

Essex Conservation Commission

August 6, 2002 - Minutes

Present: Wallace Bruce, Acting Chairman, Robert Brophy, Stephen Gersh, Samuel Hoar, Philip Lake.

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

A request made by James Richardson for the Conservation Commission to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, for the installation of an underground electrical service at 30 Island Road was heard at 7:36 p.m.

James Richardson told the Board he would like to bring underground power from an existing MECO utility pole #1196 into his property for approximately 75 feet. Commission member Philip Lake said he visited the site and given where the pole is and the topography of the area, he felt there would be no impact on the wetlands. He noted there was a fairly significant hill. Robert Brophy said he is familiar with the area and does not have a problem with the project.

Stephen Gersh moved to issue a negative Determination to James Richardson, 30 Island Road, for the installation of an underground electrical service, seconded by Robert 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 Peter Van Wyck for the clearing, grading, and construction of a dwelling at Lot 34, Turtleback Road.

Peter Van Wyck told the Board the proposed project is to remove tree stumps in order to clear the lot for construction of a new dwelling. It is an area that had a lot of pine trees which were past their prime and so cleared the trees to 65 feet from the pond. Peter Van Wyck said he thought because the pond was man-made it did not come under the jurisdiction of the Department of Environmental Protection. Stephen Gersh told him he could be made to replicate the area as he did the clearing without filing with the Commission. Peter Van Wyck said he plans to replace the trees he removed with different trees. The Board felt a site visit should be made and will be held on Saturday, August 11, 2002, at 8:00 a.m.

Samuel Hoar moved to continue the public hearing for Peter Van

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Wyck for a site visit to the property, seconded by Stephen Gersh, with the Board voting unanimously in favor.

Elizabeth Frye, an abutter, told the Board she had tried to get from the Planning Board the latest plan that was approved. She would also like to know the number of houses the plan was approved for.

A public hearing was held at 8:10 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Scott DeWitt for the construction of an addition and deck at 199 Western Avenue.

Scott DeWitt told the Board he has a Purchase and Sales agreement at 199 Western Avenue, which is currently a commercial property. The lot size is 40,000 square feet. He would like to change the building to a two-family dwelling, making it as two independent dwellings. Because of the sewer installation, he will be held to three bedrooms only - one unit with two bedrooms, and the other with one. At the front of the present structure is hard-packed gravel, but Mr. DeWitt said he would be putting in a mound to mitigate sand and act as a buffer to the road and the package store. He also noted that there is a drainage system on the property for which the Town has no easement. He is trying to come to some arrangement with the Department of Public Works regarding this. The Board felt they needed a site visit to the property which will take place on Sunday, August 11, 2002.

Robert Brophy moved to continue the public hearing for Scott DeWitt, 199 Western Avenue, seconded by Stephen Gersh, with the Board voting unanimously in favor.

Jerome French, 41 Forest Street, met with the Board to request the Board to delineate the wetland boundary lines on his 10-acre parcel. He was told the Board could only verify what an engineer or botanist has flagged.

A request was submitted by Faye Holding, LLC, for two Certificates of Compliance for property at 142 Eastern Avenue.

Robert Brophy moved to issue two Certificates of Compliance to Faye Holding, LLC, certifying that work regulated by Orders of Conditions D.E.P. File Numbers 21-110 and 21-423 never commenced, and no future work subject to regulation under the Wetlands Protection Act may commence without filing a Notice of Intent and

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receiving a new Order of Conditions, seconded by Stephen Gersh, with the Board voting unanimously in favor.

The Board signed the building permit application for Michael and Susan Rodier for the construction of an addition and garage at 24 Apple Street. An Order of Conditions D.E.P. File Number 21-0441 was issued for the project.

A building permit application was submitted for review by Kenneth Tucker, 118R Martin Street, for the construction of a 36'x24' garage. Commission member Wallace Bruce made a site visit to the property and stated there were no wetlands issues. The application was signed.

The Board signed the building permit application for James and Susan McKenna for the construction of a new dwelling at 27 Turtleback Road. An Order of Conditions D.E.P. File Number 21-0418 was issued for the project.

A building permit application was submitted for review by Robert and Susan Teel, 27 Water Street, for the construction of an addition to the existing structure. Commission member Stephen Gersh visited the site and stated there were no wetlands issues. The Board signed the application.

A building permit application was submitted by Patricia Tullercash, 27 John Wise Avenue, for the construction of a handicapped bathroom and deck to the existing dwelling. Stephen Gersh viewed the site and found there were no wetlands issues. The Board signed the application.

A building permit application was submitted for review by Francis and Kathleen Ingaharro, 53 Southern Avenue, for the construction of an addition to the existing dwelling. Stephen Gersh made a site visit and found no wetlands issues. The Board signed the application.

A building permit application was submitted for review by Brian Bernier, 1 Riverview Hill, for the construction of a garage. Review of the site plan indicated that Mr. Bernier needs to file a Request for a Determination of Applicability.

The Board of Health submitted a Verification of Conservation Commission Jurisdiction form for Belcher Realty Trust, 107 Belcher Street. Review of the site plan indicated the Board has no

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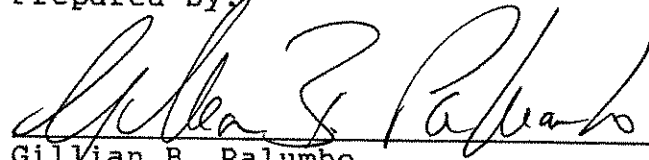
jurisdiction.

Samuel Hoar moved to elect Wallace Bruce as chairman, seconded by Robert Brophy, with the Board voting unanimously in favor.

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

Meeting adjourned at 9:30 p.m.

Prepared by:



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Gillian B. Palumbo  
Administrative Clerk

Attest: