

Essex Conservation Commission

September 21, 1999 - Minutes

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

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

Gordon Thompson met with the Board to discuss his potential purchase of property on Andrews Street. Thompson told the Board there is a bridge on the property in a 'state of repair', and wants to know what to do about crossing the brook. He proceeded to show photographs to the Board of the bridge in its present state. The bridge is five feet in width. The brook goes under a culvert where it meets Rocky Hill Road. The photographs were taken after Hurricane Floyd. He said he would like to culvert the stream, and showed photographs of a similar project that was undertaken in Danvers. Perkins told him that a precast bridge was put in place on Choate Street, which could be considered. Thompson said he has not gone through the design process as yet, as he wanted to meet with the Commission prior to that stage. The project would consist of a 16 foot wide road. Thompson was told he would have to file a Notice of Intent, to include drainage calculations for a 100-year storm.

A public hearing was held at 7:50 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Carl Coose covering the construction of a porch addition with utilities at 75 Wood Drive.

Commission member Perrigo removed himself from any discussion as he is an abutter to the property. Coose told the Board that he has a porch on the lake side of the house, but it is much too hot to sit there during the summer. He would, therefore, like to build a porch on the other side of the house. Coose added that the roof line is all over the place, and wants to make it blend into one roof line to make it more aesthetically pleasing. The proposed project is 30 feet from the lake. The footings for the porch will be sono tubes. Coose was asked how his property contoured to the lake. Coose said there was a natural drop-off from his property to the lake. He also told the Board he will be running electrical lines underground from the house to Wood Drive through an 18 inch trench, and a second trench will carry an electrical line from the house to the garage. Presently, Coose told the Board, the electricity runs across the driveway above ground, but he would like to bury it.

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With no further questions from the public or the Board, Prentiss moved to close the public hearing for Carl Coose, 75 Wood Drive, seconded by Gersh, with Bruce, Gersh, Perkins, and Prentiss voting in favor; Perrigo abstained.

Roger Hardy met with the Board to discuss the reconstruction of a 20'x120' poultry barn to a 40'x120' barn, 12 feet high, on Island Road. Hardy noted that part of the foundation is good, but the addition will require a new foundation. Hardy said his property is under Chapter 61A - Agricultural, and wondered if he needed to file with the Commission. After discussion, Hardy said he would file a Request for a Determination for the reconstruction.

Samuel Appleton, Eastern Avenue, met with the Board to discuss the reconstruction of a retaining wall. He told the Board when his cottage was built, pieces of wood were put in the ground to act as a retaining wall between the upland area and the marsh area. He would like to replace it to preserve the upland area. The length of the wall is 230 feet. Perkins told Appleton that if it is a high marsh, he could reconstruct the wall without a Chapter 91 License, but if it a low marsh he would need to obtain a Chapter 91 License. He suggested Appleton call an engineer who works on waterways licensing.

A continuation of 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 Philip and Paula O'Connell covering the construction of a single family dwelling with associated driveway, grading and septic system at Pond Street/Wood Drive, Assessors Map 5, Lot 29A.

Engineer John Judd represented the O'Connells. Judd told the Board he notified abutter Dexter Tindley, who was omitted from the abutters list and, consequently, was not notified of the original hearing date of September 7, 1999, causing the continuation of the hearing. Judd told the Board the proposed project is for a single family dwelling. The plan has been approved by the Board of Health. Robert and Melanie Tyack, Pond Street, abutters to the property, told the Board they are not really opposed to the project but do have some concerns with groundwater. Tyack said, "We all have wells. The only concern with groundwater is the amount of fill and that it should be clean fill. It is a pretty substantial buildup, and it slopes to the wetland area, and any fill will make run-off go to the wetlands." Tyack then questioned whether anyone monitors how

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clean the fill is, and wants to make sure there is no problem with groundwater run-off. He noted that the rear of the house is only 22 feet from the wetlands and is concerned about fertilizers for grass running into the wetlands. Tyack added, "If these two things are addressed by the Commission, I really don't have a problem with the project."

With no further questions from the public, Perrigo moved to close the public hearing for Philip and Paula O'Connell, seconded by Prentiss, with the Board voting unanimously in favor.

A continuation of a public hearing was held at 8:25 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by PMC Realty Trust covering the construction of storage facility buildings with associated access, grading, drainage, landscaping, and utilities at Eastern Avenue, Assessors Map 38, Parcel 55B.

Attorney Paul Shea and engineer John Judd represented PMC REalty Trust. Judd submitted to the Board a Stormwater Management Report and a revised plan showing the reduction in size of the rear units. The Board reviewed the revised plan. Karen Gertsch, Haskell Court, told the Board, "The wetland to the rear has been encroached upon bit by bit and is shrinking. The area where the storage sheds are, was a wetland and then filled in, so they are being built on filled-in wetlands." Gertsch then asked if the project could be reduced in size. Perkins said he felt the wetland has been addressed by the retention basin, which will also improve Dudley's property, an abutter.

Gersh moved to close the public hearing for PMC Realty Trust, Eastern Avenue, seconded Perrigo, with the Board voting unanimously in favor.

A continuation of a public hearing was held at 8:50 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by James and Jill Periton covering the construction of steps from the top of banking to ground level at 3 Moses Lane.

Commission member Thomas Prentiss removed himself from the Board for this hearing to represent the Peritons. The Board asked Prentiss where the stairs are to be placed. Prentiss told the Board there is an area like a small peninsula where the boats will be. He noted that the stairs will be better for the

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environment, rather than walking down the banking, which, over time creates a lot of erosion. The stairs will be open stringers laying on the existing slope. Wherever the stairs meet the banking, they will drive in a pressure-treated two by four to hold it to the slope. Prentiss indicated that the area is pretty clear, with very little vegetation, and mostly gravel. He felt the project would be quite benign.

Gersh moved to close the public hearing for James and Jill Periton, seconded by Perrigo, with Bruce, Gersh, Perrigo and Perkins voting in favor; Prentiss abstained.

The Order of Conditions was written for James and Jill Periton, 3 Moses Lane.

Perrigo moved to approve the construction of stairs down banking for James and Jill Periton at 3 Moses Lane, seconded by Gersh, with Bruce, Gersh, Perrigo, and Perkins voting in favor; Prentiss abstained. Perrigo will be the Commission's representative for the project.

The Order of Conditions was written for Carl Coose, 75 Wood Drive.

Gersh moved to approve the project of Carl Coose, 75 Wood Drive, as submitted in the Notice of Intent, seconded by Bruce, with Bruce, Gersh, Perkins, and Prentiss voting in favor; Perrigo abstained.

The Order of Conditions was written for Philip and Paula O'Connell, Pond Street/Wood Drive.

Gersh moved to approve the project of Philip and Paula O'Connell, Pond Street/Wood Drive, as submitted in the Notice of Intent, seconded by Prentiss, with the Board voting unanimously in favor.

Bruce said he thought the points brought up by Robert Tyack were quite valid with regard to the run-off. Additions to the boiler plate are as follows: 1) Absolutely no cutting of trees or brush ten feet beyond the staked haybales as shown on the plan dated November 9, 1998, revised August 18, 1999. 2) A permanent marker of galvanized steel pipe or granite shall be placed at each flag, numbers A7, A8, A9, A15, A16, A21, and A22, prior to the commencement of any work on the property. 3) All fill must be

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clean fill. The Commission may require a sample of fill from each load to check for contaminants. 4) This property is within the Essex Watershed and no fertilizer shall be used unless permitted under the Essex Watershed Protection District by-law. Perkins will be the Commission's representative for the project.

A request for a Certificate of Compliance was submitted to the Board by James Stavros, 80 Pond Street, for a project regulated by Order of Conditions D.E.P. File Number 21-290. Perrigo, the Commission's representative for the project, made a site visit to the property prior to this meeting.

Perrigo moved to issue a Certificate of Compliance to James and Norrie Stavros, 80 Pond Street, certifying that work regulated by Order of Conditions D.E.P. File Number 21-290, has been satisfactorily completed, seconded by Bruce, with the Board voting unanimously in favor.

A request for a Certificate of Compliance was submitted by Shea Brothers Interiors, 242 John Wise Avenue, for a project regulated by Order of Conditions D.E.P. File Number 21-340. George Stavros, the Commission's representative for the project, made a site visit to the property prior to this meeting and notified the Clerk of its compliance.

Prentiss moved to issue a Certificate of Compliance to Shea Brothers Interiors, 242 John Wise Avenue, certifying that work regulated by Order of Conditions D.E.P. File Number 21-340 has been satisfactorily completed, seconded by Gersh, with the Board voting unanimously in favor.

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

Meeting adjourned at 10:10 p.m.

Prepared by:



Gillian B. Palumbo
Administrative Clerk

Attest: