

Essex Conservation Commission

February 25, 1997

Present: David Folsom, Chairman, Edith Messersmith, Edwin Perkins, Peter Perrigo, George Stavros.

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 PMC Realty Trust covering the construction of a driveway, dwelling, garage and associated grading within the buffer zone at Lot #7, Piper Lane.

Robert Lynch, Atlantic Engineering and Survey Consultants, represented John Coughlin, Trustee of PMC Realty Trust. Lynch told the Board that a garage is going to be moved from one portion of the property to Lot 7, Piper Lane. A house will also be moved to the same lot. The leaching and septic tank are well beyond the buffer zone. The foundation for the dwelling and garage and the driveway are within the buffer zone. Perkins asked if calculations had been done for roof and driveway run-off. Lynch told him the calculations for the roof and driveway run-off were taken into account when the calculations were done. The run-off will sheet on the driveway and run off to the rear of the property. Joseph Ginn, contractor for the project, told the Board the material in the area was very porous and granular, and, therefore, there will not be too much sheeting on the driveway. There should not be any erosion and the run-off should be absorbed into the ground.

Perkins moved to close the public hearing for PMC Realty Trust for Lot 7, Piper Lane, seconded Stavros, with the Board voting unanimously in favor.

A Request made by James Conway for the Commission to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, for verification of the wetlands boundary line at 174 Western Avenue was heard at 7:49 p.m.

John Judd, Gateway Consultants, Inc., represented Conway. Judd told the Board that Conway would like the Commission to confirm the wetlands flagging so that he is able to determine what he can do with the property. The flags were placed on site by Basbanes Associates. The Board reviewed the Request and accompanying plan.

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Perkins moved to issue a positive Determination for the placement of flags at 174 Western Avenue, property owner James Conway, seconded Messersmith, with the Board voting unanimously in favor.

A Request made by Mary Godwin for the Commission to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, to dig test holes for soil evaluation at LeBaron Road/Abel's Island, Assessors Map 15, Lots 9 and 9A, property of Shaheen Husain, was heard at 7:57 p.m.

The Board reviewed the plan showing the area for the test holes. Chairman Folson also visited the site and said he could not see a problem providing the testing is done more than fifty feet from the edge of the wetlands.

Perkins moved to issue a negative Determination to Mary Godwin for the digging of test holes at LeBaron Road/Abel's Island, providing that the testing is performed more than fifty feet from the edge of the wetlands, seconded Stavros, with the Board voting unanimously in favor.

A public hearing was held at 8:03 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on an Abbreviated Notice of Intent filed by Melanie Burnham covering the reconstruction of a dwelling at 26 Lufkin Point Road.

Melanie Burnham told the Board that the cottage they own at 26 Lufkin Point Road burnt down and they would like to rebuild it, keeping it as a two-bedroom structure, but with the bedrooms upstairs. The structure itself would remain on the existing foundation. The engineer assumed he could use the same foundation or most of it, although it may require some repair. The septic system has been signed off by the Board of Health. A letter was then read into the meeting from abutter Bruce and Sandy Shaw voicing concerns about the marsh area around the dwelling, if it is enlarged. Donald Burnham said that the only enlargement is a dormer on the rear; there is no enlargement - there will be the same number of bedrooms. Valda Schreiber, Lufkin Point Lane, asked Burnham how much higher they would be going. Burnham told her it would be just high enough to pitch the roof, so that they could stand up in it. Margaret Davies, Lufkin Point Road, asked Burnham what kind of foundation was in front of the house. She was told it was a block foundation. Davies then questioned whether the water flowed through the

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foundation. Burnham said they had water in the big storm. Schreiber questioned the adequacy of the septic system. Attorney Francis Flatley, representing Joseph Whelton, told the Board, "We do not think it makes sense for the Board to concern themselves with just the construction of the dwelling, but you should concern yourselves with the contamination of the marsh from the septic system. We feel there are errors made by the Health Agent to the Board. There appears to be some confusion as to what septic system went with which property. This property and another cottage were both owned by Joseph Zaffiro (prior owner) and the system that was looked at was that owned by the adjacent property and not the subject property. We feel the Title V inspection report submitted by Morin Engineering has errors and a confusion as to what system belongs to the Burnham property. We feel it is an area that needs to be addressed. Mr. Whelton does not have any objections to the reconstruction to the dwelling. Exhibit A has to do with the Martin property, while Exhibit B belongs to the other Zaffiro property." Donald Burnham - "What Attorney Flatley said is absolutely correct. We went down to Mr. Jacobi and told him he pulled out other plans and he acknowledged his error." The Morin report and other reports were reviewed at this time. Flatley - "We would simply ask this Board to review all the information they can, speak with the Health Agent and have him review the plans." Whelton - "There is not a complete foundation - the whole front is not block." Burnham - "We definitely have to continue with the block foundation to the back." Whelton - "The existing system is a pipe from the house to the septic tank." Robert Brophy - "We determined the water was laying there and that a slight drop to the pipe was needed." Flatley requested the Board to review all the issues and make a finding.

Perkins moved to continue the public hearing for Melanie Burnham, 26 Lufkin Point Road, to Tuesday, March 4, 1997, at 7:35 p.m., seconded Messersmith, with the Board voting unanimously in favor.

Tom Goertner, Periwinkles Restaurant, met with the Board to discuss the addition of a deck to the existing structure. Perkins asked if the elevation of the floor would be at the elevation of the rip-rap. Goertner said it would be a little above it. The Board felt an Abbreviated Notice of Intent should be filed.

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The Order of Conditions for PMC Realty Trust, Lot 7, Piper Lane, was written.

Perkins moved to approve the construction of a driveway, grading and siting of a house and garage on Lot 7, Piper Lane, for PMC Realty Trust, seconded by Perrigo, with the Board voting unanimously in favor.

Perkins moved to approve the Minutes of December 17, 1996, January 7, 1997, and January 21, 1997, seconded by Perrigo, with the Board voting unanimously in favor.

Messersmith moved to adjourn the meeting, seconded by Perkins, with the Board voting unanimously in favor.

Meeting adjourned at 9:30 p.m.

Prepared by:



Gillian B. Palumbo
Administrative Clerk

Attest: