

Essex Conservation Commission

January 8, 2002 - Minutes

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

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

A Request made by Lufkin Point 25 Nominee Trust for the Conservation Commission to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, for soil testing and removal of an above-ground pool at 25 Lufkin Point Road, Assessors Map 20, Parcel 3, was heard at 7:36 p.m.

John Dick, Hancock Environmental Consultants, represented the applicant. He told the Board Lawrence Peterson, the property's owner, will not be coming back to the house, which will possibly be sold in the future. The pool will be removed as it is a liability. They would like to do soil testing because the system is undersized and does not lend itself to expansion. They are asking now to do the testing; if the system is in the buffer zone then they will file whatever is necessary at that time. The parcel consists of two acres of upland. Mr. Peterson also owns a piece of saltmarsh, adjacent to the upland parcel, but it is all tidal marsh. The Board reviewed the Request.

S. Gersh moved to issue a negative Determination to Lufkin Point 25 Nominee Trust, 25 Lufkin Point Road, seconded by W. Bruce, 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 Michele C. Meyer for clearing and grading within the buffer zone for installation of a riding rink at 11 Choate Street.

John Dick, Hancock Environmental Consultants, represented the applicant. He told the Board he went out and cleared at the wall, which indicated a division between the wetland area and upland. Large trees indicate it was managed as an open wood lot. They would like to bring in R.B. Strong and bushwhack the area for clearing, and to use the wall as a boundary line. Ms. Meyer would like to build a rink for dressage, so they will be pushing this area as close to the wetland as they can. The area needs to be level. They will begin at the wall and install a silt fence at the limit of grading. S. Gersh asked what mechanism would be provided for run-off. J. Dick told him a silt fence would be in

place and the maintenance of a 20-foot grass area. S. Gersh questioned the maintenance of the rink. J. Dick said it will only be used when horses are being ridden - it is not for horses to pasture. J. Dick was asked if they would be utilizing the well house. He told the Board the well house is plumbed, but it is not used. He also noted that the stream is not a perennial stream, and when he flagged the area it was not even flowing at that time. S. Gersh said at Flags A3 and A4 it looks as though there is clearing right at the boundary - he wondered if were possible to stay away at least a minimum of three feet from the area. J. Dick said he thought they could and that they may not even need to be there. E. Perkins said he felt the whole area for the rink, Flags A2 to A8, should be cut in increments, so there may not be the necessity to get as close to the resource area as is indicated on the plan. J. Dick agreed that it is impossible to see because of the vegetation. The Board requested that the area be flagged prior to R.B. Strong going in to clear. Abutters Helen Brown and Carol Burke attended the meeting and reviewed the submitted plan.

S. Gersh moved to close the public hearing for Michele Meyer, 11 Choate Street, seconded by W. Bruce, with the Board voting unanimously in favor.

S. Gersh moved to approve the project of Michele Meyer as submitted. If, after clearing, it is determined that the location of the riding rink will change from the plan submitted with the Notice of Intent, no work may proceed until an amended plan is submitted and approved by the Conservation Commission, and upon the flagging of the buffer zone a site visit will be conducted by the Board and an Order of Conditions issued thereafter, seconded by W. Bruce, with the Board voting unanimously in favor.

As part of the Special Conditions, it was felt the following should be included: In the area of A3-A5, the project will come no closer than six feet to the wetlands. Between A8 and A2, clearing should be done incrementally, starting no closer than eighteen feet from the bordering vegetated wetland and progressing, based on the evaluation of the suitability of the relocation of the riding rink and proceeding at two-foot increments. Each two-feet of clearing that takes place, the Conservation Commission overseer should be notified for a site visit before the next two-feet may be cleared. Commission member Edwin Perkins will be the overseer.

A site visit was scheduled for Saturday, January 19, 2002, at 9 a.m.

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A Request for a Certificate of Compliance was made by Philip Caponigro, 93 Choate Street.

S. Gersh moved to issue a Certificate of Compliance to Philip Caponigro, 93 Choate Street, certifying that the work regulated by Order of Conditions D.E.P. File Number 21-336 has been satisfactorily completed, seconded by W. Bruce, with the Board voting unanimously in favor.

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

Meeting adjourned at 9:00 p.m.

Prepared by:



Gillian B. Palumbo
Administrative Clerk

Attest: