

Essex Conservation Commission

January 6, 1998 - Minutes

Present: Edwin Perkins, Chairman, Robert Brophy, R.J. Lyman,
Edith Messersmith, Peter Perrigo.

Meeting called to order at 7:36 p.m.

A public hearing was held at 7:37 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Andover Equity Developers for the construction of a sewage disposal system within the outer riparian zone of the Rivers Act at Lot 2, 125 Apple Street.

Engineer John Judd represented Andover Equity Developers. Judd told the Board that the house, which was within 200 feet of an intermittent stream, has now been moved outside. Frederick Fawcett, Apple Street, asked for a point of order. He asked that the stream not be called an intermittent stream, as it is the head of the Essex River. Judd said they have proposed roof drain drywells 5 feet in diameter, 2 feet deep, surrounded by 1 foot of crushed stone and a vegetative swale for run-off. Fawcett said he felt this was a bad plan as it did not show the Essex River. Fawcett also questioned the notation on the plan that stated that 'reproduction of this plan in whole or part is prohibited without written consent of the design engineer and/or firm'. He felt when a plan is submitted to the Commission with the Notice of Intent it becomes a public document, and therefore the public should be able to copy it. He felt the prohibition would not stand. He felt the alternatives had not been addressed and wondered if the developer and Commission had considered such an adjustment. Lyman said the Commission had, and noted that the developer had been before the Board a number of times. He added that although he is not particularly happy about this, he felt the developer had tried to be quite responsive to the Commission's requirements. Judd was then asked if the leaching field could be moved further away. Judd said that at the present location (1) the soil testing was better, (2) the boulders would limit the placement, (3) have dropped the house to accommodate the system. The reason for not moving the driveway and house is the fact that they have a building envelope they have to use, plus there are setbacks they have to adhere to. He added that there was a copper pipe from an abandoned well that was spewing out water, which he felt if the line was capped would help to resolve some of the icing problems on Apple Street. Fawcett then said that he had noticed in the Notice of Intent that full

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surveys had not been made. He felt in view of the fact the land is so rocky, there should have been more testing of the area for the leach area. Perkins told him that it could be written into the Order of Conditions that they meet Title V Regulations. Fawcett felt that granting approval of this would be a poke in the eye to the State, because of the problem with septic systems in Essex. Lyman noted that on the supplemental form some of the line items were not filled in. Judd pointed out that in those cases they meet performance standards. Lyman questioned 4.12 under Title V as to whether a state variance was required. Eloise Hodges, Apple Street, stated that she hoped there would be increasing vigilance on a septic system that may be problematic. Fawcett then submitted a letter from himself and Betsy Fawcett which was read into the meeting.

Perrigo then moved to close the hearing for Andover Equity Developers, seconded Lyman, 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 Ryen Munro for the construction of an addition, barn, covered walkway and associated grading at 67R Pond Street.

Julie Parrino, of Hancock Environmental Consultants, represented Munro. Parrino told the Board that the proposed project is the construction of a 25'x40' barn with a covered walkway accessing the house from the barn. The resource area consists of a small intermittent swale, with very little vegetation. Not many trees will have to be cut for the project. A haybale barrier will be placed between the construction and the resource area. Parrino was then asked which way was the gradient on the driveway to the barn, and whether it would create any more run-off down to Pond Street. The Board was told the driveway was basically there at present and, therefore, would not create any more run-off.

Perkins then entertained a motion to close the public hearing for Ryen Munro, 67R Pond Street, so moved by Lyman, seconded by Messersmith, with the Board voting unanimously in favor.

Decision on the Request for Determination of Applicability made by Scott Patrowicz for the delineation of the wetlands resource boundary at Old Manchester Road, Assessors Map 6, Lot 23.

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Perrigo moved to issue a positive Determination to Patrowicz Land Development Engineering for the delineation of the wetlands resource boundary at Old Manchester Road, Assessors Map 6, Lot 23, seconded by Messersmith, with the Board voting unanimously in favor.

A letter was written to the Open Space Committee supporting the application for a grant for a walking trail at Centennial Grove.

Brophy moved to sign the letter of support for the Open Space Committee's walking trail at Centennial Grove, seconded by Perrigo, with the Board voting unanimously in favor.

A request for a Certificate of Compliance was submitted by John Kotch and Vincent Demore for a common driveway on Belcher Street. Both Perkins and Perrigo had visited the site and felt the project under Order of Conditions, D.E.P. File Number 21-232, had been satisfactorily completed. The Certificate of Compliance was signed.

The Order of Conditions was written for Andover Equity Developers, for the construction of a dwelling at Lot 2, 125 Apple Street.

Lyman moved to deny the project for Andover Equity Developers, Lot 2, 125 Apple Street, seconded by Messersmith. A discussion followed on the reasons for approval or denial.

Lyman - "They only have to meet the performance standards. There are two problems - I'm almost certain of the setback variance - 4.12 is handled by the local board. I didn't like his answer about the drainage coming down on the roadway - "I hope it will solve the problem" - it sounded like a good faith guess. The ambiguities say he has not met his burden. Given that, he should be denied." Brophy - "I agree with what you said. I brought up the water problem there, and I don't like adding to the water problem and have a septic system within the 200 foot zone. I do not buy his hardship."

Perrigo - "I don't disagree with what has been said. We did indicate that we might approve it, so I'm a little uncomfortable about this. When questions were asked about the run-off, he spoke about the pipe, but avoided answering about the driveway."

Messersmith - "My reason for denying is that so many trees would have to be cut down which would affect the run-off."

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Perkins - "I asked them to do drainage calculations for the water going down the driveway onto Apple Street, and also calculations for drainage at the front of the property." A discussion on the drainage followed.

A motion was made and passed to move the question. The Board voted unanimously in favor to deny the project.


The Order of Conditions was written for Ryen Munro, 67R Pond Street.

Lyman moved to approve the project of Ryen Munro, 67R Pond Street, as outlined in the Notice of Intent, seconded by Messersmith, with the Board voting unanimously in favor. The Board felt the siltation barrier should consist of a silt fence as well as haybales.

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

Meeting adjourned at 9:20 p.m.

Prepared by:



Gillian B. Palumbo
Administrative Clerk

Attest: