

Essex Conservation Commission

November 19, 2002 - Minutes

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

Meeting called to order at 7:38 p.m.

A request made by Oliver Ward for the Commission to Determine the Applicability of the Wetlands Protection Act, M.G.L, Chapter 131, Section 40, to raise the existing house and construction a foundation at 24 Coral Hill was heard at 7:40 p.m.

The Wards did not attend the meeting. The Board reviewed the Request and plan.

Stephen Gersh moved to issue a negative Determination to Oliver Ward, 24 Coral Hill, seconded by Samuel Hoar, with the Board voting unanimously in favor. The Board felt a siltation barrier should be placed 20-feet from the house on the south side and from east to west boundaries. All stockpiled material must be kept to the north side of the lot and the foundation is to be placed under the existing dwelling only.

A request made by Kathrin Rueda for the Commission to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, for soil testing at 12 Coral Hill, was heard at 7:47 p.m.

Richard Albano, Hancock Environmental Consultants, represented Ms. Rueda. Mr. Albano told the Board the proposal is for soil testing for a new septic system. The testing will be done in an area directly behind the existing dwelling, which is composed mainly of grass, with a small railroad tie retaining wall and concrete steps with gravel, as shown on the plan submitted with the Request. Mr. Albano noted that they are severely limited by the size of the lot. There is a concrete retaining wall approximately 12-feet away from Chebacco Lake. The present system is a cess pool which is presently in failure. The design of the septic system will comply with Title V with variations. The soil testing will be done within one day with a backhoe. All soil pits will be filled immediately following the soil evaluation process.

Samuel Hoar moved to issue a negative Determination to Kathrin Rueda, 12 Coral Hill, for soil testing, seconded by Stephen Gersh, with the Board voting unanimously in favor.

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A request made by Laurie Ingalls for the Commission to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, for the reconstruction of an existing exterior wall and foundation at 26 Eastern Avenue was heard at 7:55 p.m.

Ms. Ingalls told the Board she needs to reconstruct an exterior wall and foundation in order to do some interior remodeling. The footprint of the house will not change. The Board reviewed the Request and plan.

Stephen Gersh moved to issue a negative Determination to Laurie Ingalls, 26 Eastern Avenue, seconded by Samuel Hoar, with the Board voting unanimously in favor. Conditions placed on the Request are as follows: A bio-fence placed along the driveway and any stockpiling of material must be placed on the driveway

A request made by Joshua Taylor for the Commission to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, for the pump-out and filling in of an existing septic system at 67 Apple Street was heard at 8:00 p.m.

Chuck Johnson of C.G. Johnson Engineering, Inc. represented Mr. Taylor. Mr. Johnson told the Board once the new septic system has been installed they are proposing to pump out the existing system and crush it. The Board reviewed the Request and plan.

Samuel Hoar moved to issue a negative Determination to Joshua Taylor, 67 Apple Street, to pump out and fill in an existing septic tank, seconded by Stephen Gersh, with the Board voting unanimously in favor. The Board requested that a bio fence be installed as designated on the plan submitted with the Request.

A public hearing was held at 8:06 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by R.J.R.M. Trust for the construction of a septic system at 4 Belcher Street, Unit 4B.

Mr. and Mrs. Adams, owners of the property, told the Board they want to separate the lot at 4 Belcher Street into two separate areas known as Units 4B and 4C. The Adams were asked what point they were at with the Board of Health. They told the Board that was to be the next step. The Board felt a site visit should be made to the property and scheduled it for Saturday, November 23, 2002, at 8:30 a.m.

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Stephen Gersh moved to continue the public hearing for R.J.R.M. Trust, 4 Belcher Street, to Tuesday, December 3, 2002, at 7:35 p.m., seconded by Samuel Hoar, with the Board voting unanimously in favor.

A public hearing was held at 8:16 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 construction of a roadway and associated improvements at Low Land Farm, off Apple Street.

Peter Van Wyck was asked what was the necessity for this filing. He told the Board "This goes back to the plan approved by the Planning Board. Basically, water from Apple Street would run down and go into the wetland, but in 1986, there was a political decision made, where I agreed to take the water coming off Apple Street and divert it around the Browning property. We didn't want it to go into the Browning property, so we proposed to take it around the property." Mr. Van Wyck noted he has owned the property for approximately twenty years. He went to the D.E.P. and they established that a small wet area was an isolated area subject to flooding and was not under the jurisdiction of the D.E.P. Flagger was not noted on the plan submitted. Mr. Van Wyck told the Board that the area he is talking about is a small area. Philip Lake commented that Mr. Van Wyck was filing a Notice of Intent to put in the road, but the road was already in. Mr. Van Wyck told him that when they did the engineering of the road, they were outside of the wetland area. He added that it is time there was a reflagging done, as he was ten-feet short, which could be due to the fact that the boundary of the wetland has moved. Stephen Gersh asked Mr. Van Wyck if the road exists, then where was the Notice of Intent that covers that installation. Mr. Van Wyck said he was outside of the wetland area. Stephen Gersh told him he was outside of it because the measuring of the wetland was not current. Mr. Gersh then asked Mr. Van Wyck what stream was in the riverfront area. He noted that the engineer needs to put it on the plan, because the Board looks at the Notice of Intent and then looks at the plan and the riverfront area is not shown. Mr. Van Wyck agreed that he may be within 10 or 15-feet of the buffer zone. Samuel Hoar felt the Board needed someone from the Attorney General's office to discuss the situation because of the history of the two lawsuits. Kenneth Hildonen, who owns property in the area, indicated he had concerns with the water draining onto his property, which in turn is affecting his septic system. Philip Lake noted that Mr. Van Wyck is looking for a solution to a problem created by the road. Mr. Van Wyck said the pipe is in,

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the catch basin is there, but he has to go over the buffer zone to take care of the water. He added that Larry Graham designed two catch basins because of the amount of water. He noted that he did not raise the road. Samuel Hoar asked why the water was there when it was not before. Mr. Van Wyck stated it was always there. He added he did not think this was a big issue, as the plan has been drawn and approved. The Board felt they needed to check with the Board of Health regarding the status of Mr. Hildonen's septic system.

Stephen Gersh moved to continue the public hearing for Peter Van Wyck to Tuesday, December 17, 2002, at 7:45 p.m., seconded by Samuel Hoar, with the Board voting unanimously in favor.

A public hearing was held at 9:09 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Turning Leaf Farm for the construction of an indoor riding hall with stall barn, gravel parking area and an addition to an existing house at 2 Andrews Street.

Michael DeRosa and Kelly Knowles, of DeRosa Environmental Consultants represented the applicant. Mr. DeRosa told the Board the proposed project is for an indoor riding area, a stall barn to house up to twenty horses, a proposed addition to an existing dwelling and fencing around the property. The property is thirteen-acres in size, comprising of two parcels known as lots 16 and 17. There is an unnamed perennial stream as well as associated bordering vegetated wetlands located on the western parcel (Lot 17), with the buffer zone and riverfront area associated with these wetland resource areas extending to the lot east of Andrews Street (Lot 16). The boundary of the bordering vegetated wetland was delineated in February 2002 and June 2002. The bordering vegetated wetland was delineated on the east side of the stream with flags A1-A29, which ends at a culvert on Apple Street. All the proposed work is on the other side of Andrews Street, as the only thing in the buffer zone is a discharge pipe and some grading. No portion of the proposed project is located within the 100-foot Inner Riparian Zone except for the temporary alteration required to install the proposed infiltration basin. Portions of the proposed project are located in the Outer Riparian Zone, including portions of the house addition, gravel parking area, indoor riding hall, connection and stall barn and portions of Pastures B and C. A total of 9% impervious surface represents the permanent alteration. The septic system was approved by the Board of Health. Mr. DeRosa indicated they were dealing with a

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lot of entities on this project, the Trustees of Reservations being one of them. Margot Kusulas, for safety reasons, would rather have the project closer to her house so that she can see it. There will be substantial planting to screen the barn from Southern Avenue. This use is consistent with other uses in the area. The pastures and paddocks will be protected by a Pasture Rotation Plan, which proposes a 4-6 week rotation depending on growth. The paddocks will be picked daily for manure. All manure will be picked up daily and taken to the manure areas. Compost material will be used on site for fruit trees - that not used will be sold as an agricultural product. All paddocks and pastures will have split rail fences. Mr. DeRosa noted that they are collecting every drop of water that falls on the surface through the use of infiltration basins and cisterns. There will be some earth movement so haybales will be placed as noted on the plan. The rest is all stone walls. A member of the public told the Board her concern is that the area is a beautiful wildlife habitat, therefore the best way not to affect the resource area is not to get near it. Engineering does not give it complete protection, as does being well away from it. She reiterated she is very concerned about the ecological resource area across the street. Wesley Ward, Trustees of Reservations, told the Board what they were seeing here has not been accepted by the Trustees, but that the proponent has been very receptive to their concerns and requests. He noted the impact on the Conservation Restriction would be a scenic impact and environmental concerns that would be consistent with the present rural conditions, and indicated they did not mandate the proposal be placed in its present area. Mr. Ward added that an impression has been given that this was their preferred site, which is not true, but by a process of elimination the applicant has chosen this site. Martha Hoar then outlined areas that have been registered for the Spotted Turtle. The Board felt a site visit should be made to the property and scheduled it for November 23, 2002, at 9:30 a.m.

Stephen Gesh moved to continue the hearing for Turning Leaf Farm to Tuesday, December 17, 2002, at 8:00 p.m., seconded by Philip Caponigro, with the Board voting unanimously in favor.

A building permit application was submitted for review for Jonathan and Cindy Calder for the installation of an 8-foot fence around a 60x120-foot tennis court at 74 Eastern Avenue. The Board reviewed the site plan and signed the building permit application.

A building permit application was submitted for review for Patrick


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and Hope Sanford to replace the existing porch/entry with an exterior deck/entry at 2 Pine Ridge Road. The Board reviewed the site plan and as there were no wetlands issues signed the building permit application.

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

The meeting adjourned at 10:10 p.m.

Prepared by:



Gillian B. Palumbo
Administrative Clerk

Attest: