

Essex Conservation Commission

January 20, 2004 - Minutes

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

Meeting called to order at 7:45 p.m.

A request made by Christopher Nunes for the Commission to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, for construction of a 4x28-foot addition and farmer's porch to the existing dwelling at 152 Eastern Avenue was heard at 7:50 p.m.

Mr. Nunes told the Board his proposed project is the construction of a 4'x28' addition and farmer's porch to his house. A stream which runs through a pipe two-feet to three-feet below grade is at the rear of the dwelling. The Board reviewed the Request and plan.

Samuel Hoar moved to issue a negative Determination to Christopher Nunes, 152 Eastern Avenue, seconded by Stephen Gersh, with the Board voting unanimously in favor.

A request made by Barry Mears for the Commission to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, for maintenance of the Old Manchester Road was heard at 7:55 p.m.

Mrs. Susan Mears told the Board they would like to maintain the Old Road to Manchester so as to make it passable without damage to their vehicles. Michael Cataldo, together with Kim Pederson, told the Board they did not know whether this work should be done on private property as portions of the road go through property owned by the Manchester-Essex Conservation Trust. Mr. Cataldo indicated that the Manchester-Essex Conservation Trust and George Beal deeded the property to benefit those people who abut the road. He added that there is a question as to whether David Mears owns the property in that area. Susan Mears told the Board, "I have lots of paperwork on our property. I did not know when I came here that I would have to prove ownership. Does the road maintenance require a D.E.P. filing." The Board then read to her the wetlands regulations CMR 10.01, 10.02 and 10.58. The Board told her she needed to be more specific as to the area she wishes to maintain, as an issue had been raised as to the ownership of properties which abut the road. The Board told her it would be misleading to allow the work if the legal information indicates it

Page Two  
January 20, 2004 - Minutes

is for the benefit of those who abut the road. Mrs. Mears indicated she wanted to maintain the entire length of the road from the gate to old School Street and asked again if the road work required a filing with the D.E.P. Stephen Gersh said that as there is an issue of ownership and there are also known wetlands on portions of the roadway, he felt a positive Determination should be made.

Stephen Gersh moved to issue a positive Determination of Applicability to Barry Mears for maintenance of the Old Manchester Road, seconded by Robert Brophy, with the Board voting unanimously in favor.

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 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.

John Morin, of Neve-Morin Associates, represented the applicant. He told the Board every lot now has its own septic system on the lot. He noted that it is Land Court property and so all lot numbers are changed when a new plan is filed. All lots are located on the outside of the road. Lot 35 is exactly as Lot 35 was described before. The plan has been submitted to the Board of Health, but it is with the understanding that the Board of Health cannot approve the plan until the lot lines have been approved, and consequently, the Conservation Commission will not approve the plan until a decision has been made by the Board of Health and the Planning Board. Lot 36 - They have reviewed the design with the Board of Health, but the Board of Health has not yet officially issued a letter. Lot 38 - The D.E.P. asked them to try to move the project further away from the wetland area, so they have moved it so it is now fifteen feet away, which is an increase of eleven feet. This plan has been submitted to the Board of Health but as of now they have not received comments from them. They had looked into placing rip-rap outside of the culvert, but they now feel it is not necessary. Lot 39 - The actual lot lines did not change. Title V changed in January with a 60/min. perc rate. This perced at the 60/min. rate so the septic system now has to be on the lot. The system does comply with the local Board of Health regulations and by using a barrier they were able to decrease the amount of

Page Three  
January 20, 2004 - Minutes

grading. There is an existing wood road coming in on the pipe line, so they intend to use that and pave it. They are proposing to lift the grade in order to have more material over the pipe.

Stephen Gersh moved to continue the public hearing for Peter Van Wyck to Tuesday, February 17, 2004, at 8:00 p.m., seconded by Robert Brophy, with the Board voting unanimously in favor.

Scott DeWitt, a D.P.W. Commissioner, met with the Board representing the D.P.W., to request permission to use the ball fields behind the tennis court for the sewer project. He said they would file a Request for a Determination of Applicability but the Board felt they could amend the Order of Conditions issued for the pumping station in that area to include the ball field.

Stephen Gersh moved to amend the Order of Conditions issued for construction of the pumping station at Shepherd Memorial Park to include use of the ball field, seconded by Robert Brophy, with the Board voting unanimously in favor.

A request for a Certificate of Compliance was made by Henrietta Meyer, 80R Eastern Avenue.

Robert Brophy moved to issue a Certificate of Compliance to Henrietta Meyer, 80R Eastern Avenue, certifying that the work regulated by Order of Conditions D.E.P. File Number 021-0422 was satisfactorily completed, seconded by Philip Caponigro, with the Board voting unanimously in favor.

A building permit application was submitted for review by Robert Stover, 50 Lakeshore Drive, for the demolition and reconstruction of a dwelling. An Order of Conditions has been issued for the project - the building permit application was signed.

A building permit application was submitted for review by Thomas Berube for construction of a dwelling at 3 Arielle Lane, Lot 4. An Order of Conditions has been issued for the roadway, and for Lots 2 and 4, but Chairman Bruce said prior to signing he would like to review the plans submitted for siting of the house.

A building permit application was submitted by Christopher Nunes, 152 Eastern Avenue, for construction of an addition and farmer's porch. A negative determination had been issued to Mr. Nunes earlier in the meeting - the application was signed.

Page Four

January 20, 2004 - Minutes

A building permit application was submitted for review by Dominic and Mary Ellen DeLacey, 5 Harlow Street, for the alteration and renovation of the first and second floors. As there were no wetland issues, the application was signed.

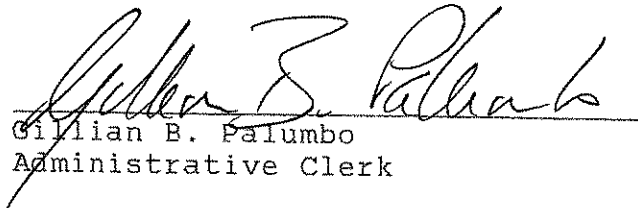
A building permit application was submitted for review by Karin and Greg Carroll, 30 Forrest Avenue, for the construction of a master bathroom over the present 1-story laundry. As they were no wetland issues, the application was signed.

A building permit application was submitted for reievew by Brian Boches for the construction of a single family dwelling on Lot 2, Arielle Lane. Chairman Bruce stated that he would like to review the plan submitted with the Notice of Intent and subsequent Order of Conditions for siting of the dwelling prior to a sign off on the application.

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

Meeting adjourned at 9:30 p.m.

Prepared by:

  
Gillian E. Palumbo  
Administrative Clerk

Attest: