

Essex Conservation Commission

July 13, 1999 - Minutes

Present: Peter Perrigo, Acting Chairman, Wallace Bruce,
Stephen Gersh, Edwin Perkins, Thomas Prentiss,
George Stavros.

Meeting called to order at 7:34 p.m.

A continuation of a public hearing was held at 7:35 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Ruth Repucci covering the construction of a single family dwelling on Liberty Road, Assessors Map 8, Lot 33.

Ruth Repucci told the Board she would like to construct a single family dwelling on Lot 33, but a small portion of the house, a proposed 10'x20' deck, and landscaping is within the buffer zone. The area to be landscaped within the buffer zone is 4,842 square feet. Stavros, also a member of the Planning Board, noted that the Planning Board is presently holding a bond on the Repucci lot, and added that the subdivision is being amended to include one other lot from the original two lots. Prentiss questioned the reserve area being located within the buffer zone. He was told the Board of Health is allowed to have a septic system within 50 feet. Perkins then questioned the topography of the area to be graded. Repucci told him the area was rather flat.

With no further questions from the Board or the public, Perkins moved to close the public hearing for Ruth Repucci, seconded by Stavros, with the Board voting unanimously in favor.

John Henderson met with the Board for a sign off of a building permit application for the construction of a proposed dwelling and septic system on Southern Avenue. Henderson told the Board that the Board of Health has accepted the engineering plan. When the plan was reviewed by the Commission some time ago, the buffer zone was not shown. The Board reviewed the plan again.

Perkins moved that Acting Chairman Perrigo sign off the building permit application for John Henderson, Southern Avenue, for the construction of a dwelling and septic system, seconded by Prentiss, with the Board voting unanimously in favor.

A Request made by Jane LaChance for the Commission to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter

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131, Section 40, for the repair of a septic system and placement of a driveway turn/extension at 280 Southern Avenue was heard at 7:55 p.m.

Paul Rullo represented the applicant. The Board reviewed the plan submitted with the Request. The Request was to extend the existing driveway and to upgrade the septic system. Rullo told the Board the total vegetated area was 3,500 square feet and wanted to know if the Wetlands Protection Act was applicable. The total volume of the isolated area subject to flooding was 1,600 cubic feet, which, according to Rullo, did not border any wetland area. The Board questioned the driveway extension, as shown, and wondered why it was placed in that particular area. Rullo said his initial thought was to place the driveway extension out of the buffer zone. Perrigo asked if the plan had been to the Board of Health. Rullo said it had not, as yet. The Board felt they needed to have the entire lot shown on the plan, with the driveway being shown in its entire length. The Board said a site visit will be made to the property prior to a decision being made.

Christiana Ostrowski, 54 Wood Drive, met with the Board to discuss the Cease and Desist Order placed on her property. Ostrowski told the Board they had had some sand placed on the beach, completely unaware that they were not supposed to. Peter Perrigo told her sister, who was raking the sand, they should not be doing that and so issued the Cease and Desist Order. Perkins told her the Board members were aware that she had just purchased the property and was unaware of procedure. Perrigo felt it would be more detrimental to remove the sand; Perkins agreed with him that more harm would be caused by the removal of the sand. Perkins then informed Ostrowski that Chebacco Lake is a Great Pond, and in order to place sand on the beach a Chapter 91 License would be required. She was also advised to meet with the Commission whenever she planned to do anything externally on her property, because of its proximity to the Lake. She was also advised to remove the remaining pile of sand, with no further raking.

Crozer and Jane Fox met with the Board to discuss landscaping a portion of their property at 52 Martin Street. Fox would like to backfill a six foot border along the bottom of the wall and then plant a row of evergreens to gain privacy for the rear yard. The area in question would be near the road and away from the marsh. The Foxes would like to install the evergreens as

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far as the break in the fence. An Order of Conditions was issued to the property for the installation of a tight tank and it was felt it could be amended to include the landscaping. Perkins said they may request it be rip-rapped to prevent any silting.

Perkins moved to amend the Order of Conditions D.E.P. File Number 21-349 to allow the existing brush to be cleared off the banking and loam placed 6'-8' into the property from the sidewalk entry to the break in the fence, seconded by Stavros, with the Board voting unanimously in favor. The Board also requested that a silt fence be installed and maintained until vegetation has been established.

A request for a Certificate of Compliance was submitted to the Board by Attorney John Cunningham for property at 48 Choate Street, for work regulated by Order of Conditions D.E.P. File Number 21-228 and issued to Michael and Jaqueline Buckley on September 14, 1992. The proposed work was never started, the Order of Conditions has lapsed and is, therefore, no longer valid.

Perkins moved to issue a Certificate of Compliance to Attorney John Cunningham as the work regulated by Order of Conditions D.E.P. File Number 21-228 never commenced, the Order of Conditions has lapsed and therefore is no longer valid, seconded by Prentiss, with the Board voting unanimously in favor.

Paul and Alison Desmond, Assessors Map 36, Lot 79B, Evans Way - A Cease and Desist Order was placed on the property in response to the removal of loam by Desmond within 100 feet of a stream. A letter was read into the meeting from Attorney Michael Shea. It reads as follows: "Please be advised that Mr. and Mrs. Desmond are in the process of negotiating the sale of the above-referenced property. Pending these negotiations, the Desmonds would state that no activity will take place on the above parcel without a further filing with your commission."

"In regard to the cease and desist order issued on June 17, 1999, the Desmonds, or their successors in interest, intend to comply with the order and, therefore, shall not appear at your meeting scheduled for July 13, 1999."

Perkins felt a site visit should be made to the above property at the same time the site visit is made to the LaChance property

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at 280 Southern Avenue, with the idea of issuing an Enforcement Order. Perkins added that he had spoken at length to John Judd, who was the engineer for the subdivision plan, so he has an idea of what is going on with the property. It was noted that there probably was sufficient loam remaining on the lot to spread, but that it was up to the Board of Selectmen and the Planning Board, who administer the loam removal by-law, as to whether Desmond is made to return the loam.

A memorandum was received from Building Inspector Robert Nelson regarding the Desmond property, Evans Way, and also in response to a memo sent to him from the Commission regarding the shack at the end of Island Road. The letter will be forwarded to Commission member Brophy, who had brought the condition of the shack to the Board's attention.

An Extension Permit for Order of Conditions D.E.P. File Number 21-300, requested by Sandy Patrican, 15 Pond Street, and voted on at the Board's meeting of June 15, 1999, was signed by the Board.

A building permit application was submitted by Kathleen and William Irwin, 1 Prospect Street, for the construction of a porch. Perkins moved to sign the building permit application for Kathleen and William Irwin, 1 Prospect Street, seconded by Stavros, with the Board voting unanimously in favor.

A request was submitted by Atlantic Engineering and Survey Consultants, Inc., representing John Coughlin of PMC Realty Trust, to amend the Order of Conditions D.E.P. File Number 21-335, for a proposed project at Lot #1, 2 Scot's Way. The change was for a reduction in the size of the building and revising the grading behind the building to meet the new building shape. The changes do not affect or alter the approved limits of work or any of the drainage shown on the prior plans. The revisions did decrease the amount of proposed impervious area.

Perkins moved to amend the existing Order of Conditions D.E.P. File Number 21-335, to allow the lesser size of building according to the submitted Site Plan of Lot 1, 2 Scot's Way, dated January 28, 1998, revised June 16, 1999, for PMC Realty Trust, seconded Stavros, with the Board voting unanimously in favor.

The next meeting of the Board will be held on August 10, 1999,

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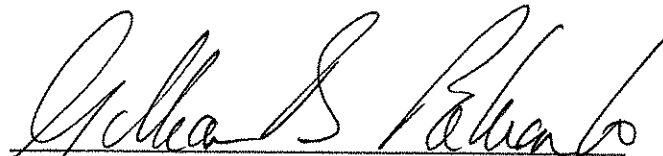
at the Essex Fire Station.

Commission member Bruce told the Board he visited the site of a proposed driveway for Jerome Crepeau, Lufkin Point Road, and found the silt fence had not been trenched. Also no D.E.P. sign had been posted. The silt fence also stopped where the subdivision started, but should be installed as shown on the plan submitted with the Notice of Intent. Crepeau will be so notified.

Bruce moved to adjourn the meeting, seconded by Prentiss, with the Board voting unanimously in favor.

Meeting adjourned at 9:15 p.m.

Prepared by:



Gillian B. Palumbo
Administrative Clerk

Attest: