

Essex Conservation Commission

April 7, 1998 - Minutes

Present: Edwin Perkins, Chairman, Robert Brophy, R. Jeffrey Lyman, Edith Messersmith, Peter Perrigo, Thomas Prentiss, George Stavros.

Meeting called to order at 7:37 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 Elizabeth Pratt covering the expansion and deepening of an existing pond at 15 Tree Hill.

David Klinch, Hayes Engineering, Inc., represented Elizabeth Pratt. Klinch told the Board that the proposal is to have a deeper and longer pond. The vast majority of the pond shore will be unaffected. The area where the expansion is to take place has a rip-rap banking. 401 permitting (Water Quality Certification) is involved from the State. Klinch noted that they did not want to be completely specific, as they wanted to see how the Commission felt about this project. He stated that the pond dries down quite substantially in the month of July, but is never totally dry. Board member Perkins asked him if he had done any calculations to see how the additional area of the pond will affect the abutting areas. Klinch told him, "There will be more area of pond, but the watershed will stay the same. I cannot see it changing. The amount of water that goes in will stay the same, and the same amount will flow out." Perkins noted that the pond does flood. Klinch stated that he felt there would be no net change in volume. Perkins reiterated that he would like to see some calculations done. He added that he has no problem with the enlargement of the pond, but he does have a problem with the pond's volume. Klinch said as there would be more storage, he felt there would be less flooding. Board member Brophy requested that the contour lines for the east side of the pond be placed on the plan. Klinch noted that contours are being drawn for the other side of the pond, therefore he would have them added.

Board member Lyman said he would like to ask about the breeding habitat issues. Klinch told him that "there would be a temporal effect on the breeding habitat. At some point, there will be some construction on this side of the pond (area pointed out on the plan) and some dredging, which will effect the habitat, but this is temporary. The island in the middle of the pond will remain, which is an important habitat area.

Page Two
April 7, 1998

The increase in size will have an additional area for geese to land. We don't want to say there will be no impacts - there will be some impacts. At no point will all the water be removed. We can put haybales across the existing pond to keep water in the pond while construction takes place, and to prevent any siltation going into the pond. Work can be done without de-watering. We would like to prepare a more in-depth study of the pond life. We just wanted to see how the Commission felt about the project first. Before the pond fills up and the stream starts to flow, this work will be settled. I believe that if it is timed correctly, then it will be settled." Perkins asked what they propose to do with the material removed from the pond. Klinch told him it would not be stockpiled anywhere near the pond, but will be used for fill near the house. If it is stockpiled, then it will be far enough away. Perkins then asked what type of construction was planned. Klinch told him that the most logical step would be to locate a long-arm excavator and dig from a backwards position. Perkins asked how many cubic yards would be removed. Klinch said there would be about 30,000 square feet of disturbance - about 35,000 cubic yards. The Board felt the hearing should be continued so that they could obtain the information requested.

Brophy moved to continue the hearing for Elizabeth Pratt, 15 Tree Hill, to April 21, 1998, at 8:00 p.m., seconded by Perrigo, with the Board voting unanimously in favor.

A public hearing was held at 8:08 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section, on a Notice of Intent filed by Leonard Humber covering the construction of a 9'x6' concrete slab for a heating system at Richdale Stores, 156 Main Street.

Steve Woods, manager of the Richdale Store, met with the Board. He told the Board the proposed project is to construct a 9'x6' concrete slab to the rear of the store on which to place their heating and cooling system. The entire project is within the buffer zone, approximately 10'-12' from the marsh. At present it is located on the roof of the building, which has generated complaints from a neighbor. Lyman asked Woods why he felt it would decrease the sound placing it to the rear of the property. Woods told him that "it would put the equipment further away from the neighbor's home. It had, in the past, been tested by the Board of Health for noise violation, but

Page Three
April 7, 1998

does not create an illegal decibel amount. In order to settle a court case they will move it to the rear of the building." The Board reviewed the Notice of Intent.

Perrigo moved to close the hearing for Leonard Humber, Richdale Stores, 156 Main Street, seconded by Messersmith, 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 Jennie Mears covering the construction of a septic system, repair and upgrade within the buffer zone at 85 Pond Street.

As requested at the last meeting, a plan was submitted by Morin Engineering dated February 11, 1998, showing the locations of all the test holes dug to find an acceptable area for the septic system upgrade and leaching area. The additional test holes outside of the proposed leach area all had less than 4 feet of permeable soil as defined by Title V. Engineer Clay Morin indicated in a letter that he felt the best suited area for the leach facility would be where it was proposed, based on review of the soil data, review of the overall soil conditions on site as observed by the soil evaluator, site observations, and upon discussion with the Health Board Sanitarian, Brendhan Zubricki. The Board accepted the proposed location upon review of the plan.

Lyman moved to closed the public hearing for Jennie Mears, 85 Pond Street, seconded by Brophy, with the Board voting unanimously in favor.

The Board reviewed the submittal of a Request for a Determination of Applicability for John Story, 91 Martin Street. The Request will be heard at the April 21, 1998, meeting.

The Board reviewed the submittal of a Notice of Intent by Shea Brothers Interiors, 242 John Wise Avenue. The hearing will be held on the April 21, 1998, meeting.

The Board reviewed a building permit application for Shaw and Polly Butler, Milk Street, for a kitchen addition to the existing dwelling.

Page Four
April 7, 1998

Lyman moved to sign the building permit application for Shaw and Polly Butler for a kitchen addition to the main house, seconded by Perrigo, with the Board voting unanimously in favor.

The Board reviewed a building permit application for Shaw and Polly Butler, Milk Street, for the renovations to an apartment over an existing garage.

Brophy moved to sign the building permit application for Shaw and Polly Butler, Milk Street, seconded by Messersmith, with the Board voting unanimously in favor.

The Order of Conditions was written for Richdale Stores, 156 Main Street.

Perrigo moved to approve the project, the construction of a 6'x9' concrete pad for Richdale Stores, 156 Main Street, seconded by Messersmith, with the Board voting unanimously in favor.

The Order of Conditions was written for Jennie Mears, 85 Pond Street.

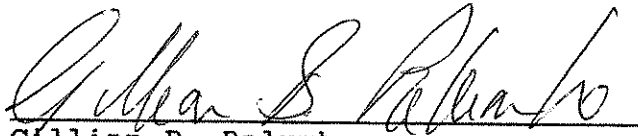
Lyman moved to approve the proposed project, the upgrade of a septic system, for Jennie Mears, 85 Pond Street, seconded by Perrigo, with Brophy, Lyman, Messersmith, Perrigo, and Stavros voting in favor; Prentiss abstained.

The Board reviewed the correspondence.

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

Meeting adjourned at 9:00 p.m.

Prepared by:



Gillian B. Palumbo
Administrative Clerk

Attest: