

Essex Conservation Commission

October 22, 2002 - Minutes

Present: Wallace Bruce, Chairman, Philip Caponigro, Stephen Gersh,  
Samuel Hoar

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

The Order of Conditions was written for Rod Fowkes, 11E Gregory Island Road.

Stephen Gersh moved to approve the proposed project - a septic system upgrade - for Rod Fowkes, 11E Gregory Island Road, seconded by Samuel Hoar, with the Board voting unanimously in favor. Philip Caponigro will be the Commission's representative for the project.

A request made by James Ansara for the Commission to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, for the construction of a storage building at 3 Andrews Street was heard at 7:45 p.m.

James Ansara told the Board the proposed project is a storage barn. It will be a one-story structure, 32-feet by 50 feet in size and have a shallow frost wall. There will be no driveway or paving, and no plumbing except for a cold water spigot. When asked if he could move the proposed building back two-feet to make it 52-feet from the buffer zone, Mr. Ansara was in agreement.

Stephen Gersh moved to issue a negative Determination for the proposed construction of a storage barn, seconded by Samuel Hoar, with the Board voting unanimously in favor. Conditions to be placed on the negative Determination are: 1) There will be no activity between the barn and the bordering vegetated wetlands, i.e. storage of brush, and 2) The barn should be 52-feet from the bordering vegetated wetland.

A continuation of 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 Van Wyck for the removal of trees and grading on the west side of the pond at 9 Turtleback Road.

Peter Van Wyck told the Board the area has been flagged. He then submitted a letter, together with two data sheets and a sketch, from Apple Associates, who flagged the area. Mr. Van Wyck said he needs to level the area, grind the stumps so they are flush, and plant grass. He noted that some of the plant species correspond

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to those indicated in the letter, but some do not. The Board reviewed the submitted species chart. A site visit will be made to review the flagging.

Stephen Gersh moved to continue the public hearing for Peter Van Wyck to November 5, 2002, at 7:45 p.m., seconded by Philip Caponigro, with the Board voting unanimously in favor.

A continuation of 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 Peter Van Wyck to clear and grade a house lot and to construct a dwelling on Lot 34, Turtleback Road.

Stephen Gersh said the site work is partially completed. He then read a letter submitted by Derek Brown of Wetlands Assessment and Restoration, who has been working with Peter Van Wyck regarding the Enforcement Order. The letter stated that in the opinion of Mr. Brown "the site work has been completed to the extent that suitable cover will be obtained within five years. In the interests of planting expediency, some changes were made to the schedule. Saplings of red oak, yellow birch and white pine were transplanted from adjacent sites on the property. Six red maple 7-feet to 8-feet saplings were bought and planted. Shrubs bought and planted comprised: 15 Northern Arrowwood Viburnum, 15 American Cranberry Viburnum, 10 Black Chokeberry, 12 White Dogwood, 17 Rhododendron Maxima, and 40 Lowbush Blueberry. Approximately 7 yards of loam was trucked to, and used, on the site. As far as possible, all saplings and shrubs were planted to a depth that would protect the roots and allow air passage to the root crown. Most plants were treated with a slow release organic fertilizer around the root ball. All plants were watered after planting. A lot of the site is disturbed. In order for pH balance, water retention, erosion and frost heave prevention, I suggest a 4-inch to 6-inch layer of dry leaves be distributed over the site as soon as possible...." Peter Van Wyck indicated that mulch has been put down and that Mr. Brown also wants leaves. Mr. Van Wyck was told that the Enforcement Order will stay in effect until Spring. He then asked if it was possible for him to go into the 50-foot buffer in one corner. Stephen Gersh told him it was all theoretical until the Commission sees a plan. Peter Van Wyck said he would have a plan drawn showing the siting of the house.

Stephen Gersh moved to continue the public hearing for Peter Van Wyck, Lot 34, Turtleback Road, to November 5, 2002, at 7:55 p.m., seconded Philip Caponigro, with the Board voting unanimously in

favor.

David Lash, President of the Chebacco Lake Association, together with Susanna McLaughlin, met with the Board to discuss clearing the Alewife Brook of debris and weeds at the area where it flows from Chebacco Lake. Mr. Lash stated the brook was cleared about seven years ago, but a lot of the weeds have now grown back. There is also a beaver dam in the area. He asked the Commission what they need to do to clear out the brook, as they will not have any Alewife run if the weeds continue to grow in. He noted that the brook seems to need clearing every seven years. Mr. Lash continued, "When beavers first came, we did a lot of research and came to the same conclusion that it is unlikely a 'beaver deceiver' would work. The dam is now 250-feet long. On the issue of dredging, we have had a task force and several representatives from State agencies visit the Lake, and the catalyst for bringing it together was whether the remaining sediment from the bottom would affect the cobomba weeds. Salem State did a survey and came to the conclusion dredging would not work. There is a new invasive plant - naiad - just below the surface, which is even more dense than the cobomba." Stephen Gersh said he would contact the Department of Environmental Protection regarding this matter and let the Chebacco Lake Association know what can be done.

Peter Van Wyck, Low Land Farms - the catch basins are in, but he has no place to put the water. He needs to extend the pipe down, but will be infringing on the buffer zone. He wants to bury the pipe and drain the water into the wetlands. Stephen Gersh said he felt all of the Board members should familiarize themselves with Low Land Farm.

A request for a Certificate of Compliance was made for Order of Conditions D.E.P. File Number 21-349, property of Crozer and Jane Fox, 52 Martin Street.

Stephen Gersh moved to issue a Certificate of Compliance to Crozer and Jane Fox, 52 Martin Street, certifying that work regulated by Order of Conditions D.E.P. File Number 21-349 has been satisfactorily completed, seconded by Samuel Hoar, with the Board voting unanimously in favor.

Board of Health Verification of Conservation Commission  
Jurisdiction - 1) Peter Perrigo, 71 Wood Drive - septic system upgrade was over 100 feet from Chebacco Lake, therefore there were no wetlands issues. 2) Theresa Eisenhauer, 37 Story Street - no

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wetlands issues.

A building permit application was submitted for Jonathan and Cynthia Calder, 74 Eastern Avenue, for construction of an addition to the existing dwelling. As there were no wetlands issues, the application was signed.

A building permit application was submitted for Michael Hopgood, 19 County Road, for construction of an addition to the existing dwelling. Chairman Wallace Bruce viewed the site and said there were no wetlands issues. The application was signed.

The Board reviewed the plan submitted to the Planning Board for a Special Permit for Turning Leaf Farm. A memorandum will be sent to the Planning Board stating that the Conservation Commission has jurisdiction over the project and no action should be taken by the Planning Board until the filing of a Notice of Intent is made to the Commission.

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

Meeting adjourned at 10:00 p.m.

Prepared by:



Gillian B. Palumbo  
Administrative Clerk

Attest: