

Essex Conservation Commission

September 9, 1997

Present: Edwin Perkins, Chairman, Robert Brophy, Edith Messersmith, Peter Perrigo, Thomas Prentiss.

Meeting called to order at 7:35 p.m.

A continuation of a public hearing was held at 7:36 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Andover Equity Developers covering the construction of a dwelling on Apple Street, Assessors Map 10, Lot 9A.

John Judd, Gateway Consultants, Inc. represented the applicant. A letter received from Frederick J. Fawcett, and Betsey C. Fawcett, Apple Street, Essex, was entered into the meeting. Judd told the Board, "We have proposed two dry wells behind the house on the easterly side to the steeper slope. The dry wells are intended to catch the run-off from the roof. We have looked at other alternatives and submitted an alternative plan which was reviewed by the Board. The Rivers Act does allow for these types of situations, where there is an economic hardship. To keep Lot 3 out of the riparian zone, we kept the well outside of the riparian zone." Judd was then asked if the elevations for putting a house on Lot 3 were possible, why then was it so difficult to put the house on Lot 2 out of the riparian zone as the elevations were approximately the same. Judd said that between the two lots is a rise, which makes the run-off go into a different direction. Perkins said, "We are supposed to do everything in our power to keep everything out of the 200 foot area for rivers, brooks, and streams. I believe the drainage, as it exists now, will not be allowed. The sheeting of the run-off will run near the septic system." Judd - "Moving the dwelling higher, we are restricted by zoning problems." Prentiss - "What are the zoning restrictions?" Judd - "The front yard and side yard setbacks and the 80 foot restriction." A discussion followed on the grades and run-off of the lot in question. Perkins told Judd that a drainage plan should be provided as the drainage flows on to the road, Apple Street, and creates an icy situation. The Board would like the driveway to be reconstructed with drainage to prevent run-off flowing into the street. Judd - "The only option for the property is the one submitted tonight. We also presented the economics of this alternative at an additional \$15,000 - \$20,000 to construct." Perkins - "I do not feel the amount of \$20,000 is particularly substantial if a \$250,000 house is

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built." Messersmith questioned whether a lot of trees would have to be removed. Judd - "Yes, within the area of the structure." Howard Redgate, Andover Equity Developers - "What you will see is a 13 foot retaining wall." Perkins - "I don't think so. There is an area of dense trees which will hide it. You will see a little more in winter perhaps, but it all depends on the wall." Redgate said he felt you had to have a product to deliver. Perkins - "We have been told under the Rivers Act that if there is an alternative, then it has to be done." Brophy indicated that he had a job understanding the hardship. He noted that they were coming in as a speculator and he would like to know where the hardship was. A discussion followed on the ownership of the property. Robert Houser, Apple Street, told the Board he was confused about the Rivers Act and requested some clarification. He also asked if Perkins could check regarding the difference between the ANR and a subdivision plan. Betsy Fawcett - "There have been trees on the lot already cut. There is a boulder in the footprint of the house, so I have to assume that there will be some blasting. The drainage is horrendous, the street is horrendous, so adding more run-off with the driveway will just exacerbate the problem. What they called an intermittent stream is tidal - I object to that." Paul Fusco, Andover Equity Developers - "No trees have been cut on Lot 2, only on Lot 3." Fawcett then discussed the location of the well with Judd.

Perrigo then moved to close the public hearing for Andover Equity Developers, seconded Prentiss, with the Board voting unanimously in favor.

A continuation of a public hearing was held under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Cape Ann Golf Course, John Wise Avenue, covering the extension of a pond at the 9th Fairway.

A letter was received from the Cape Ann Golf Course requesting the hearing be continued.

Perrigo moved to continue the hearing to October 4, 1997, at 8:00 p.m., seconded by Messersmith, with the Board voting unanimously in favor.

A public hearing was held under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by

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Shaheen Husain covering the installation of a 4-inch diameter deep water service on LeBaron Road.

Dana Carter represented the Husains. Carter told the Board that a filing for this project, the installation of a water line to the Husain property on LeBaron Road, was made three years ago. Unfortunately, they omitted requesting an extension to the Order of Conditions issued, so this was a new filing for the same project. The Commission reviewed the Notice of Intent and accompanying plans.

Prentiss moved to close the public hearing for Shaheen Husain, seconded by Perrigo, with the Board voting unanimously in favor.

Vincent DeMore, John Kotch and Tracey Roberts met with the Board to discuss an amendment to the original plan submitted for Sharon Means for a common driveway on Belcher Street. DeMore told the Board they had hired an engineer from Agapor Associates in order for them to solicit bids for completion of the project. They would like to have a solution to the water problem, but they felt the original proposal for drainage was not the best solution. The Board reviewed the amended plan.

Perrigo moved to amend the Order of Conditions issued to Sharon Means, D.E.P. File Number 21-232, with the proposed modifications as shown on the plan drawn by AA Associates, prepared for Kotch, Edington, Demore, and Fraga, dated March 11, 1997, seconded Brophy, with the Board voting unanimously in favor.

A public hearing was held at 8:36 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Claire (Finger) Spofford covering an addition to the existing dwelling at 20 Addison Street.

Spofford said she would like to construct an addition of 900 square feet to the rear of her property at 20 Addison Street, increasing the dwelling to three bedrooms. The addition will have a high foundation wall, so no grading will be necessary. Spofford was asked how much heavy equipment will be used. The Board was told the equipment will be used mainly to dig the foundation, so the digging will be minimal. The Board reviewed the Notice of Intent.

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Prentiss moved to close the public hearing, seconded by Messersmith, with the Board voting unanimously in favor.

A building permit application for Ivan Muise, Eastern Avenue, for the addition of a second story, was submitted for review. Perkins viewed the site and felt the addition would not be in violation of the Wetlands Protection Act. The application was signed.

A Certificate of Compliance was requested by Marcia Greenbaum, 50 Apple Street, for work regulated under Order of Conditions D.E.P. File Number 21-313. Messersmith viewed the site and found the project was in compliance.

A Certificate of Compliance was requested by the Robbins Island Association for work regulated under Order of Conditions D.E.P. File Number 21-280. Brophy viewed the site and felt the project was in compliance.

A Certificate of Compliance was requested by Robert Dutton for work at Ralston Drive regulated under Order of Conditions D.E.P. File Number 21-269. Brophy viewed the site at Ralston Drive, and felt the project was in compliance.

A Certificate of Compliance was requested for David and Carol Leighton, 160 Eastern Avenue, for work regulated under Order of Conditions D.E.P. File Number 21-293. Perkins viewed the site and felt the project was in compliance.

Prentiss moved to issue a Certificate of Compliance to Marcia Greenbaum, Robbins Island Association, Robert Dutton, and David and Carol Leighton, seconded Perrigo, with the Board voting unanimously in favor.

Leck property, 24 Story Street - the septic system is being re-engineered.

A building permit application was submitted for Joseph and Wendy Davis, Story Street, for the removal of a barn. It was felt a Request for a Determination of Applicability should be filed. Perkins said he would view the site first.

A building permit application was submitted for Rolf and Patricia Roller, Grove Street. Prentiss will view the site prior to signing the application.

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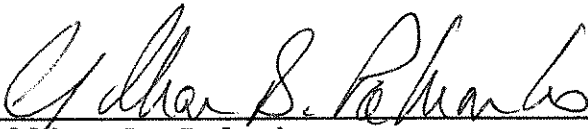
A building permit application was received for Shaw and Polly Butler, Milk Street, for the construction of a riding barn. The Board felt a Notice of Intent should be filed.

The Board reviewed the correspondence.

Messersmith moved to close the hearing, seconded by Perrigo, with te Board voting unanimously in favor.

Meeting adjourned at 9:30 p.m.

Prepared by:



Gillian B. Palumbo
Administrative Clerk

Attest: