

Essex Conservation Commission

October 5, 1999 - Minutes

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

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

David Allwine, of Jacques Whitford Company, Inc., and Derrick Perkins, Liberty Research, Essex Park Road, met with the Board to informally discuss the proposed purchase of the Liberty Research building. Allwine said he is with an environmental company who was asked by Perkins to remove a 10'x35' concrete pad, containing oil, from the property. Allwine submitted a plan showing the area in question. He said one boring was made and elevated levels of petroleum were found, so they are proposing to do a limited action under MCP (Massachusetts Contingency Plan). Once the pad is removed, his company will then go in and take a boring to see if the area is completely clean. There will be no significant excavation outside of the pad. An Abbreviated Notice of Intent will be submitted, as they are disturbing an area less than 1000 square feet. The actual time for the soil removal will be less than a day. Digging will probably entail less than 100 yards of material. Allwine noted that they would like to have the project completed by the end of the year. He added that when the contamination was detected, it constituted a 120 day reporting period.

A request made by Roger Hardy for the Commission to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, for the reconstruction of a 40'x120' poultry barn at 60 Island Road was heard at 7:50 p.m.

Roger Hardy told the Board that he is proposing to replace an existing 20'x120' poultry barn with a 40'x120' barn, 12 feet high. The land is under Chapter 61A - Agriculture, and is therefore exempt from filing a Notice of Intent. He decided to file a Determination of Applicability so that neighbors will be aware he has approached the Commission about the project.

Perrigo moved to issue a negative Determination to Roger Hardy for the construction of a poultry barn at 60 Island Road, seconded by Gersh, with the Board voting unanimously in favor.

Derek Brown met with the Board to discuss the creation of a Wetlands By-law. He told the Board he had spoken to Sheldon Pennoyer of the Planning Board regarding amending the present by-law administered by the Planning Board, and was told that he,

Pennoyer, was not in favor of it because the Planning Board already had had enough flak with some by-laws they had tried to present at Town meeting. Brown added, "So it's back to the drawing board for a wetlands by-law for Essex. I am still in favor of the Rockport by-law, because I feel it does not conflict with the Essex Wetlands District By-law." Perkins told him that each time in the past it has been amended through the Planning Board. Brown said that he could do it as a private citizen, but needs to have the support of the Commission to have some measure of authority. Gersh said he had not had a chance to read through the Rockport Wetlands By-law thoroughly. Other members also said they had not read it. Perkins said that when this discussion first started, it was just to include vernal pools in the by-law. Now it seems to include small pools that are not vernal pools and he feels he cannot support it. Brophy said, I have a problem with making the local by-laws stricter than the state. Everytime we turn around we have another law." Brown - "I think we do have a problem. The state has a program to protect these ponds, but you have to go on to private property, so it's a catch 22 situation. Some property owners will not let you on to their property." Perkins - "I think it is important to allow people to be able to do what they want with their land up to a point. The information that was given to me by Martha Hoar - if something fell under that criteria, then I think I should protect it, but if it's just a hole in the ground, then I don't think we should penalize people." Gersh felt to scout peoples' land looking for vernal pools would be time consuming; to put the onus on the homeowner to let the Commission know, is the better way. Brophy said, "Why put in more laws when you have them already. It would just be overlapping what already exists." Perkins - "Whenever something comes up that needs to be looked at, we go and look at it. That's why we have so many site visits. Wet areas have to be shown on peoples' plans. If we look at a plan and feel there might be a vernal pool, we say so." Prentiss felt that Brown should simplify whatever he does.

A request made by Cliff Ageloff to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, for the construction of a 16'x24' deck at 44 Addison Street was heard at 8:15 p.m.

The proposed project is for the construction of a 16'x24' deck on the rear of the existing dwelling. The footings, a total of four, will be sono tubes; holes for the sono tubes will be hand-dug. The construction will be 75-80 feet from the cat-o'nine tails.

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Perrigo moved to issue a negative Determination to Cliff Ageloff, 44 Addison Street, for the construction of a deck, seconded by Prentiss, with the Board voting unanimously in favor.

The Order of Conditions was written for PMC Realty Trust, 65 Eastern Avenue.

Attorney Paul Shea submitted a plan showing the number of parking spaces for the South Essex Village as requested by the Board. The office space is 20,364 square feet and requires 68 parking spaces; the retail area is 1,235 square feet, requiring 9 spaces, and the restaurant is 940 square feet, requiring 10 spaces, making a total of 87 spaces required. There are currently 44 marked spaces in front of the Village, plus a handicapped area, and 44 spaces to the rear, for a total of 88 spaces marked. There is also parking for an additional 15 to 20 cars directly behind the center.

Prentiss moved to approve the proposed project of PMC Realty Trust for the construction of storage barns at 65 Eastern Avenue, Assessors Map 38, Lot 55B, seconded by Brophy, with the Board voting unanimously in favor.


Additional conditions specified were as follows: 1) Absolutely no storage of hazardous or toxic material in any of the buildings, 2) appropriate records must be kept of the annual maintenance of the drainage systems, for review by the Commission upon their request, 3) a silt fence, properly buried, must be put in place prior to the construction of the detention basin, and 4) staked haybales must be in place as shown on the west side of the plan.

Gersh moved to approve the Minutes of July 13, 1999, as read, seconded by Brophy, with the Board voting unanimously in favor.

Brophy moved to approve the Minutes of May 18, 1999, as read, seconded by Perrigo, with Perkins, Brophy, Prentiss and Perrigo voting in favor.

Brophy moved to adjourn the meeting at 9:05 p.m., seconded by Perrigo, with the Board voting unanimously in favor.

Prepared by:


Gillian B. Palumbo
Administrative Clerk

Attest: