

Essex Conservation Commission

May 18, 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 Tony Taliadoros, Faye Holding LLC, for the Commission to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, to clear brush and debris at 142 Eastern Avenue was heard at 7:40 p.m.

Tony Taliadoros met with the Board. He told them he came in the middle of December to apply for a Determination, but sent the forms to the Department of Environmental Protection without realizing that he also had to file at the local level. There was a mess there, with lots of debris, old car parts, garbage dumped on the right-hand side, truck parts, a washing machine on the left. Many yards of rubbish have been cleaned out so far. Taliadoros noted it was when he started using the machinery that he had visits from the Conservation Commission and the Environmental Police. He said the Environmental Police were pleased with the work he was doing. As a Cease and Desist Order had been placed on the property, any outside work was on hold, so he worked on the dwelling. Taliadoros added that he will be cutting down more trees - there were so many he was unable to get to the rear of the property. There is a drainage ditch at the rear, which goes under Route 133 (Eastern Avenue) towards the former Greely property. A discussion followed as to the direction of the stream. Perkins asked Taliadoros if he was clear cutting the trees. Taliadoros said he was not, that he is leaving some trees, but a lot will also come down to get to the rear of the property. He noted that he was not in favor of clear cutting, and will be leaving some large trees.

Lisa Leland, an abutter, said she wanted to show where the land is situated which her parents' own. Her concern was to keep the area so it does not fill with erosion from the clearing. She asked Taliadoros what his plans were once the area had been cleared. Taliadoros said he did not know at this time - he may put a house there at some point. Leland then said, "The slope is what concerns me from your property. There is water flowing from the pond all the time. The area is all marshy outside of the pond. If you are planning a lawn, I know that fertilizers are detrimental to wetlands. So it is mostly around your house where you will be cutting." Taliadoros replied in the affirmative.

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Leland asked Taliadoros if he knew how far back he would be cutting. Taliadoros replied that he did not have his plans with him, but he would not be causing any erosion to the pond. He added that at this time he would like to clear all the debris which he feels is doing more damage. Leland asked him if he would be bulldozing the area. Taliadoros said he would not be, that the trees would be cut with a chainsaw and then the roots pulled out. Leland was asked how far the pond was from the edge of the property. She said it was on the boundary. A letter was sent to the Board from Derek Brown and read into the meeting requesting that all work proposals submitted by Taliadoros be examined rigorously prior to issuing a Determination, because the pond and the stream were close to the proposed cutting. Taliadoros reiterated that the Environmental Police were so pleased to see the clearing, they did not understand why he was being bothered.

Messersmith moved to issue a negative Determination of Applicability to Tony Taliadoros, Faye Holding LLC for brush cutting at 142 Eastern Avenue, seconded by Prentiss, with Messersmith, Prentiss and Perkins voting in favor, Brophy and Perrigo were opposed. Brophy said he was opposed to the project if it was within 100 feet of the drainage ditch and pond. He felt the Board should take a look at the direction of the drainage ditch. He said he would also like to see a silt fence placed along the stream and at the edge of the buffer zone to the rear of the property until such time that the ground is stabilized. Perkins noted that under the Determination you can still request that a siltation barrier be put in place.

A Request made by Richard Osborn for the Commission to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, for the replacement of a 24'x24' garage with a 44'x30' barn at 1 Main Street was heard at 8:00 p.m.

Richard Osborn told the Board that he is proposing to build a barn where the garage was, and will be extending the size by 744 square feet. He will also be grading slightly. Prentiss noted that the total work should be less than 5000 square feet under the Determination. Osborn indicated he would keep the total amount of work to less than that figure. The Board reviewed the plans submitted with the Request.

Perrigo moved to issue a negative Determination to Richard Osborn for the barn at 1 Main Street, seconded by Messersmith, with the

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Board voting unanimously in favor. The Board requested that haybales be placed between the construction area and the drainage ditch.

A Request made by Perkins Marine, Inc. for the Commission to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, for the repair of a roof drain pipe at 82 Main Street was heard at 8:15 p.m.

For discussion on this Request, Perkins removed himself as Chairman and Commission member Perrigo became Acting Chairman. Perkins told the Board that water from the drainage pipe runs down the street and puddles in front of Scott Woodward's property (Pike Marine). He is proposing to repair the pipe and at the same time put in a gas trap. All work will be done by hand.

Prentiss moved to issue a negative Determination to Perkins Marine, Inc. for the repair of a roof drain pipe at 82 Main Street, seconded by Messersmith, with Messersmith, Prentiss, Brophy, and Perrigo voting in favor.

Perrigo then relinquished the Chair to Perkins.

Perrigo said he would like to discuss the activity taking place at Turtleback Road Extension, property of Peter Van Wyck. Perrigo said he looked at a plan which indicated there was to be a retention basin constructed. The Board noted that they had not received any information from James Sprague of the Department of Environmental Protection subsequent to his site visit to Turtleback Road Extension. At that time, Sprague had indicated that he was going to review the new plans for the Extension as they were not the same as the original ones for which the D.E.P. had issued a Superceding Order of Conditions. A letter will be sent to Sprague requesting the Commission be informed as to what Peter Van Wyck is permitted to do.

Ruth Rapucci (no appointment made) spoke to the Board regarding an the siting of a house on Lot 1 of a new subdivision on Western Avenue. Two corners of the rear of the house were located in the buffer zone. The Board told her she would have to file, at the least, a Request for a Determination of Applicability, prior to being issued a building permit.

The Board signed a Certificate of Compliance for Charles Hay, 84 Apple Street. The Board had voted to issue the Certificate of

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Compliance at their April 6, 1999, meeting, but an incorrect form had been signed.

A Request for a Certificate of Compliance was made by Ray Cahoon, 10 Patriot's Lane. Prentiss reviewed the site and found that there had been no stabilization of the area as required in the Special Conditions. There are two or three decks to be finished with lynnac underneath. Cahoon will be notified that a Certificate of Compliance will not be issued until the area has been stabilized per the Order of Conditions, and that a silt fence should be re-established.

A Building Permit Application was submitted for review by Rolf Roller, Grove Street, for an addition to the existing dwelling. The Board signed the building permit application.

A Building Permit Application was submitted for review by Ruth Montgomery for the addition of a deck to property at 93 Pond Street. Perrigo will review the site prior to the Board approving the permit.

Perrigo moved to approve the Minutes of March 16, 1999, and April 6, 1999, as read, seconded by Messersmith, with the Board voting unanimously in favor.

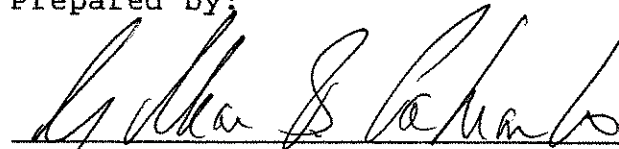
A letter was received from Wallace Bruce indicating his interest on becoming a member of the Commission. A letter will be sent to the Board of Selectmen recommending he replace Edith Messersmith.

The Board reviewed the correspondence.

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

Meeting adjourned at 9:25 p.m.

Prepared by:



Gillian B. Palumbo
Administrative Clerk

Attest: