

Essex Conservation Commission

May 1, 2001 - Minutes

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

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

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 Peter Van Wyck covering the construction of a dwelling, septic system, utilities and associated grading on Turtleback Road, Assessors Map 9, Parcel 11L.

John Morin, Thomas E. Neve Associates, Inc. represented the applicant. J. Morin told the Board the Notice of Intent was filed for the construction of a single family dwelling, septic system, utilities and associated grading on Lot 24, Assessors Map 9, Parcel 11L. Haybales backed with a filter fabric is the proposed siltation barrier. The closest point from the septic system is 61 feet. They have not, as yet, received approval from the Board of Health for the septic system. A letter was read into the meeting from the Board of Health noting items that were in nonconformance with Mass. Title 5 and/or the Town of Essex Design Standards. J. Morin said they would be submitting revised plans to the Board of Health for the discrepancies noted. E. Perkins suggested a continuation of the public hearing until such time an approval was issued by the Board of Health. Commission members also said they would like to make a site visit to the property and have the buffer zone flagged for their review.

S. Gersh moved to continue the public hearing for Peter Van Wyck to May 15, 2001, at 7:35 p.m., seconded by R. Brophy, with the Board voting unanimously in favor.

A public hearing was held at 7:45 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Russell and Deborah Ulrey covering the construction of an addition and septic system upgrade with associated grading at 36 Lakeshore Drive.

Ben Osgood of New England Engineering Services represented the applicants. B. Osgood told the Board the Notice of Intent was filed 1) to construct a septic system, and 2) to construct an addition. The new septic tank and addition are within the buffer zone, with the addition 53 feet from the Lake. The plan has not, as yet, been submitted to the Board of Health. A change will be

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made in the elevation to 98, and the septic will be serviced with a pump. The Board reviewed the plans. S. Gersh told B. Osgood that near the Lake the Commission normally likes people to use prudence in their design. B. Osgood noted that they have set the septic at a minimum distance from the property line, and as this is an expansion they have a reserve area. Osgood said they have stayed 53 feet from the Lake. The plan shows some filling, but when the plan is revised, there will be less filling. Osgood was asked if the foundation will be reconstructed on the existing house. He said the foundation is a crawl space, and therefore, they will redo the foundation completely to make it more stable. They have tried to put the sill height as low as possible to fit into the existing grade. Where the crawl space is, it will remain the same. The addition will act as a retention wall for the septic system.

T. Prentiss moved to continue the public hearing for Russell and Deborah Ulrey to May 15, 2001, at 7:45 p.m., seconded by R. Brophy, with the Board voting unanimously in favor.

A public hearing was held at 7:57 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Eric Mears covering the construction of a single family dwelling, driveway, and septic system at 2 Brook Pasture Lane.

Daniel Johnson of Domestic Septic Design represented the applicant. D. Johnson told the Board that soil testing was done when John Jacobi was Health Agent, and the information was taken from engineer Clay Morin. He said, "I have spoken to Elaine, the Health Agent, regarding more soil testing. It was originally going to be a five bedroom house, but is now a three-bedroom house. The septic design has been approved by the Health Agent, apart from two small notes. The only upland area, without going over wetlands, is at the far southern corner of the property. As a result, grading for the egress will be close to the wetlands. The dwelling was minimized to the area as shown on the plan, and we tried to sardine the house and garage as much as possible, with as little impact as possible on the wetlands. We will be in close proximity for the egress, with the closest point being 20 feet. We are well within the buffer zone with regard to grading and home construction."

S. Gersh asked why the road could not be moved further away from the wetlands. D. Johnson - "We will have more grading, but it

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could be moved ten feet. More physical work would be entailed if the road was moved." Michael Thompson, 1A Brook Pasture Lane, said he had a problem with the accuracy of the plan with regard to the stream. S. Gersh said that the 1995 flyover maps show a clear line of a perennial stream going along Brook Pasture Lane. D. Johnson said that Clay (Morin) did not pick it up, so there must have been something undefined about it. S. Gersh said he would like to see the stream delineated on the plan. R. Brophy asked D. Johnson if Clay Morin was still the engineer on the job, to which he replied that Clay was not. R. Brophy - "In that case, I have a problem with you saying Clay this and that if you are the engineer." D. Johnson told him - "I took over the job and have Clay's permission to use his information. I may bring Clay back on the job." Mark McKay, Prospect Street, told the Board the vegetation has really been encroaching and felt the plan as presented was inaccurate. He added that his biggest concern was the drainage, and with the grading, the roof, and driveway, this would present a lot of runoff. He felt the paved driveway would have a lot of impact on the drainage. Cynthia Cameron, executor for Blanche Nelson's estate told the Board, "I thought we were following all existing by-laws as defined by the Town. All this is new to me with regard to perennial streams. I did discover that the Town contributes to the water that falls on my property. The culverts go through the McKay property on to my property." S. Gersh then explained to C. Cameron what is meant by a perennial stream. Greg Grimes, Prospect Street, stated, "The runoff continues through my property to the field. The property is soaked a good part of the time. It carries a natural course through my property, but it is not just the water that is piped. I want to let the Board know it is not just the Town pipe that is responsible for the runoff." E. Perkins reassured G. Grimes that the stream will be kept well open. It was noted that Clay Morin delineated the wetlands in August of 2000. Keith Paynter, Martin Street, asked why a septic system had to go in with sewage coming through the Town. D. Johnson told him that Eric Mears had requested the installation of a tight tank until such time he could go on the sewer line, but under Title 5 they were not allowed to do it. E. Perkins told D. Johnson to double check the flagging and to do runoff calculations for a site visit by the Board.

P. Perrigo moved to continue the public hearing for Eric Mears to Tuesday, June 19, 2001, at 7:35 p.m. at the Essex Scout House, seconded by S. Gersh, with the Board voting unanimously in favor.

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A public hearing was held at 8:40 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Dennis A. Nunes covering the construction of a stone wall and grading at 16 Harry Homans Drive.

It was noted that a site visit had been made to the property at an earlier time. Dennis Nunes told the Board the project consists of the replacement of rocks along the rear of the property, ranging from 20 feet to 60 feet from the stream, the construction of a fieldstone wall on the righthand side of the property, the removal of two tree stumps, and planting a hedge. The rocks to the rear will be backhoed, but the other wall will be constructed by hand. Shrubs will be planted in front of the rear stone wall. S. Gersh told him that the rear wall cannot be a solid wall that would channel the stream. Gaps must be left within the wall so the stream can still flood.

With no further questions by the Board or the public, S. Gersh moved to close the public hearing, seconded by T. Prentiss, with the Board voting unanimously in favor.

The Order of Conditions was written for Dennis Nunes, 16 Harry Homans Drive.

T. Prentiss moved to approve the project of Dennis Nunes, 16 Harry Homans Drive, as submitted in the Notice of Intent, seconded by R. Brophy, with E. Perkins, R. Brophy, S. Gersh, and T. Prentiss voting in favor; P. Perrigo opposed.

S. Gersh said he would like Michael DeRosa to check the flagging at 2 Brook Pasture Lane.

R. Brophy moved to have Michael DeRosa verify the flagging at 2 Brook Pasture Lane, seconded by S. Gersh, with the Board voting unanimously in favor.

Binding of Wetlands Maps - R. Brophy moved to expend funds to bind the wetland maps, seconded by T. Prentiss, with the Board voting unanimously in favor.

The Order of Conditions was written for Dennis Nunes, 16 Harry Homans Drive. Together with the regular boiler plate, the following special conditions were added: 1) Along the rear wall, a two foot wide clear passage at current grade shall be installed every twenty feet in order to prevent channelling of the brook and

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to allow drainage off the grass area. 2) A permanent marker, granite or galvanized pipe, shall be placed to the rear and front of the property on the west side of the fieldstone wall against the existing banking, and no work, filling, or brush disposal shall occur west of that line. 3) Prior to commencement of work, openings should be staked and wooden stakes placed where the permanent markers are to be placed, for review by the overseer of the project. S. Gerh will be the overseer of the project.

A letter was received from Jacques Whitford Company, Inc., requesting an amendment to Order of Conditions D.E.P. File Number 21-385 issued to Liberty Research, 7 Essex Park Road. It was noted that a Superceding Order of Conditions was issued and therefore the request must be made to the Department of Environmental Protection. Jacques Whitford will be so notified.

A plan for the construction of a garage for Louis and Virginia Anoli, Choate Street, was reviewed. It was found there would be no wetlands violations for the proposed construction.

A Complaint Form was issued by the Board of Health to the property of Essex Seafood, 143R Eastern Avenue, for the filling to the rear of the property within 100 feet of a resource area. E. Perkins said he checked and it looked as though two piles were dumped. A letter will be sent to Mark Jordan, owner of the property.

Planning Board Site Plan Review for 142 Eastern Avenue. Review of the plan indicates a Notice of Intent should be filed

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

Meeting adjourned at 9:40 p.m.

Prepared by:


Gillian B. Palumbo
Administrative Clerk

Attest: