

Essex Conservation Commission

June 17, 2003 - Minutes

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

Meeting called to order at 7:38 p.m.

A public hearing was held at 7:39 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Jonathan and Claire Spofford for the construction of a single family dwelling at 1 Tara Road, off Apple Street.

Samuel Hoar was acting chairman for the hearing as Chairman Wallace Bruce is an abutter to the property. Clay Morin of Morin Engineering represented the applicant. He reviewed the finalized plan and layout with the Board, color coding the buffer zone line and the extent of the activity within the buffer zone. Elizabeth Frye, an abutter, requested that the names of all abutters to the property be placed on the plan. A discussion then followed on the Conservation Restriction that was to be placed on a portion of the property as specified in the Special Conditions of the Order of Conditions issued for the construction of the road. Review of the deed conveying the property to the Spoffords indicated that it was a deed restriction as opposed to a Conservation Restriction. Elizabeth Frye said a deed restriction is not forever, but a Conservation Restriction remains in perpetuity. Samuel Hoar indicated that Mrs. Frye was correct.

With no further questions from the Board or the public, Stephen Gersh moved to close the public hearing for Jonathan and Claire Spofford, for property at 1 Tara Road, seconded by Philip Lake, With the Board voting unanimously in favor.

A public hearing was held at 7:59 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Peter Van Wyck for construction of portions of leaching facilities and associated grading (Lot 35), construction of a single family dwelling, utilities and grading (Lot 38), construction of a single family dwelling, septic tank, driveway, utilities and grading (Lot 39) at Turtleback Road, Assessors Map 9, Parcel 11M.

Peter Van wyck told the Board, "This is the one remaining section of Turtleback Road that I am subdividing. I would like to construct the driveways into the lots as I have to pave Turtleback Road in the fall." Samuel Hoar told Mr. Van Wyck,

Page Two  
June 17, 2003 - Minutes

"There are wetlands, many vernal pools, an area of critical environmental concern, and I do not think we should do anything until we have our consultant, paid by you, to look at the entire area." Mr. Van Wyck said, "I have hired a consultant to flag it and map it out - it is not something I have done myself. I would like to put down the correct siltation barriers, using Lot 35 as an area for septic systems." Samuel Hoar asked, "How many septic systems?" Peter Van Wyck - "About four or five." Philip Lake asked, "Does Lot 35 exist as an approved subdivision plan?" Peter Van Wyck - "No, it doesn't." Philip Lake - "Then you are presenting us with a lot that does not exist. I will not do anything until I have a consultant look at it." Samuel Hoar - "First of all, we need an approved plan, and so the next time we see you, it will be with our consultant." Peter Van Wyck indicated that a plan had not been submitted as yet to the Planning Board, but he has the linen for them to sign, as it is being submitted as a subdivision Approval Not Required plan. Samuel Hoar asked him if he had spoken to the Board of Health regarding the septic systems on the plan. Peter Van Wyck told him he has an engineer who is taking the plan to the Board of Health. Mr. Van Wyck reiterated that he was here to ask permission to work in the buffer zone. Stephen Gersh told him the Board did not have enough information yet to give him permission. Peter Van Wyck - "All I want to do is to get the utilities off the road so that I can pave Turtleback Road in the fall."

Stephen Gersh moved to continue the public hearing for Peter Van Wyck to Tuesday, July 15, 2003, at 7:45 p.m. until the process of reviewing the plan is completed and approved by the Planning Board and the Board of Health, seconded by Philip Caponigro, with the Board voting unanimously in favor.

Stephen Gersh asked Peter Van Wyck if he thought there was enough information on the plan for the Board's consultant to review. Peter Van Wyck - "If there isn't, then I am remiss."

Chuck Holden from Holden Gas met with the Board for a discussion on the installation of a foundation to hold a third propane gas tank at 3 Scot's Way. Mr. Holden indicated that there would be two excavations, 10'x14'x5', for the footings. The work would be approximately 100 feet from the wetlands.

Stephen Gersh moved that Holden Gas file a Request for a Determination of Applicability for the excavation of the

Page Three  
June 17, 2003 - Minutes

footings, seconded by Philip Caponigro, with the Board voting unanimously in favor.


Tim Ford met with the Board for a discussion on property at 18 Coral Hill. He told the Board there is an existing Notice of Intent and Order of Conditions which was issued in 2000. At that time, Town water was going to be installed at Coral Hill, but at this moment it is not, therefore, work is required on the existing well which is 12-feet from the Lake. The water was tested and came back with coliform. Mr. Ford said he has found someone who can get a rig to the rear of the property, so he would like to dig an artesian well. They would drill inside the existing casing, and therefore do not anticipate any spoil, but if it is a consideration, then they intend to haybale and polyliner the area. He noted that the well contractors said they did not anticipate any problems, and that the job would take approximately 2 to 3 days. Mr. Ford was told he should file a Request for a Determination of Applicability for the project.

Low Land Farm - The Board reviewed the Order of Conditions with Peter Van Wyck. He told the Board the following day he was going to the Planning Board, with counsel, to find out what they want him to do with the road. Mr. Van Wyck was asked if the Planning Board was working off the 1994 plan. He said the Planning was not using that plan, that the plan had been redrawn, and that the 1994 plan was a wetland plan. Mr. Van Wyck was asked to bring in a plan showing the road layout into Low Land Farm so that the Board has something to work with. Philip Lake said he would like to see the delineation of wetlands on all of the property.

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

Meeting adjourned at 9:30 p.m.

Prepared by:

  
Gillian B. Palumbo  
Administrative Clerk

Attest: