

Essex Conservation Commission

May 6, 2003 - Minutes

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

Meeting called to order at 7:39 p.m.

A public hearing was held at 7:40 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Albert G. Stewart for the restoration of a barn, extension of utilities, and expansion of the existing driveway at 52 Martin Street.

Geoffrey Andrews of Wetlands Preservation, Inc. represented the applicant. Mr. Andrews told the Board the proposal is to extend the driveway back to include a turnaround, restoration of the barn and extension of the utilities to the barn. Mr. Andrews noted that the rear of the barn has collapsed. The foundation is mixed fieldstone and poured concrete. He said there would be some digging for the utilities, and there would probably be some excavation around the foundation to stabilize the barn. The driveway stops at the rear of the house and there will be no change of grade. The surface will be bituminous concrete. The plan has been reviewed by the Board of Health. A site visit will be made to the property on May 10, 2003, at 9:30 a.m.

Samuel Hoar moved to continue the public hearing for Albert G. Stewart, 52 Martin Street, to May 20, 2003, at 7:45 p.m., seconded by Stephen Gersh, with the Board voting unanimously in favor.

A public hearing was held at 7:53 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by the Trustees of Reservations for the reconstruction of the causeway road between Hog Island and Long Island.

Peter Pinciario of the Trustees of Reservations told the Board the winter storms have washed away the road. 400 square feet of the road has been washed into the marsh, and the proposed project is to remove that gravel from the marsh and to redeposit it onto the roadway. Additional fill will be needed for the road. Mr. Pinciario requested the Trustees be given a perpetual maintenance agreement for the road. Stephen Gersh said he would like to have a list of roads that need to be maintained. Mr. Pinciario noted that the Trustees have a small backhoe which would be placed on

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the road perpendicular to the marsh and the rocks and gravel pulled back to the road. He added that what material cannot be removed by the backhoe will be removed by hand.

Samuel Hoar moved to close the public hearing for the Trustees of Reservations for the reconstruction of the causeway road, seconded by Stephen Gersh, with the Board voting unanimously in favor.

A continuation of a discussion on a Request made by the Manchester-Essex Conservation Trust for the Conservation Commission to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, for maintenance of the Old Road to Manchester was heard at 8:05 p.m.

Stephen Gersh stated that he and Samuel Hoar made a site visit to the area and the following are comments from the site visit:  
"On April 19, 2003, a site visit along the Old Road to Manchester in the Wilderness Conservation area in Essex was conducted by the Essex Conservation Commission with Helen Bethell, representing the Manchester-Essex Conservation Trust, Inc. The purpose of the site visit was to determine if any areas along the southerly portion of the road were subject to the Wetlands Protection Act.

Wetlands were identified from a point approximately 800-feet north of where the Old Road to Manchester bends sharply west as well as approximately 350-feet along the road heading south from the referenced sharp bend. Using the trail map for the Wilderness Conservation Area, published by the Manchester-Essex Conservation Trust, these distances correspond approximately to letter 'D' in Road to the 'S' in Essex.

In addition, a perennial stream, indicated on the USGS Map for this region, was located at the referenced bend in the road.

Both of these resource areas are subject to the Wetlands Protection Act and require the submission of a Notice of Intent for any work within the 100-foot buffer to the wetland and the 200-foot buffer to the perennial stream. No municipal wetlands ordinance or by-law for the Town of Essex exist and therefore do not apply.

Stephen Gersh moved to issue a positive Determination to the Manchester-Essex Conservation Trust for maintenance work on the Old Road to Manchester, seconded by Samuel Hoar, with the Board voting unanimously in favor.

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Helen Bethell, representing the Manchester-Essex Conservation Trust, submitted to the Board six Conservation Restrictions, for the Commission to make a recommendation to the Board of Selectmen that the Conservation Restrictions be approved. The Conservation Restrictions are as follows: 1) Madsen to the Manchester-Essex Conservation Trust, 2) Manchester-Essex Conservation Trust to the Essex County Greenbelt Association, 3) Essex County Greenbelt Association to the Manchester-Essex Conservation Trust, 4) Wedlock and Pederson to the Manchester-Essex Conservation Trust, 5) Cataldo and Harmatiuk to the Manchester-Essex Conservation Trust, and 6) Crockett to the Manchester-Essex Conservation Trust. The letter of recommendation was signed by the members of the Board.

A continuation of a public hearing was held at 8:25 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Innovative Properties, Inc. for the construction of a single family dwelling, driveway, and septic system at Lot 1, Shea's Court.

Kenneth Knowles of Meridian Associates, Inc., represented the applicant. Mr. Knowles told the Board they had received the final piece of information requested by the Board - a letter from the Natural Heritage and Endangered Species Program. The second paragraph of the letter stated they have determined that the project occurs near but not within the actual habitat of a state-protected rare wildlife species, and it is their opinion that this project, as currently proposed, will not adversely affect the actual habitat of a state-protected rare wildlife species.

Samuel Hoar moved to close the public hearing for Innovative Properties, Inc., seconded by Stephen Gersh, with the Board voting unanimously in favor.

A continuation of a public hearing was held at 8:30 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 submitted to the Board from the Department of Public Works requesting a continuation of a public hearing to May 20, 2003, as the final plan for the project was not yet complete.

Samuel Hoar moved to continue the public hearing for the Town of Essex Department of Public Works to May 20, 2003, at 7:55 p.m.,

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seconded by Stephen Gersh, with the Board voting unanimously in favor.

The Board reviewed the plan for the playground at Memorial Park and a letter from Weston and Sampson requesting that the Order of Conditions issued for construction of sanitary Pump Station No. 4 be amended to include the playground. Weston and Sampson stated that because the parking and play area project satisfies the interests protected under the Act and does not create any circumstances markedly different from the project to construct Pump Station No. 4, they request a Notice of Project Change to add the parking area project to the pump station Notice of Intent.

A letter will be sent stating the Order of Conditions is amended to include the Concept Site Plan for the Essex Municipal Parking Area and Playground dated April 16, 2003.

A Request for a Certificate of Compliance was submitted for Albert Sivo, 35 Lufkin Point Road.

Samuel Hoar moved to issue a Certificate of Compliance to Albert Sivo, 35 Lufkin Point Road, certifying that work regulated by Order of Conditions D.E.P. File Number 21-266 has been satisfactorily completed, seconded by Stephen Gersh, with the Board voting unanimously in favor.

A Request for a Certificate of Compliance was submitted by Jeffrey Coccoluto, 55 Grove Street.

Samuel Hoar moved to issue a Certificate of Compliance to Jeffrey Coccoluto, 55 Grove Street, certifying that work regulated by Order of Conditions D.E.P. File Number 21-343 has been satisfactorily completed, seconded by Stephen Gersh, with the Board voting unanimously in favor.

A Request for a Certificate of Compliance was submitted by Dennis Nunes, 16 Harry Homans Drive.

Samuel Hoar moved to issue a Certificate of Compliance to Dennis Nunes, 16 Harry Homans Drive, certifying that work regulated by Order of Conditions D.E.P. File Number 21-419 has been satisfactorily completed, seconded by Stephen Gersh, with the Board voting unanimously in favor.

A Request for a Certificate of Compliance was submitted by

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Brian McCormick, 109 Choate Street.

Samuel Hoar moved to issue a Certificate of Compliance to Brian McCormick, 109 Choate Street, certifying that work regulated by Order of Conditions D.E.P. File Number 21-367 has been satisfactorily completed, seconded by Stephen Gersh, with the Board voting unanimously in favor.

A building permit application was submitted by Julia Bishop, 21 Addison Street, for the installation of a 10'x16' shed. A site visit was made, and no wetland issues were found - the application was signed.

A building permit application was submitted by David Burbridge and Ruth Price, 82 Martin Street, for the construction of a deck to the rear of the dwelling. No wetland issues were indicated - the application was signed.

A building permit application was submitted by Tucker Lindquist and Kim Zellman, 17 Lufkin Street, for the addition of a deck and a 43 square foot shed addition. A visit to the site was made and no wetland issues were found - the application was signed.

A building permit application was submitted by Ralph Walter, 127 Eastern Avenue, for the replacement of siding and trim, with no change in the footprint of the dwelling. The application was signed.

A building permit application was submitted by Edward and Elizabeth Mulry, 11 Pickering Street, for the construction of a 2-story addition. There were no wetland issues - the application was signed.

A building permit application was submitted by Peter Van Wyck for the construction of a dwelling on Lot 34, Turtleback Road. Stephen Gersh said he needed to see a report from Derek Brown, who has been working with Mr. Van Wyck on buffer zone restoration, before signing the building permit application.

Stephen Gersh moved to approve the proposed project for the Trustees of Reservations for the restoration of the causeway road between Hog Island and Long Island, seconded by Samuel Hoar, with the Board voting unanimously in favor.

Stephen Gersh moved to approve the proposed project of Innovative

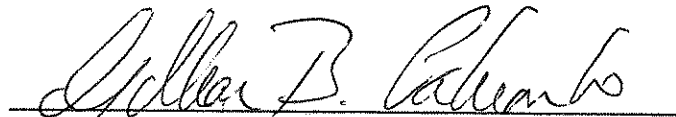
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Properties, Inc., for the construction of a single family dwelling, driveway, and septic system at Lot 1, Shea's Court, as submitted in the Notice of Intent, seconded by Samuel Hoar, with the Board voting unanimously in favor.

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

Meeting adjourned at 9:20 p.m.

Prepared by:

  
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Gillian B. Palumbo  
Administrative Clerk

Attest: