

Essex Conservation Commission

March 18, 2003 - Minutes

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

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

A public hearing was held at 7:36 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 tight tank and water service at 94 Eastern Avenue.

Peter Flink of Griffin Engineering represented the applicant. Mr. Flink told the Board that the plan for the installation of a 2,500 gallon tight tank has been submitted to the Board of Health. At present, there 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 tight tank will be converted to a pump chamber when the sewer system goes down Eastern Avenue. Stephen Gersh asked what the depth of the groundwater was in the tank location. Mr. Flink stated it was 2.5 feet, according to a test pit dug in 2000. He noted that calculations indicate that the tight tank will not float if submerged. He said the water line to the house needs to be replaced, and will be installed within a trench to be excavated within the limits of the existing gravel driveway. He added that the house has been vacant since 1970.

Samuel Hoar moved to close the public hearing for Henry McKean, 94 Eastern Avenue, seconded by Stephen Gersh, with the Board voting unanimously in favor.

A Request made by James Richardson for the Conservation Commission to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, for the construction of a gravel driveway at 30 Island Road was heard at 7:41 p.m.

Mr. Richardson told the Board the proposed work is the construction of a gravel driveway connecting to the west side of Island Road. He pointed out on the plan the hayfield and agricultural area through which the driveway will run, with approximately 80-feet located in the buffer zone. Mr. Richardson said he has spoken with Damon Boutchie, Superintendent of the Department of Public Works, who examined the location of the curb cut and felt it was reasonable. The proposed buffer zone work is approximately 1,200 square feet.

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Stephen Gersh moved to issue a negative Determination to James Richardson for the construction of a gravel driveway at 30 Island Road, seconded by Samuel Hoar, with the Board voting unanimously in favor.

James Richardson then told the Board he is moving the site of the house construction forty-feet and asked if they would sign the revised plan to show their approval. The revised plan was reviewed and as there were no wetlands issues Chairman Wallace Bruce signed the plan.

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 Eloise Hodges to widen an existing gravel road off Apple Street, Assessors Map 10, Parcel 1.

A letter was submitted by Hancock Environmental Consultants requesting a continuation of the hearing to Tuesday, April 1, 2003.

Samuel Hoar moved to continue the public hearing for Eloise Hodges to April 1, 2003, at 7:45 p.m., seconded by Stephen Gersh, with the Board voting unanimously in favor.

Peter Pinciirro of the Trustees of Reservations met with the Board to discuss reconstructing the causeway road between Long Island and Choate Island, which had been washed out during the winter. He noted this had not happened in ten years, and so needed the Board's input as to the approach to take. He added that the road will be needed for a public program in May. All the materials are along the edge of the road. Mr. Pinciirro told the Board the Trustees have a backhoe and he would like to position it on the road and pull back the material. He stated that leaving it where it is presently is not an option. He was told to file a Notice of Intent for the work. He requested that the Board write a condition into the Order of Conditions allowing ongoing maintenance of the road.

James Donovan met with the Board to discuss the repair of a walkway to a dock at 29 Lufkin Point Road. Mr. Donovan said he has just purchased the property and would like to put new decking on the walkway as shown on a plan he submitted to the Board. Stephen Gersh questioned the bottom 2x4 because of the impact on the marsh, and said he would like to see it higher than that shown on the plan. Mr. Donovan agreed to this request. He was told to

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file an Abbreviated Notice of Intent for the project.

A public hearing was held under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on an Abbreviated Notice of Resource Area Delineation filed by SMB Development for property at 4 Ice House Lane, Assessors Map 8, Parcel 47.

Christopher Gajeski of Apple Associates, Inc. represented the applicant. Mr. Gajeski told the Board no development was being proposed at this time, but the applicant wanted to provide the engineers with a line of guidance for a future project. The area was flagged by Mary Rimmer of Rimmer Environmental Consulting. Mr. Gajeski indicated the wetland area was quite well distinguished, and the gradation from wetland to upland can be seen. According to Mary Rimmer, in a letter submitted with the Notice of Intent, there is an existing pond in the area, but it does not contain any bordering vegetated wetland on, or adjacent to, its banks, nor does it contain hydric soils above its banks. The pond does not exceed 10,000 square feet in size, and therefore, does not meet the regulatory definition of a jurisdictional pond, and cannot be considered Land Under a Waterbody. It also does not appear to hold the requisite 1/4-acre foot of flood storage volume in order to be classified as an Isolated Land Subject to Flooding. Ms. Rimmer, therefore, determined the pond is not a jurisdictional wetland resource protected under 310 CMR 10.00, even though it may have been created from a former wetland prior to the effective date of the Wetlands Protection Act. A site visit will be made to the property on Saturday, March 22, 2003, at 9:00 a.m. Wallace Bruce questioned as to which way the wetlands were draining. Mr. Gajeski indicated they were draining to the west of the property.

Stephen Gersh moved to continue the public hearing for SMB Development, for property at 4 Ice House Lane, to Tuesday, April 1, 2003, at 8:15 p.m., seconded by Samuel Hoar, with the Board voting unanimously in favor.

Martha Hoar, Richard Osborne, Betsy Shields, and Rebecca Dawson, members of the Open Space Committee, met with the Board to discuss their Community Development Plan to include natural resources, transportation and housing. Martha Hoar said that each of the topics will be addressed at a forum, beginning with a preliminary meeting to be held on April 7, 2003, from 5:30 p.m. to 7:00 p.m. She said written input is welcome. The forum will be held on April 29, 2003, from 7:00 p.m. to 9:00 p.m. where the final public

input is needed. Richard Osborne told the Board one of the reasons the Committee was here was to remind the Board that by a vote of the Town, the Open Space Committee is supposed to have a representative from the Commission. He noted the Open Space Committee meets the second Thursday of each month. Martha Hoar indicated the Open Space Committee now has the task of updating the 1997 Open Space Plan. They presently have fifteen volunteers who are willing to do specific tasks. The Committee wants to work with all of the Town Boards, and would like to ask each of them what their priorities are, such as what they would like the Committee to do, what they would like to see on the action plan. Rebecca Dawson then reviewed the results of a survey made by the Open Space Committee in a mailing to residents of the Town.

A request for a Certificate of Compliance was made by Joseph Ginn, III, for property at 17 Addison Street. Mr. Ginn said the project, an upgrade of a septic system, had never been started. At this time, he would like to tear down the existing house and reconstruct it. He noted that with the sewer going to Addison Street, there is no need to upgrade the septic system.

Stephen Gersh moved to issue a Certificate of Compliance to Joseph Ginn, III, for property at 17 Addison Street, certifying that the work regulated by Order of Conditions D.E.P. File Number 21-0296 never commenced and that the Order of Conditions has lapsed and is therefore no longer valid, seconded by Samuel Hoar, with the Board voting unanimously in favor.

Peter Van Wyck met with the Board for an informal discussion on Turtleback Road and Low Land Farm. Mr. Van Wyck said he would first like to discuss the siltation barrier at Turtleback Road. He said, "I cannot drive a stake into the rock and would like to remove one stump so I can physically drive stakes into the ground. I cannot remove stumps at the 50-foot line, but I also have spent considerable money planting shrubs. The stumps are in the 50-foot to 100-foot area. We have all agreed that anything within the 50-foot area will not be touched, but there are stumps on the 50-foot line which should be removed. Once they are removed I will put some soil there so that I can put in stakes. It cannot be done presently because it is all rocky fill. Again, I would like to take out stumps at the 50-foot to 100-foot area, and then put in dirt so I can put in stakes." Stephen Gersh told Mr. Van Wyck to call him one week prior to when he plans to start and to meet him in the area to see if they can find a way to do this.  
Low Land Farm - Mr. Van Wyck said he wanted to discuss the oil/gas

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trap the Board required at Low Land Farm, and to spend some time with a Board member to show him where an oil trap is necessary and why it is unnecessary where the Board has requested he place one. He noted the pipe is in, but the next step is the oil trap, which he considers unnecessary. Stephen Gersh said he would like to bring in someone as a consultant and have he/she look at the site to see whether or not it requires an oil trap. Mr. Van Wyck said he would like to get his own consultant - he could go to Neve Associates or Apple Associates. Stephen Gersh suggested Mr. Van Wyck have Apple Associates write an opinion.


The Order of Conditions was written for Henry McKean, 94 Eastern Avenue.

Samuel Hoar moved to approve the proposed project of Henry McKean, 94 Eastern Avenue, for the installation of a tight tank and water service, as submitted in the Notice of Intent, seconded by Stephen Gersh, with the Board voting unanimously in favor.

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

Meeting adjourned at 10:00 p.m.

Prepared by:

  
Gillian B. Palumbo  
Administrative Clerk

Attest: