

Essex Conservation Commission

December 17, 2002 - Minutes

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

Meeting called to order at 7:37 p.m.

A public hearing was held at 7:38 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Kathrin Rueda for the construction of a dock at 12 Coral Hill.

Ms. Rueda told the Board she is applying for a Chapter 91 license for the construction of a dock on Chebacco Lake. The dock will be seasonal, and all work will be done by hand - no machinery will be used. The Board reviewed the Notice of Intent.

With no further questions from the public or the Board, Samuel Hoar moved to close the public hearing for Kathrin Rueda, 12 Coral Hill, seconded by Stephen Gersh, with the Board voting unanimously in favor.

A continuation of 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 construction of a roadway and associated improvements at Low Land Farm, off Apple Street.

S. Gersh told the Board, "This is an unusual Notice of Intent, because after Peter is through with us he needs to go to the Board of Health as they have issued an Enforcement Order, so our Order of Conditions will note there is an Enforcement Order from the Board of Health." It was noted because of this Enforcement Order the normal time frames for the Order of Conditions may not be possible, but that Mr. Van Wyck would not be exempt from the normal time frames and would commence at his own peril. Stephen Gersh then read to the Board the Special Conditions for the project. Peter Van Wyck said, "I would like to point out to the Board that this is a long-term project. This is not my water. I have said that I would, at a great deal of expense, take this water and take it around Browning's property. This is a study of small problems this Board and other Boards around the country will have to face - isolated land subject to flooding. The importance of these freshwater marshes is to filter out the sediment. I have taken this problem and spent a lot of money to do this for the Town. The Town has not taken on this problem." He added that he

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would like to put the drainage in place, but the oil and grease traps could be dealt with at another time. Wallace Bruce asked what was the situation with the water when Mr. Van Wyck purchased the property. Peter Van Wyck told him water runs downhill, and it flowed off Apple Street and some of it went down the cart path. Samuel Hoar said, "And you chose to move this water or take it off Apple Street. The problem is you did something voluntarily and now you have stuck your head in a noose. You took this water off Apple Street." Peter Van Wyck was asked if he wanted grease going into the wetland. He replied there is no grease going into the wetland. S. Gersh reminded him that wetlands came first, then the automobile, then oil. Mr. Van Wyck said he would like to see the Town step up and take responsibility for this run-off. S. Gersh said he was willing to remove Apple Street from the Special Conditions to be issued, but noted that the water was still on Mr. Van Wyck's property and he would be required to put in an oil and gas trap.

Samuel Hoar moved to close the public hearing for Peter Van Wyck, Low Land Farm, seconded by Stephen Gersh, with Stephen Gersh, Samuel Hoar, Shirley Singleton, and Wallace Bruce voting in favor; Philip Lake abstained.

Samuel Hoar moved to approve and issue the Order of Conditions to Peter Van Wyck for Low Land Farm, as read into the meeting, seconded by Stephen Gersh, with Stephen Gersh, Samuel Hoar, Shirley Singleton, and Wallace Bruce voting in favor; Philip Lake abstained.

A continuation of a public hearing was held at 8:15 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, gravelled parking area, and an addition to the existing dwelling at 2 Andrews Street.

Michael DeRosa, of Derosa Environmental Consulting, Inc., told the Board he has been retained by Margo Kusulas to prepare the Notice of Intent. He told the Board he has drafted alternatives to the other proposed plan after meeting with the Conservation Commission, a site walk and a meeting with the Trustees (of Reservations). The "Alternative C Plan" substantially improves the location and functionality of significant project elements while reducing impacts to existing wetland resource areas and their buffer zones. One of the changes was to truncate the stall barn from the riding hall into two separate structures, allowing

the large arena building to be located to the rear of the lot, which blocks it from view from Southern Avenue. This also allowed the structures to be located outside of the 200-foot river front area. The outdoor ring was also relocated to the rear of the lot in order to leave views from Southern Avenue unobstructed. They also added a separate access off of Southern Avenue so it will reduce the traffic on Andrews Street and reduce the amount of impervious surface within the Outer Riparian Zone. At present, the manure barn is not there - it is still under the discussion with the Trustees. The only remaining elements within the Riverfront Area include two sand-based paddocks located behind the proposed barn and three grassed pastures located adjacent to Andrews Street. Engineer Larry Graham, Graham Associates, then reviewed the drainage design for Alternative Plan C. He told the Board that the infiltration chamber system(s) in the area between the proposed indoor hall and outdoor ring will serve to mitigate the roof and other runoff in the general area. Any overflow from this system could be discharged to beneath the outdoor ring under which they anticipate providing a drainage component which will allow for the continued natural flow of drainage east/west through this area as it now exists in the open field (i.e. no change to the drainage pattern). They also anticipate an infiltration chamber system on either or both of the long sides of the proposed stall barn. Any overflow from this system could be directed toward Pastures D, E, F, and G. Additional soil testing to prove out the suitability of the selected areas for infiltration will be performed.

Stephen Gersh moved to close the public hearing for Turning Leaf Farm, 2 Andrews Street, seconded Samuel Hoar, with the Board voting unanimously in favor.

Engineer Clay Morin, Morin Engineering, met with the Board to request an amendment to the Order of Conditions D.E.P. File #021-0443 issued to Shirley Burnham, for property at 5 Landing Road. He told the Board the purchaser of the property is Nicholas Chereas, who is requesting the following changes be made to the plan: 1) The configuration of the house be changed to 28-feet wide by 60 feet long. The original footprint was 1,416 square feet, and the proposed is 1,680 square feet. 2) The house will be changed from a single family to a two-family with no increase in the number of bedrooms that the leach facility was designed for, i.e. four bedrooms. 3) The deck will be changed to 10-feet wide by 60-feet long, with a cantilever of 3-feet. 4) The driveway layout has been changed relative to the house location. 5) The proposed

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roof drain infiltration structure has been moved slightly, but remains the same. 6) The total impervious area has changed from 2,620 square feet to 2,900 square feet. The Board reviewed the revision to the site plan dated December 12, 2002.

Samuel Hoar moved to approve the amendment to the Order of Conditions D.E.P. File Number 021-0443 issued to Shirley Burnham for property at 5 Landing Road, seconded by Stephen Gersh, with the Board voting unanimously in favor.

The Enforcement Order issued to Bruce Fortier, 47 Southern Avenue, should have been issued to both Bruce Fortier and Elizabeth Fortier as they are both the owners of record. Town Counsel advised the Commission they should vote to issue the Order again but with a new date and all owners listed.

Philip Lake moved to approve the resubmittal of the Enforcement Order to both Bruce Fortier and Elizabeth Fortier, 47 Southern Avenue, seconded Stephen Gersh, with the Board voting unanimously in favor.

The Order of Conditions was written for Kathrin Rueda, 12 Coral Hill.

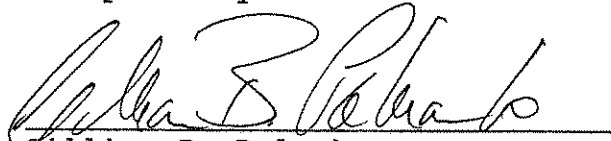
Samuel Hoar moved to approve the project of Kathrin Rueda, for the construction of a dock at 12 Coral Hill, seconded by Stephen Gersh, with the Board voting unanimously in favor.

Turning Leaf Farm, 2 Andrews Street - Samuel Hoar moved to approve the project of Turning Leaf Farm, 2 Andrews Street, as submitted in the Alternative C Plan, seconded by Philip Lake, with the Board voting unanimously in favor.

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

Meeting adjourned at 9:25 p.m.

Prepared by:


Gillian B. Palumbo
Administrative Clerk

Attest: