

Essex Conservation Commission

May 21, 2002 - Minutes

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

Meeting called to order at 7:36 p.m.

A continuation of a request made by John J. Jr. and Michele L. Tognazzi for the Commission to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, to clear brush, repair a stone wall and install a 10'x16' toolshed at 24 Harlow Street.

The continuation of the request was made in order for Commission Member Philip Lake to visit the site. He stated he had no issues with the project.

Stephen Gersh moved to issue a negative Determination to John Jr. and Michele Tognazzi, 24 Harlow Street, for the project as stated in the Request, seconded by Robert Brophy, with the Board voting unanimously in favor. Stephen Gersh said he would like to see a statement in the Determination of Applicability keeping the use of fertilizer to a minimum, and no fungicide or pesticide to be used.

Anthony and Lori Silva, 23 Gregory Island Road, met with the Board to request an amendment to the Order of Conditions D.E.P. File Number 21-421. Lori Silva told the Board, "We were going to do a cantilever to extend the living area as we thought we had to stay within the the original footprint, and plans were approved for that. We have now found there is damage to the existing foundation under the area of the cantilever, which must be removed and rebuilt. It would be much more economical if we could pour the foundation at the perimeter of the cantilever, instead of having to use the beams required for the cantilever." The Board reviewed the revised drawing.

Stephen Gersh moved to amend the Order of Conditions D.E.P. File Number 21-421, to allow Anthony and Lori Silva, 23 Gregory Island Road, to construct a foundation wall at the perimeter of the cantilever, seconded by Robert Brophy, with the Board voting unanimously in favor.

A Request made by Gregory Mahoney, Essex Package Store, for the Conservation Commission to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, for the

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construction of a deck and stairs at 91 Main Street was heard at 7:49 p.m.

Greg Mahoney told the Board he would like to construct an outside deck and stairs to hold his 'empties'. There will be a total of six footings in 12-inch sono tubes. All construction will be on the paved area, which is flush with the rear of the building. The Board reviewed the Request.

Stephen Gersh moved to issue a negative Determination to Gregory Mahoney of the Essex Package Store, 91 Main Street, for the construction of a deck and stairway, seconded by Wallace Bruce, with the Board voting unanimously in favor.

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 Peter J. Pinciario for the construction of a driveway at 9 Lufkin Point Road, Assessors Map 20, parcel 1B.

Peter Pinciario told the Board he is proposing to install a 500-foot driveway to provide access to the site of a future single family home. Topsoil along the proposed driveway will be grubbed to a depth of 12"-16" and cast aside. Stumps and other debris generated will be disposed of off site. Gravel will be deposited in the grubbed beds and compacted. Topsoil will be pulled back against the driveway shoulder and regraded. The shoulder will then be seeded and mulched. Along 75-feet of its length, the driveway falls with 80'-100' of a freshwater wetland. A paved driveway and a retention basin constructed on abutting property separate the proposed work from the wetland. It was noted that erosion control consisting of staked haybales and filter fabric remains intact between the abutters' recently constructed driveway and the wetland. The Board reviewed the Notice of Intent and plan.

Stephen Gersh moved to close the public hearing for Peter Pinciario for a proposed project at 9 Lufkin Point Road, seconded by Robert Brophy, with the Board voting unanimously in favor.

Thomas Avallone, of Cobb Hill Construction, Inc., met with the Board to request an amendment to the Order of Conditions D.E.P. File Number 21-418 issued for Lot 24, Turtleback Road. Mr. Avallone stated that when the Notice of Intent was submitted, a preliminary siting of the dwelling was placed on the plan. One of the problems with that siting was the tremendous amount of

fill required for the grading. The lot has now been purchased and they would like to start construction. They would like to move the house further down the hill, which would place it closer to the wetland, but would have far less impact to the site, because there will be far less grading. The new elevation for the garage will be 79-feet; the original was 82.5-feet, making a difference of 3.5-feet. They are proposing to move the house laterally by 10-feet. Edwin Perkins said even with the lower elevation he still wants to see the rip-rap in place. Thomas Avallone said they will work to the existing grade, but will be happy to put in the rip rap. It was noted that the septic system will remain in the same area, but will have a pump.

Robert Brophy moved to amend the Order of Conditions D.E.P. File Number 21-418, issued for Lot 24, Turtleback Road, to allow the relocation of the dwelling back 10-feet south by southwest, and to lower the elevation to a maximum of 4-feet, seconded by S. Gersh, with Edwin Perkins, Robert Brophy, Wallace Bruce and Stephen Gersh voting in favor; Philip Lake voted present.

David Santomena, Essex County Greenbelt, met with the Board to present a conservation restriction for property owned by Eloise Hodges on Apple Street. Mr. Santomena told the Board the conservation restriction is approximately twenty acres of land. There is a deed restriction presently on the property limiting it to three house lots. This present restriction will limit the property to two house lots. He noted they spent a lot of time locating the building envelopes so as to make them as unobtrusive as possible. The way the restriction is drafted, the septic system and well have to be installed within the building envelopes, but if this proves to be unfeasible, then they can try to find a perc.

Stephen Gersh moved the Board sign the recommendation for the conservation restriction of the Essex County Greenbelt for property of Eloise Hodges, Apple Street, seconded by Philip Lake, with the Board voting unanimously in favor.

Building permit application review - Johnathan Knight, 97-99 Apple Street, for the construction of an addition to the existing dwelling. Commission members Wallace Bruce and Philip Lake looked at the site and indicated there were no wetland issues. The building permit application was signed off.

Building permit application review - Lake Realty Trust, 35 Apple

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Street, for reshingling of an existing structure. Commission member Wallace Bruce looked at the site and taped the nearest wetland to be 130 feet from the project so there were no wetland issues. The building permit application was signed off.

A request for an amendment to the Order of Conditions D.E.P. File Number 21-0439 issued to the Town of Essex to extend the installation of a pipe on property of Bruce and Elizabeth Fortier, 47 Southern Avenue, was made by Baystate Environmental Consultants. The Board reviewed the revised plan.

Stephen Gersh moved to amend the Order of Conditions issued to the Town of Essex and allow the extension of a pipe at 47 Southern Avenue, seconded by Robert Brophy, with the Board voting unanimously in favor.

The Board reviewed the Enforcement Orders issued by the Board of Health to William Allen, 9 Southern Avenue, and Kevin and Pamela Flaherty, 61 Harlow Street.

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

Meeting adjourned at 8:50 p.m.

Prepared by:



Gillian B. Palumbo  
Administrative Clerk

Attest: