

Essex Conservation Commission

September 16, 1997 - Minutes

Present: Edwin Perkins, Chairman, R. Jeffery Lyman, Edith Messersmith, Peter Perrigo.

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

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 Derek Davis covering the demolition of an existing barn and installation of a 12'x16' garden shed at 46 Eastern Avenue.

Davis told the Board that the Board of Selectmen has ordered the barn be torn down as soon as possible. The barn is on wetlands, with the marsh directly behind it. David Wright will use a backhoe to remove it. Davis added that he would like to keep some of the wood from the demolition. A 12' x 16' garden shed will be built at some time within the existing foundation of the barn. The Board reviewed the Notice of Intent.

Lyman moved to close the public hearing for Derek Davis, 46 Eastern Avenue, seconded by Perrigo, with the Board voting unanimously in favor.

A request was received from J.T. Farnham's Restaurant, 88 Eastern Avenue, for an extension to the Order of Conditions, D.E.P. File Number 21-252, for a period of two years.

Lyman moved to extend the Order of Conditions, D.E.P. File Number 21-252, issued to J.T. Farnham's Restaurant, 88 Eastern Avenue, for two years, seconded Perrigo, with the Board voting unanimously in favor.

Perkins told the Board he had also received a letter from J.T. Farnham's regarding the parking area adjacent to the restaurant. The restaurant said they would prefer to use granite stones to define the parking area rather than the concrete bumpers which were proposed initially. It was the consensus of the Board that the change would not be a problem.

A public hearing was held at 7:50 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Richard Minturn covering the replacement of an existing sump pump outfall chanel, reconstruction of barn on

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an existing footprint, to clear vegetation and maintain an existing retaining wall along the Alewife Brook at 1 Apple Street.

Commission member Lyman stated that he had represented Minturn on the sale of the property, but did not feel there was a conflict of interest from that. Minturn said he had no problem with Lyman being involved in the discussion of his Notice of Intent. Minturn told the Board, "I want to (1) fix the existing barn, but was told that it was in such a state of disrepair that it could not be saved. I am, therefore, proposing to build a new barn on the existing footprint, but going to a conventional concrete foundation on footings below the frost line. Tom Prentiss is the contractor for this - he is proposing to haybale over to the edge of the house. (2) The house had a sump pump in it, before I bought it. The basement gets water in it at high water times, i.e. Spring and Fall. I would like to contain the water in the pipe and direct it to the brook. (3) I would like to do some maintenance of the stone wall, which is the head wall of the brook. I would like to pick up the fallen stones and put them back. I do not want to change the height of the wall or change the grade. (4) The brook tends to fill up with arrowheads and I would like to clear them and other vegetation from the brook. I would like to control them, but not necessarily eradicate them. The work would be done by hand." Minturn was asked about the flow of water onto his property. He told the Board a lot of the water flows from the back meadow and follows the old railroad bed. Some flows into a culvert, but some of the flow is eroding Emerson Lane and then flowing under his barn. He was asked if the flow wouldn't just sheet across. He replied that the curb held it back. Minturn was then asked about the water coming out of his basement via the sump pump. He explained that the basement has a slab floor. There is a french drain, so the water never goes to the floor of the cellar. Perrigo indicated that the Department of Public Works will be requiring cellar drains to prevent the installation of sump pumps in the cellar. They have found a lot of the run-off is flowing into the culverts. He added he that he wasn't sure how this would be initiated - whether it would be a review process. Minturn was told, with regard to clearing the vegetation from the brook, that if he was cutting and not pulling up the roots, the Commission would not have a problem with it.

Lyman moved to close the public hearing for Richard Minturn, 1

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Apple Street, seconded by Messersmith, with the Board voting unanimously in favor.

Shaw and Polly Butler met with the Board at 8:15 p.m. to discuss their submittal of a building permit application for the construction of an indoor riding rink on their property at 10 Milk Street. The Butlers have a drainage ditch to the rear of their property and the construction would be within the 100 foot buffer zone. Butler told the Board that they file as a farm each year, and as far as the Farm Bureau is concerned they do not need to file with the Commission. They have had a biologist view the area and he has described it as a non-jurisdictional drainage swale. Butler stated that when he spoke to Chairman Perkins he was not comfortable "making that call", and asked him to have a biologist make the determination. It was noted that there is another wetland area approximately 160 feet from the corner of the proposed building. The Butlers were told that when the Commission received the biologist's report on his findings, then the building permit application would be signed.

The Commission will hold a meeting on September 23, 1997, at the Elementary School, commencing at 7:30 p.m. in order to vote on the Notice of Intent for Andover Equity Developers, Apple Street, Claire Spofford (Finger), 20 Addison Street, and Shaheen Husain, LeBaron Road.

The Order of Conditions was written for Derek Davis, 46 Eastern Avenue.

Perrigo moved to approve the project of Derek Davis, 46 Eastern Avenue, for the demolition of a barn and the construction of 12' x 16' garden shed, seconded by Messersmith, with the Board voting unanimously in favor. In addition to the Special Conditions boiler plate, the Board added that the building was to be pulled away from the marsh as much as was possible. In addition, the new building had to be constructed on the existing granite stones.

The Order of Conditions was written for Richard Minturn, 1 Apple Street.

Perrigo moved to approve the project of Richard Minturn, 1 Apple Street, as described in the submitted Notice of Intent, seconded by Messersmith, with the Board voting unanimously in

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favor. In addition to the Special Conditions boiler plate, the Board stated that routine maintenance of the wall on the edge of the property would be allowed. They would not allow pavement on the access driveway.

The Board reviewed the correspondence.

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

Meeting adjourned at 9:40 p.m.

Prepared by:



Gillian B. Palumbo
Administrative Clerk
ESSEX CONSERVATION COMMISSION

Attest: