

Essex Conservation Commission

October 2, 2001 - Minutes

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

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

A Request made by Christopher Gangi for the Commission to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, for reconstruction of a 24'x45' garage at 242 Western Avenue was heard at 7:36 p.m.

Christopher Gangi told the Board there presently exists a garage approximately 20'x20' in size on his property. He would like to demolish the existing garage and reconstruct a new garage 24'x45' in size. Chairman Perkins said he went with the applicant to look at the site and found there was wetland vegetation on the east side of an existing wall; the west side of the wall is mowed grass. The proposed construction will have a foundation and will be 96 feet from the wetlands. The Board reviewed the submitted plan.

Judson Lane moved to issue a negative Determination to Christopher Gangi, 242 Western Avenue, seconded by Stephen Gersh, with the Board voting unanimously in favor.

A Request made by Peter Dane to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, for the repaving of the existing driveway at 98 Western Avenue was heard at 7:45 p.m.

The Request was made for the repaving of an existing driveway by application of a thin asphalt coat with a crushed stone topping. The driveway is approximately 65 feet from the Alewife Brook. Stephen Gersh said he would like to see a silt fence running the entire length of the driveway, which should be maintained for a minimum of thirty days.

Stephen Gersh moved to issue a negative Determination to Peter Dane, 98 Western Avenue, seconded by Wallace Bruce, with the Board voting unanimously in favor.

Megan Means, 30 Belcher Street, met with the Board for a building permit application review. Ms. Means stated the building permit application is for the construction of a new dwelling. She noted there will now be a total of three dwellings on one property.

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The new construction will be accessed by going up the existing driveway, with a new driveway branching off to the new dwelling. The Board reviewed the site plan submitted by Ms. Means.

As there were no wetland issues, Chairman Perkins signed the building permit application.

A public hearing was held at 7:55 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Karen Bernier for the construction of an addition to an existing dwelling at 101 Western Avenue.

Karen Bernier told the Board the proposed project is a 15'x20' addition to the existing dwelling, 300 square feet on the first level, and 240 square feet on the second level. The addition will have a four foot poured concrete foundation. The proposed addition is 109 feet from the Alewife Brook, which is across the street from the existing dwelling, and approximately 79 feet from an intermittent stream on the side boundary line. The Board reviewed the Notice of Intent and plan.

With no further questions from the Board or the public, Stephen Gersh moved to close the public hearing for Karen Bernier, 101 Western Avenue, seconded by Wallace Bruce, with the Board voting unanimously in favor.

A public hearing was held at 8:05 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by James O'Brien for a septic system upgrade at 22 Coral Hill.

Daniel Johnson represented the applicant. D. Johnson told the Board the applicant has a cesspool which is failing badly. A 2000 gallon tight tank will be installed during the interim period, until such time the water line on Coral Hill is installed. At that time the septic system will be upgraded. The cesspool will be abandoned. Daniel Johnson indicated the septic system is at the location shown on the plan submitted with the Notice of Intent, because it is the only place for it. The closest point of the system to Chebacco Lake is 55 feet. He added that the system is shown close to the wells, but when the water line is installed, they will be abandoned. He could not keep the 50-foot offset to the wells. D. Johnson requested that a notation be written into the Order of Conditions to cover the installation of the tight tank.

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With no further questions from the Board or the public, Stephen Gersh moved to close the public hearing for James O'Brien, 22 Coral Hill, seconded by Wallace Bruce, with the Board voting unanimously in favor.

A Request made by Michele Meyer for the Commission to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, for the clearing of brush and construction of a fence at 11 Choate Street was heard at 8:15 p.m.

Michele Meyer told the Board she had John Dick of Hancock Environmental walk the site to delineate the wetlands. She would like to clear brush within the stone wall. The Board felt they wanted to see drawn on the plan the buffer zone area and the area she wishes to clear before they could make a Determination. They also wanted to see the location of the proposed riding ring drawn on the plan.

Ray Randall, representing the Board of Trustees for the First Congregational Church, 39 Main Street, met with the Board to discuss the ongoing construction of an addition to the building. He told them their concern is the run-off from the roof, and in order to prevent the run-off from backing up into the foundation, they need to place rip-rap within the buffer zone. The area within the buffer zone will be 10-12 square feet. Ray Randall was told to file a Request for a Determination of Applicability for the proposed project.

Thomas Perkins, 66 Main Street, met with the Board to apologise for failing to notify abutter David Lane, who is Trustee for the Curlew Cove Realty Trust, of the public hearing for his proposed project at 66 Main Street. Judson Lane, who is also a Trustee for Curlew Cove Realty Trust, was present at the hearing. Within the D.E.P.'s Guide to Abutter Notification, a paragraph states "...an abutter may claim - and even demonstrate - that he or she did not receive notification. Still, that person may show up at the public hearing, be very familiar with the applicant's proposal, and participate fully. In such a situation, the abutter has - one way or another - received all the benefits of the notification requirement. The defect is, at worst, a technicality and should not affect the Conservation Commission's ability to conduct the public hearing and issue an Order of Conditions." Thomas Perkins also agreed to extend the time frame for writing the Order of Conditions to 31 days from the closing date of the hearing.

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The Order of Conditions was written for Paul Pennoyer, Grove Street.

Stephen Gersh moved to approve the proposed project for Paul Pennoyer, Grove Street, as submitted in the Notice of Intent, seconded by Wallace Bruce, with the Board voting unanimously in favor. The Board added to the boiler plate that the area west of the bio fence and running parallel with the existing dirt road and ending at Grove Street shall remain as a no-cut zone. Stephen Gersh will be the Commission's representative for the project.

A building permit application submitted by Robert and Cynthia Cameron, 75 Western Avenue, was signed by Chairman Perkins as there were no wetlands issues.

A request for a Certificate of Compliance was submitted by Heidi McKeon for Order of Conditions D.E.P. File Number 21-322 issued to Peter Van Wyck for the installation of electrical line to 8 Turtleback Road.


Stephen Gersh moved to issue a Certificate of Compliance to Heidi McKeon certifying that work regulated by Order of Conditions D.E.P. File Number 21-322 has been satisfactorily completed, seconded by Wallace Bruce, with Edwin Perkins, Wallace Bruce, Judson Lane, and Stephen Gersh voting in favor; Philip Lake abstained.

Stephen Gersh said he wants to request the resignation of Commission Member Thomas Prentiss unless he can make every effort to attend the meetings. He requested Chairman Perkins speak with Thomas Prentiss, and if T. Prentiss is not willing to attend the meetings, then to ask for his resignation.

Philip Lake moved to adjourn the meeting, seconded by Judson Lane, with the Board voting unanimously in favor.

Meeting adjourned at 10:00 P.M.

Prepared by:


Gillian B. Palumbo
Administrative Clerk

Attest: