

Essex Conservation Commission

September 24, 2002 - Minutes

Present: Stephen Gersh, Acting Chairman, Philip Caponigro,
Samuel Hoar, Philip Lake (7:47 p.m.)

Meeting called to order at 7:42 p.m.

A public hearing was held at 7:43 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 removal of trees and grading on the west side of the pond at 9 Turtleback Road.

Peter Van Wyck told the Board what he would like to do is to plant grass on the west side of the pond. He said he maintains the grass on the side of the pond which is fine. The intent is not to do anything at the water's edge. He noted the ground is higher there, and he would like to get an excavator to smooth off the top and grind down some stumps. The intent is to smooth it out so that grass can be planted. Abutter Elizabeth Frye said, "So you will have the excavator next to my wall." Peter Van Wyck told her, "It will sit on my land, of course, but I will just rake the surface back so I can cut it down sufficiently and fill in the voids. If there are stumps that are exposed, I will leave the stump there and will grind off the top of the stump, and put enough soil back to get grass to grow." Stephen Gersh felt it would require a site visit and wanted to see the wetlands delineated, and also requested a review based upon the authentication of hydric soil from a wetlands scientist.

Samuel Hoar moved to continue the public hearing for Peter Van Wyck, 9 Turtleback Road, to October 8, 2002, seconded by Philip Caponigro, with Stephen Gersh, Samuel Hoar, and Philip Caponigro voting in favor.

Peter Van Wyck then told the Board he has some pine trees that are rotten and are ready to fall down, and could even fall on the house. Philip Lake said, "I am an abutter, and therefore, cannot vote on this, but I think you had mentioned that these trees are rotten, so it seems as though there's a lot of rotten trees. 1) I have gone down and looked at this, and I'm not a tree expert, not an arborist, but I don't see where they are rotten. 2) They are close to the house and have probably been that way for a number of years - they have always been close to the house for however long the house has been there, and 3) This area here, I don't remember this coming in front of us, but I was out there, and it was cleared, graded and seeded. It happened this summer

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sometime. It's clear it has been graded and redone - I don't remember what was there before." At this time, the Board could not decide on a date for the site visit.

Stephen Gersh then asked Peter Van Wyck what was happening with the Enforcement Order. Frederick Fawcett asked who would be doing the delineation of the wetlands, and was told it would be Neve Associates. Mr. Van Wyck then submitted a check made out to the Town of Essex to be held in escrow for expenses pertaining to the Enforcement Order.

A public hearing was held at 8:02 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 clearing brush to establish the wetlands boundary at Low Land Farm, Assessors Map 9, Lot 12.

Peter Van Wyck told the Board he has owned the property for twenty years and has always cut the field. Stephen Gersh said he needs to see on a plan where he will be cutting. Mr. Van Wyck then said, "I would like to suggest, as I have to come before the Board on the issue of the road - the road is being built as we speak - and as there is a point where the drainage at the back of the Hildonen property must be brought before the Board so we can state what we are doing and how we are going to do it, that I withdraw this Notice of Intent. The next one will come before the Board to identify where the problem is and concentrate on that. I think we will just concentrate on the road drainage as that is where the issue is, at the back of Brownings." Frederick Fawcett said, "I have heard that you plan to put a pond in here, is that correct?" Peter Van Wyck said it was purely a retention basin. Mr. Fawcett then asked how long the road was, to which Mr. Van Wyck replied it was 1200 feet. Elizabeth Frye stated, "When I went to the Planning Board meeting they said there was supposed to be a pond - I don't know what the difference is between a retention pond or detention pond - do either of them require cement going into the ground?" She was told it was like a swale. Mrs. Frye continued, "There is no plan that I have seen, or in reading the Minutes of the year when the plan came before the Board, the Minutes are filled with the whole progression, and never once is the pond mentioned. There is no plan with a pond. I just want to see the plan that shows the pond. I object to being told there is a pond, and then everyone is looking for a plan with a pond."

Samuel Hoar moved to allow Peter Van Wyck to withdraw his Notice of Intent without prejudice for the clearing of brush on Low Land

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Farm, seconded by Philip Caponigro, with the Board voting unanimously in favor.

A building permit application was submitted for review for George and Sally Soucy, 33 Pond Street, for the construction of a 24'x36' foundation for an addition. Commission member Wallace Bruce, who was not able to attend the meeting, told Stephen Gersh that he walked the site and found the resource area was 300 feet away from the construction site, so there would be no wetland issue. Stephen Gersh signed the application.

A building permit application was submitted for review by Tad Pennoyer for the construction of a single family dwelling on Grove Street. An Order of Conditions had been issued for the project, therefore the application was signed.

The Order of Conditions was written for Scott DeWitt, for a proposed project at 199 Western Avenue.

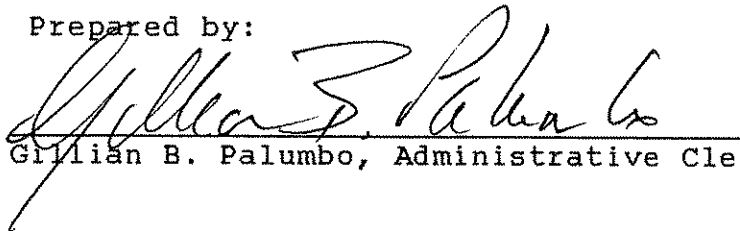
The project was approved. The Board wanted the following special condition to be added to the boilerplate - Prior to the commencement of work by the Town of Essex for the repositioning of the 12-inch ADS drainpipe, the present Order of Conditions will need to be amended to include the new work for the installation of the drain. Philip Caponigro will be the Commission's representative for the project.

A request for a Certificate of Compliance was made by the Combined Jewish Philanthropies for Camp Menorah, Wood Drive, Order of Conditions D.E.P. File Number 21-167. Approval was given for the issuance of the Certificate of Compliance to the Combined Jewish Philanthropies for Camp Menorah, Wood Drive, certifying that work regulated by Order of Conditions D.E.P. File Number 21-167 was satisfactorily completed.

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

Meeting adjourned at 8:50 p.m.

Prepared by:


Gillian B. Palumbo, Administrative Clerk

Attest: