

Essex Conservation Commission

April 1, 2003 - Minutes

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

Meeting called to order at 7:34 p.m.

A continuation of a request made by the Manchester-Essex Conservation Trust, Inc. for the Essex 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 7:35 p.m.

A letter was received from Helen Bethell, representing the Manchester-Essex Conservation Trust, stating that she had a conflict and would not be able to attend. She, therefore, requested that the public discussion of the Request be continued to the meeting of April 15, 2003.

Shirley Singleton moved to continue the public discussion of the Request made by the Manchester-Essex Conservation Trust to Tuesday, April 15, 2003, at 7:35 p.m., seconded by Philip Caponigro, with the Board voting unanimously in favor.

The Board reviewed a building permit application submitted for Daniel and Andrea Lasman, 6 John Wise Lane, for the construction of a screened deck. Chairman Wallace Bruce checked the site and found there were no wetlands issues. The pond at the Cape Ann Golf Course was approximately 110 feet away from the construction site. The application was signed.

The Board reviewed a building permit application submitted for Richard and Carla Adams, 8 Belcher Street, for the construction of a single-family dwelling. A Notice of Intent for the installation of a septic system had been submitted in November 2002 and approved by the Board, and review of the site plan indicated that the area for the house construction was outside of the buffer zone. The application was signed.

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

John Dick of Hancock Environmental Consultants represented the applicant. He told the Board the Planning Board will allow the

Page Two  
April 1, 2003 - Minutes

project to go forward, with a provision that a forebay be constructed. There are trees there and they are reluctant to cut any tress, so Larry Graham, the Planning Board's consultant, will make a decision on the removal of any trees. John Dick noted that the grading has been changed - a small forebay has been put in to remove water from the road. All proposed surface drainage features will be loamed and seeded with a New England Conservation/Wildlife mix, which will provide a permanent cover of grasses, forbs, and wildflowers to provide erosion control and wildlife habitat value. The intent is to mow it once a year.

With no further questions from the Board or the public, Stephen Gersh moved to close the public hearing for Eloise Hodges, seconded by Shirley Singleton, with the Board voting unanimously in favor.

A public hearing was held at 7:58 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Dorothea B. Wendell for the installation of a 2,000 gallon tight tank at 1 Middle Road.

Daniel Johnson of Domestic Septic Design, Inc., represented the applicant. Mr. Johnson told the Board the present septic system failed the Title V inspection. Mrs. Wendell leases two lots, so extensive soil testing was done, but they failed to get anything significant. The tight tank was the only option, and is located 40-feet from the salt marsh on the Robbins Island side of the property. Because of the ledge, the tank will be slightly raised and the area graded. There are two failed systems, one underneath the deck, and one near the road. They will be pumped out and filled in. The proposed tight tank is further away from the marsh than either of the existing systems. Dan Johnson noted that an alternative system could not be installed as there was not enough bedrock for the leach area. There will be a 6-inch gravel base below the tight tank. Bouyancy calculations are noted on the plan submitted with the Notice of Intent. Stephen Gersh questioned whether there was an alarm on the tank. Daniel Johnson told him there is an alarm on the tank which goes off when the tank is 3/5 full. At that time, there will be 400/500 gallons remaining. The tank is watertight, so if the alarm fails to activate effluent will just back up into the toilet. Stephen Gersh said he was pursuing the issue of the alarm, simply because of the tank's proximity to the marsh. When questioned as to where the machinery will enter the property, Daniel Johnson said it would pobably enter from Middle Road.

Page Three  
April 1, 2003 - Minutes

Stephen Gersh moved to close the public hearing for Dorothea Wendell, seconded by Philip Caponigro, with the Board voting unanimously in favor.

A public hearing was held at 8:07 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on an Abbreviated Notice of Intent filed by James Donovan for the repair of a walkway to a dock at 29 Lufkin Point Road.

Mr. Donovan told the Board he would like to construct a walkway to a dock at 29 Lufkin Point Road, a property he has just purchased. The Board reviewed the plans for the walkway. Stephen Gersh questioned the height of the lowest cross brace and felt it should be removed as it was too close to the marsh. Mr. Donovan agreed to remove it. He noted that David Savoie will be doing the construction and will use a posthole digger to dig the holes. No machinery will be used. Mr. Donovan added that he will be using pressure-treated posts with synthetic decking. Mr. Gersh indicated that the lowest beam should be approximately two feet above the ground.

With no further questions by the Board or public, Shirley Singleton moved to close the public hearing for James Donovan, seconded by Philip Caponigro, with the Board voting unanimously in favor.

A continuation of a public hearing was heard at 8:15 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on an Abbreviated Notice of Resource Delineation filed by SMB Development for property at 4 Ice House Lane.

Christopher Gajeski of Apple Associates represented the applicant. Mr. Gajeski indicated that at the site visit with the Board, they questioned the area of watershed for the intermittent stream. He indicated that it did not qualify as an intermittent stream because it looks as if it drains to a small pond on the next property, which, according to Mary Rimmer of Rimmer Environmental Consulting, does not meet the "regulatory definition of a jurisdictional pond under 310 CMR 10.04 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." There is an easement for the gas company on the property. Mr. Gajeski indicated that the proposal is for a small subdivision.

Page Four  
April 1, 2003 - Minutes

Stephen Gersh moved to close the public hearing for SMB Development for property at 4 Ice House Lane, seconded by Shirley Singleton, with the Board voting unanimously in favor.

A continuation of a public hearing was held at 8:40 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by the Town of Essex Department of Public Works to replace a culvert under Island Road, Assessors Map 22, Parcels 12 and 13A.

A letter was received from the Department of Public Works requesting a continuation of the hearing to the meeting of April 15, 2003.

Stephen Gersh moved to continue the public hearing for the Department of Public Works to Tuesday, April 15, 2003, at 8:10 p.m., seconded by Philip Caponigro, with the Board voting unanimously in favor.

A building permit application was submitted review for Charles and Beverly Coose, 95 Western Avenue, for the construction of a deck. The Board reviewed the plan and found no wetland issues - the application was signed.

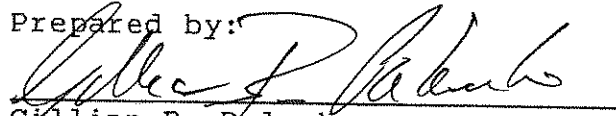
Stephen Gersh moved to approve the proposed project for Eloise Hodges for widening a roadway off Apple Street, as submitted in the Notice of Intent and accompanying report, seconded by Philip Caponigro, with the Board voting unanimously in favor.

Stephen Gersh moved to approve the proposed installation of a tight tank for Dorothea Wendell at 1 Middle Road, seconded Shirley Singleton, with the Board voting unanimously in favor.

The project was approved for James Donovan for the construction of a walkway to a dock at 29 Lufkin Point Lane.

Stephen Gersh moved to adjourn the meeting, seconded by Philip Caponigro, with the Board voting unanimously in favor.  
Meeting adjourned at 9:00 p.m.

Prepared by:

  
Gillian B. Palumbo  
Administrative Clerk

Attest: