

Essex Conservation Commission

July 10, 2001 - Minutes

Present: Edwin Perkins, Chairman, Wallace Bruce, Stephen Gersh, Phillip Lake, Judson Lane.

Meeting called to order at 7:40 p.m.

Michelle Meyer, 11 Choate Street, spoke to the Board regarding a building permit application for construction of stables. Chairman Perkins reviewed the submitted plan, but indicated he would not act on it, as no measurements from the construction site to the wetlands were shown.

A building permit application was submitted to the Board by Michelle and David Kempskie, for the construction of a single family dwelling at 36R Story Street. Review of the site plan indicated there would be no wetlands violations. Chairman Perkins signed the building permit application.

A continuation of 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 Eric Mears covering the construction of a single family dwelling, driveway, and septic system at 2 Brook Pasture Lane.

Clay Morin represented Cynthia Cameron, Executrix of the Estate of Blanche Nelson. C. Morin told the Board that Eric Mears, applicant on the Notice of Intent, is no longer interested in purchasing the property, but the Camerons, owners of the property, requested he address the issues related to the property. C. Morin showed the Board the wetland on a small-scale plan. He noted that Mary Rimmer, of Rimmer Environmental Consulting, reviewed the flagging that had been done and, as noted in her letter to the Board, to ensure that flags were still present and consistent with the survey plan. Flags that were no longer present or were worn were replaced as needed. She also noted that the intermittent stream within this wetland system was found to be dry at the time of the site inspection. According to her letter, the stream is also not indicated on the US Geologic Survey topographic quadrangle, and is therefore presumed to be an intermittent stream under 310 CMR 10.00 and does not contain associated riverfront area. C. Morin said on the plan he submitted to the Board he delineated the total area of the lot and delineated the total area of the wetlands. He located the culvert pipe through which the stream bed runs. The indicated stream is an intermittent stream as determined by Mary Rimmer. Engineer Morin said he will be

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doing calculations in about 5-7 days. For the roofs, he has proposed directing the flow into a recharge system. Along the driveway, he has proposed a grass swale. He has not yet staked out the driveway and the septic system, but will be doing it. S. Gersh asked engineer Morin as to how much work will be done beyond the erosion control area. C. Morin said they have the driveway and the excavation for the house. They can move the recharge area to make it 25 feet, and can move the corner of the house to 25 feet. S. Gersh said he would like to see the erosion control moved. The area will be flagged on Friday. A site visit will be made to the property on Tuesday, July 17, 2001, at 6 p.m.

W. Bruce moved to continue the public hearing for Eric Mears, 2 Brook Pasture Lane, to Tuesday, August 7, 2001, at 7:35 p.m., seconded by S. Gersh, with the Board voting unanimously in favor.

A Request made by Woodman's, Inc. for the Commission to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, for the maintenance of a storm drain at 119 Main Street was heard at 8:00 p.m.

Lawrence Woodman told the Board that they would like to clean out the storm drain which was installed 5 to 7 years ago. The original paperwork could not be located, so the Request was filed for the removal of debris and for the continuous maintenance of the storm drain. S. Gersh said he met with Lawrence Woodman and found the storm drain blocked with a lot of debris.

S. Gersh moved to issue a negative Determination to Lawrence Woodman to clean the storm drain at 119 Main Street, seconded by W. Bruce, with the Board voting unanimously in favor.

A Request made by Peter Van Wyck for the Commission to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, for soil testing within the buffer zone on Lot 33, Turtleback Road, Assessors Map 9, Lot 110, was heard at 8:10 p.m.

Greg Hochmuth, of Thomas E. Neve Associates, Inc., represented the applicant. G. Hochmuth told the Board that they would like to do soil testing within the buffer zone at 55-60 feet. Outside of the buffer zone they have found shallow soil to bedrock. Hochmuth indicated that when the soil tests are dug and there is a risk of sedimentation, then they will put haybales in place. E. Perkins pointed out that there is a man-made pond in the vicinity which

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would create another buffer zone. S. Gersh said he would like to request that a siltation barrier be in place prior to digging the test pits. He noted a small horseshoe of haybales around each test pit would be sufficient. G. Hochmuth indicated that there will not be any wetland crossing needed to access the property.

S. Gersh moved to issue a negative Determination to Peter Van Wyck for soil testing on Lot 33, Turtleback Road, seconded by J. Lane, with W. Bruce, S. Gersh, J. Lane, and E. Perkins voting in favor; P. Lake abstained from voting because he is an abutter to the property.

A public hearing was held at 8:20 p.m. under the Wetlands Protection Act, M.G. L. Chapter 131, Section 40, on a Notice of Intent filed by Susanna L. McLaughlin, Trustee, of 40 Lakeshore Drive Trust, covering a septic system upgrade and raising of the existing dwelling at 40 Lakeshore Drive.

Charles Ogden of Hancock Environmental represented the applicant. He told the Board the Board of Health has approved the plan. Changes had been made from the original plan, which had been denied by the Board of Health and Conservation Commission. As they are replacing the existing cesspool, and Chebacco Lake is on two sides of the property, an alternative system is proposed. They have moved the system seven feet to maintain a ten foot separation between the waterline and the system, which places it closer to the bordering vegetative wetland. The driveway will be over the leaching field. The Board reviewed the plan.

With no further questions from the Board or the public, S. Gersh moved to close the public hearing for Susanna McLaughlin, Trustee, of 40 Lakeshore Drive Trust, seconded by W. Bruce, with the Board voting unanimously in favor.

A public hearing was held at 8:30 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Susanne Perlman covering the construction of an 18'x36'x10' barn with horse paddock at 8 Deer Hill Farm Road.

Kelly Martell of DeRosa Environmental Consulting represented the applicant. K. Martell told the Board that the proposed project is a 2-stall horse barn with paddock and a small pasture area for two horses. The proposed project will impact approximately 20,000 square feet of buffer to a bordering vegetated wetland in the rear of the property. There is also an intermittent stream. The

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homeowner had started to cut trees and shrubs without the appropriate permits, and had been requested by the Commission to stop work. The intent is to replant that area. To prevent any impact on the resource area, they are proposing a 25-foot wide vegetated buffer strip along the edge of the bordering vegetated wetland. A 25-foot no-build zone is proposed from the existing boundary of the bordering vegetated wetland. Within this no-build zone, an approximately 190 feet long "Vegetated Filter System" will be created, which will attenuate runoff water from the paddock prior to discharge to the vegetated wetland. S. Gersh said he will be looking for a maintenance plan for this swale. No grading is proposed on site, as the area is fairly flat. All plantings in the wetland area will be done by hand, and no machinery will be used. W. Bruce requested that the intermittent stream be placed on the plan. The manure container will be waterproof, and the manure will be moved off site.

S. Gersh moved to continue the public hearing for Susanne Perlman, 8 Deer Hill Farm Road, to Tuesday, August 7, 2001, at 8:00 p.m., seconded by W. Bruce, with the Board voting unanimously in favor.

A Request made by Dierdre Savage for the Commission to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, for soil testing at 94 Eastern Avenue, was heard at 8:47 p.m.

John Dick of Hancock Environmental represented the applicant. J. Dick told the Board the applicant would like to do some exploration in the upland area of the property. There will be no activity within the ACEC area. They need to put in a tight tank prior to hooking up to the sewer line. Haybales will be put in place and disturbed areas stabilized.

S. Gersh moved to issue a negative Determination to Dierdre Savage for soil testing at 94 Eastern Avenue, seconded by J. Lane, with the Board voting unanimously in favor.

The Order of Conditions was written for Thomas and Joseph Pallazola. S. Gersh read the Special Conditions to the public, and told them that the Commission's jurisdiction stops at the 100 foot buffer zone.

S. Gersh moved to approve the project of Thomas and Joseph Pallazola, 142 Eastern Avenue, as submitted in the Notice of Intent, seconded by W. Bruce, with E. Perkins, S. Gersh, W. Bruce,

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and J. Lane voting in favor; P. Lake abstained.

The Order of Conditions was written for Susanna McLaughlin, Trustee of 40 Lakeshore Drive.

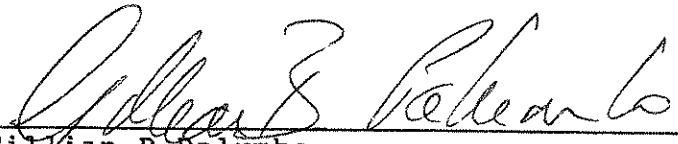
W. Bruce moved to approve the project for Susanna McLaughlin, Trustee of 40 Lakeshore Drive, for a septic system upgrade and raising the dwelling as submitted in the Notice of Intent, seconded by J. Lane, with the Board voting unanimously in favor.

A request was made by John T. Coughlin, Essex Mini Storage, for a Certificate of Compliance. Prior to the issuance of the Certificate, the Board would like to receive an as-built plan and a yearly report of the maintenance of the gas trap.

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

Meeting adjourned at 9:50 p.m.

Prepared by:



Gillian B. Palumbo
Administrative Clerk

Attest: