by Prentiss, with the Board voting unanimously in favor. The Board indicated to Thompson that they will request haybales or a silt fence be placed between the area of construction and the resource area.

Stephen Gersh met with the Board to submit a Notice of Intent,

together with an Environmental Notification Form, for the replacement of an existing, partially collapsed stone box culvert, which is causing restricted tidal flow, with a concrete box culvert, to restore tidal flow into the existing salt marsh area. The culvert is located on Conomo Point Road. As a representative could not be present at the Board's meeting to be held on May 18, 1999, Gersh waived the twenty-one day requirement to hold the public hearing and requested it be held on June 1, 1999.

A Request for a Certificate of Compliance was submitted by Ray Cahoon, 10 Patriot's Lane, indicating that work regulated under Order of Conditions D.E.P. File Number 21-265 has been satisfactorily completed.

Perrigo moved to issue a Certificate of Compliance to Ray Cahoon, 10 Patriot's Lane, certifying that work regulated under Order of Conditions D.E.P. File Number 21-265 has been satisfactorily completed, pending a site review by Board member Thomas Prentiss, seconded by Messersmith, with the Board voting unanimously in favor.

Jerome Crepeau, 51 Lufkin Point Road, met with the Board to discuss the Cease and Desist Order placed on property on Lufkin Point Road, Assessors Map 20, Lot 1A. Crepeau purchased the vacant lot last year and had begun clearing the area for a driveway within a 100 feet of a wetland area. Peter Pinciario, who also purchased an adjacent lot, attended the discussion, in order to know the extent of the resource area. Perkins told Crepeau the reason for issuing the Cease and Desist Order was the presence of standing water on one side of the site work, and the possibility of standing water on the other side. Crepeau said he has had a botanist review the area and will file the appropriate paperwork. He indicated he was unaware of any wetland where the driveway was being constructed.

John Atherton-Gorges, 101 Southern Avenue, met with the Board to discuss a pond being constructed on the property of Barry and Susan Mears, 99 Southern Avenue. Gorges said that when he queried under whose authority this pond was being built, he was told that it did not fall under the Conservation Commission's jurisdiction. He said he has since found out that it does and that is why he is here this evening. Gorges noted that "the pond continues to leach onto my property. The pond, after being filled all winter, is now dry. The pond has walls of

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approximately ten feet, which directly abut my property. The walls have been constructed against the original stone walls. The individual concerned keeps on the premises a backhoe which he uses from time to time. He calls it a skating pond. He is currently using fill from the bottom of his property to extend his garden. In addition to removing topsoil within ten feet, and not more than fifteen feet, from the river, he is also running a contractor business from his home and has numerous demolition debris which he buries. He launches his boat from there and has left tracks in the marsh. Clearly, the pond is within 200 feet and even 100 feet from the river. There is a bridge on the northern border of the Mears property, which has been washed up." It was determined that it was the old Town pier that had been washed up on the marsh during a storm. Prentiss asked Gorges if he had any photographs of Mears burying debris.

Gorges then questioned the Board regarding houseboats. He said Barry Mears has one located next to his parents' house at Conomo Point. Perkins indicated that there was not much that could be done if the boat was located at Conomo Point on a temporary basis. If it was there permanently, then a Chapter 91 License would be required. The Board indicated they would make a site visit to the Mears property on Southern Avenue on Friday, April 30, 1999, at 2:00 p.m.

A Request for Certificates of Compliance was made by Ronald Gauthier, 14 Coral Hill, indicating that work regulated by Orders of Conditions D.E.P. File Numbers 21-137 and 21-253 has been satisfactorily completed. Board member Perrigo will make a site visit to the property and the matter will be voted on at the next scheduled meeting to be held on May 18, 1999.

Perkins told the Board that a Cease and Desist Order had been issued to Tony Taliadoros, Faye Holding LLC, for operating heavy machinery in the wetlands at 142 Eastern Avenue, without a Notice of Intent, or at least a Request for a Determination of Applicability, being filed.

The Board felt a letter should go to Building Inspector Robert Nelson requesting his opinion on condemning the old shack at Hardy's Landing.

A letter was received from Glovsky and Glovsky regarding the property of Dr. David Sauer, 66 Choate Street. Dr. Sauer wishes to sell his property, which presently is under Chapter 61A -


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Agricultural - and must, therefore, offer it to the Town to exercise their first refusal option as set forth in M.G.L. Chapter 61A, Section 14. An offer of \$1,300,000.00 has been made for the property. A letter will be sent to the Board of Selectmen deferring to their judgement on this matter.

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

Meeting adjourned at 9:10 p.m.

Prepared by:


Gillian B. Palumbo
Administrative Clerk

Attest: