

Essex Conservation Commission

May 12, 1998

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

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

Sharon Defty met with the Board for a building permit application review for the construction of a dwelling on Island Road. The application had been reviewed at the last meeting, but there was no indication on the plan how far the dwelling was from the marsh. The Board requested that a plan be submitted showing the edge of the buffer zone. Defty complied with the Board's request.

Finding that the proposed construction was well outside the buffer zone, Perrigo moved to sign the building permit application for Sharon Defty for the construction of a dwelling on Island Road, seconded by Messersmith, with the Board voting unanimously in favor.

John Gorges, 101-103 Southern Avenue, met with the Board to discuss a problem he has with seepage onto his property from a neighbor's pond. Brophy told the Board that Gorges had spoken to him regarding the problem. Perkins told Gorges that if the volume of the pond is not over 1/4 acre-feet and is not a wetland, then the Commission does not have jurisdiction. It would, therefore, be a civil action. Gorges said the area was dug out last summer, and has been designated a skating rink, not a pond. He added that the pond has now created a wetland on his property, and has destroyed a wall on the property. The Board felt it could be a Planning Board issue

A public hearing was held 8:00 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Marilyn Heath covering a foundation reconstruction of an existing dwelling, construction of a 24'x24' addition and removal of an existing garage at Lot 3, Moses Lane.

Heath told the Board that the existing home and most of the addition is in the buffer zone. She would like to take the existing porch and enclose it to make it part of the dwelling. The porch and its foundation needs to be completely reconstructed. The proposed addition is 24'x24' in size and will be a slab on grade. An existing garage will be removed and

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a proposed garage with a room above will be built on to the house. The septic system is outside of the buffer zone. Upon questioning Heath as to the elevation of the area where the construction will take place, Heath indicated that it was approximately 30 feet. The Board reviewed the Notice of Intent.

Messersmith moved to close the public hearing for Marilyn Heath, seconded by Perrigo, with the Board voting unanimously in favor.

A continuation of a public hearing was held at 8:14 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, represented Pratt. Klinch told the Board that based upon receipt of additional project information as it relates to the annual fluctuation of water levels in the existing pond, it was felt that the proposed project activities may constitute a limited project based upon projected Bordering Vegetated Wetland disturbance. The existing pond includes a natural annual water level depression which will be capitilized upon to complete pond excavation in a dry state. It was felt the Notice of Intent should be filed as a limited project because the proposed project activities will disturb approximately 13,600 square feet of land between the pond's mean annual and mean annual low water level. The total amount of material proposed to be excavated from the pond is approximately 1,100 cubic yards. No material is proposed to be removed below the mean annual low water level of the pond. The additional water storage volume proposed to be added to the existing condition, as a result of the proposed 7,700 square feet areal expansion of the pond in conjunction with the proposed excavation, is approximately 569,000 gallons. Brophy questioned if this increase in volume would stop a normal run-off. Klinch told him that there should be no difference as to the amount of water leaving the pond on a day-to-day basis. Klinch then showed the Board photographs of the pond and outlet. Klinch noted that it was running at this moment, but was not a couple of weeks ago. Klinch was asked if it would overflow at the same volume as before if there was a storm. He said that the area being deepend has water all the tme. In summer there will be some evaporation. Most of what is in the pond is ground water, fed by springs. Joseph Ginn, an

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abutter, noted that prior to an earlier expansion of the pond, he used to have water running down the stream 8-10 months of the year. He used to have a waterfall which was attractive to look at. He said he was concerned he may be losing water running downstream. Ginn added that he is not against the expansion, in fact he is quite favorable towards it, but he did have that concern. He also wanted to know what the reason was for the expansion. Klinch told him it was for wildlife enhancement and also as fire pond protection - it covers those categories, fire protection and wildlife enhancement. Klinch added that he did not know whether the pond would be stocked with fish, as that was a whole other certification. Ginn said that they have a well that is being fed from this pond. Today he looked and the stream was running fast, but his concern was loss of flow with the expansion and whether it would dry up in the summer. Klinch told him that they had calculated that the flow should remain the same. Ginn then asked that he be informed when the proposed work will begin, and added that the pond has enhanced the area, but he did not want it taking away from his property. Klinch agreed that Ginn had every right to be concerned. He noted that the work would not done in the wet season.

As there were no further questions by either the public or the Board, Perrigo moved to close the public hearing, seconded by Messersmith, with the Board voting unanimously in favor.

A building permit application was submitted for review by William Appelftoft for construction of a deck at 5 Cogswell Road. Perrigo told the Board there were no wetlands within 100 feet of the project.

Perrigo moved to approve the building permit application for William Appelftoft, 5 Cogswell Road, for the construction of a deck, seconded by Messersmith, with the Board voting unanimously in favor.

The Board reviewed the correspondence.

Perrigo became acting chairman to hear a Request for a Determination of Applicability for Perkins Marine, 82 Main Street, for the replacement of an existing underground gasoline storage tank. The Board was told the replacement of the existing underground gasoline storage tank will be done under the Marina's Chapter 91 License Number 3369.

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Brophy moved to issue a negative Determination to Perkin's Marine, 82 Main Street, seconded by Messersmith, with Brophy, Messersmith and Perrigo voting in favor; Perkins abstained.

The Order of Conditions was written for Marilyn Heath, Lot 3, Moses Lane.

Perrigo moved to approve the project of Marilyn Heath, for reconstruction of a foundation, construction of an addition and removal of a garage, at Lot 3, Moses Lane, seconded Brophy, with the Board voting unanimously in favor. Perrigo is the Commission's representative for the project.

The Order of Conditions was written for Elizabeth Pratt, 15 Tree Hill.

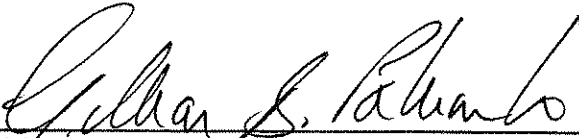
Perrigo moved to approve the project of Elizabeth Pratt, 15 Tree Hill, for the enlargement of a wildlife pond, seconded by Messersmith, with the Board voting unanimously in favor. Brophy is the Commission's representative for the project.

Perrigo told the Board that he had been asked by Derek Brown to look at the replication area on the property of James Stavros, Pond Street. Perrigo felt that if the silt fence and haybales were removed, the replication area would have more of a chance to grow. The Board felt that the siltation barriers, therefore, should be removed.

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

Meeting adjourned at 9:10 p.m.

Prepared by:



Gillian B. Palumbo
Administrative Clerk

Attest: