

Essex Conservation Commission

November 16, 1999 - Minutes

Present: Edwin Perkins, Chairman, Wallace Bruce, Peter Perrigo, Robert Brophy

Meeting called to order at 8:00 p.m.

Samuel Appleton, 82R Eastern Avenue, met with the Board to informally discuss his proposal for the maintenance of an existing retaining wall in the buffer zone. Appleton told the Board that he spoke to Hancock Environmental Consultants as to whether his proposed project would be subject to a Chapter 91 license. It was the opinion of John Dick of Hancock that it did not. The wall will be 30 inches above the ground from the present 18 inches. Appleton told the Board he will be filing an Abbreviated Notice of Intent for the project.

A public hearing was held at 8:15 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on an amendment to an Order of Conditions D.E.P. File Number 21-379 filed by Jeff Lawler covering the construction of a single family dwelling on Liberty Road, Assessors Map 8, Lot 33.

Jeff Lawler of County Homes submitted a plan showing the change to the original proposal. He will be eliminating the deck, which was to be partially constructed within the buffer zone, and will be constructing 143 square feet on the rear of the house within the buffer zone. The proposed dwelling is 40 feet by 32 feet. A 24 feet by 28 feet garage will have 76 square feet of its construction within the buffer zone. The proposed project will be disturbing approximately the same amount of buffer zone as the original project.

Perrigo moved to approve the amendment to Order of Conditions D.E.P. File Number 21-379, applicant Jeff Lawler, per the plan submitted dated November 4, 1999, seconded Bruce, with the Board voting unanimously in favor.

An appeal to the Order of Conditions D.E.P. File Number 21-385, issued to Derrick Perkins, Liberty Research, 7 Essex Park Road, was filed by abutter James and Patricia Duda, 116 Western Avenue. The Dudas' claim that the Notice of Intent submitted by Perkins does not adequately address the interests of the Wetlands Protection Act. They feel the Order of Conditions should have required appropriate testing to be performed throughout the property. 'Appropriate testing' should include

Page Two

November 16, 1999 - Minutes

water samples and core samples to be taken, at the minimum, around the entire perimeter of the building.

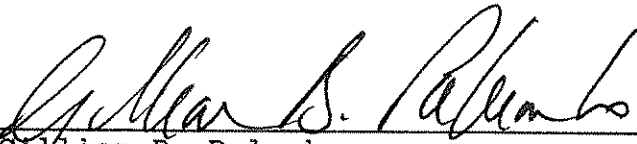
A request for an Extension to the Order of Conditions D.E.P. File Number 21-259 was made by Filias Realty Trust for property located at 138 Main Street. The Order of Conditions was issued for the dredging of the Essex River in the vicinity of 138 Main Street. According to the letter of request, the applicant has had difficulty obtaining a dredging contractor, and if they were to find one, the Order of Conditions would expire (expiration date March 23, 2000) before the job was completed.

Perrigo moved to extend the Order of Conditions D.E.P. File Number 21-259, issued to Filias Realty Trust for property at 138 Main Street, for three years, seconded by Bruce, with the Board voting unanimously in favor.

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

Meeting adjourned at 9:15 p.m.

Prepared by:



Gillian B. Palumbo
Administrative Clerk

Attest: