

Essex Conservation Commission

February 25, 2003 - Minutes

Present: Wallace Bruce, Chairman, Robert Brophy, Stephen Gersh, Philip Lake.

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 Henry McKean for the installation of a septic tight tank and water service at 94 Eastern Avenue.

Commission member Philip Lake removed himself from any discussion because of a possible conflict. Peter Funk of Griffin Engineering represented Mr. McKean. Mr. Funk told the Board there presently is no septic system at the house and Mr. McKean is under an order from the Board of Health not to occupy the house until a septic system is put in. The proposal is to install a 2,500 gallon septic tight tank to be in compliance with Title V. When the Town constructs the sewer system on Eastern Avenue, the tight tank will be used as a pump chamber. The tight tank will be installed below grade on the east side of the house within the area of the existing driveway, and in compliance with Title V, at a minimum distance of 25 feet from the top of the coastal bank. The top of the bank is at flood elevation 10. The top of the tank is at elevation 12. Mr. Funk noted that they went with a heavier tank so it could not float if it was submerged, even if it was empty. He added that the water line to the house also needs to be replaced, and will be installed within a trench to be excavated within the limits of the existing gravel driveway. They may also have to be replace a gas line, the location of which is uncertain, and therefore, it may have to be rerouted around the tank. Mr. Funk noted that the plan had not yet received approval from the Board of Health.

With no further questions, Robert Brophy moved to close the public hearing for Henry McKean, 94 Eastern Avenue, seconded by Stephen Gersh, with Robert Brophy, Stephen Gersh, and Wallace Bruce voting in favor; Philip Lake voted present.

Robert Brophy moved to approve the project as submitted in the Notice of Intent, pending approval by the Board of Health, seconded by Stephen Gersh, with Robert Brophy, Stephen Gersh, and Wallace Bruce voting in favor; Philip Lake voted present.

A request made by the Manchester-Essex Conservation Trust, Inc.,

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for the Conservation Commission to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, for maintenance of a section of the Old Road to Manchester was heard at 7:55 p.m.

Helen Bethell represented the Manchester-Essex Conservation Trust. She told the Board the Request is an attempt by the Trust to be on record that any work done would be subject to the Commission's approval. The Old Road to Manchester from Andrews Street down was subject to an easement in 1903 or 1904 to widen it to 18-feet and is on public record. This gives rise to people saying they want to upgrade the road to get to their property. The ownership of the property is rather vague in the Assessors' records, but most of it belongs to the Manchester-Essex Conservation Trust. David Mears is the one who wants to work on the road, and who is under the impression he owns property on the road. The topo maps suggest there are wetlands in the area. They are willing, therefore, to wait until such time the weather permits a site visit, so a determination can be made that any work proposed would be subject to the Wetlands Protection Act.

Stephen Gersh moved to continue the Request for a Determination of Applicability for the Manchester-Essex Conservation Trust to the meeting of April 1, 2003, at 7:35 p.m., seconded by Robert Brophy, with the Board voting unanimously in favor.

A building permit application was submitted for Peter Harrison, 23 County Road, for the installation of a storage shed. Robert Brophy will make a site visit prior to a sign off.

Shaw Butler, 8 Milk Street - Manure pile - Stephen Gersh said he was called by a resident who said he saw a brown substance flowing from the manure pile. He said he called Elaine Wozny of the Board of Health as he saw direct effluent going into Eben Creek. He also checked with the D.E.P., who said they are not allowed on the property. Elaine Wozny took a sample from Eben Creek for testing, and it was found that it was not too high in e-coli. The bottom line is the Commission cannot go onto the property.

Stephen Gersh moved to adjourn the meeting, seconded by Robert Brophy, with the Board voting unanimously in favor. Meeting adjourned at 8:40 p.m.

Prepared by Gillian B. Palumbo, Admin. clerk

Attest:

