

Essex Conservation Commission

January 21, 2003 - Minutes

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

Meeting called to order at 7:43 p.m.

Audrey Donovan met with the Board for an informal discussion on property at 147 Eastern Avenue, owned by Karen Greely. She told the Board that Commission member Stephen Gersh had walked the site with her. The property is located next to Essex Seafood Restaurant. The driveway is a common driveway shared by her property and the restaurant, which also has a single family dwelling on the same lot. The restaurant has the right of access, but 147 Eastern Avenue owns the driveway. Ms. Donovan noted the property has a total of 6-acres and had three successful percolation tests. She said she noticed there was an intermittent stream to the rear of the property, but it was not too defined. There appeared to be puddling and pooling at the location of the culvert, as shown on the plan Ms. Donovan submitted to the Commission members. At the end of the restaurant parking lot, the area drops off about twelve feet. Ms. Donovan noted that Howie Lane, the owner of the restaurant, has put in a substantial amount of fill to create a larger parking lot, but prior to the fill being put in, the area was a gradual descent. The proposal is to put in a driveway and install a culvert to create a parking area. The wetland areas have been flagged by Saneco. Ms. Donovan was told she would be required to file a Notice of Intent with the Commission for work on the driveway and culvert.

Timothy O'Leary met with the Board to submit a building permit application for the proposed construction of a two-story addition to his existing dwelling at 104 Martin Street. He submitted a plan of his lot, which showed that the drainage ditch which runs on the abutting property is 105 feet from the corner of the existing dwelling. The Alewife Brook to the rear of the property is approximately 320-feet. The application was signed by Chairman Wallace Bruce.

Bruce Fortier, 47 Southern Avenue - Enforcement Orders - Commission member Stephen Gersh said he has reviewed the situation and has had discussions with the Department of Environmental Protection, Town Administrator Brendhan Zubricki, and Chairman of the Board of Selectmen David

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Folsom. The Town has said they did not want to get into a situation where there would be a great deal of expenditure. The aerial photographs of the Town were reviewed and it appears there is something there. Commission member Gersh then read a letter to the Board that he had written and felt should be sent to Mr. Fortier regarding the situation. The Board did not agree with the entire content of the letter. Wallace Bruce suggested rescinding the Enforcement Orders and issuing a letter to Mr. Fortier stating that if he wishes to maintain the drainage ditch, then he must file an Abbreviated Notice of Intent with the Commission. Shirley Singleton said she liked Mr. Bruce's suggestion. A discussion followed as to what action should be taken.

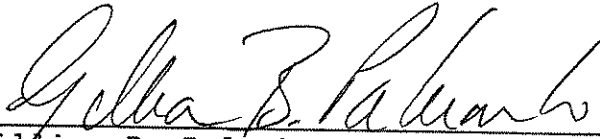
Samuel Hoar moved to rescind the Enforcement Orders issued to Bruce Fortier and Elizabeth Fortier, 47 Southern Avenue, seconded by Philip Lake, with the Board voting unanimously in favor. A letter will be sent to the Fortiers stating the Enforcement Orders issued to him and his mother are rescinded.

The Board reviewed the Special Permit Application for Donovan Conservation, LLC., for the construction of a barn off Choate Street. The Board reviewed the plans and found there were no wetland issues. A memo will be sent to the Planning Board stating the Commission has no issues with the construction.

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

Meeting adjourned at 9:10 p.m.

Prepared by:



Gillian B. Palumbo
Administrative Clerk

Attest: