

Essex Conservation Commission

September 15, 1998 - Minutes

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

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

Selectman Jack Schwartz met with the Board. He said he had been going to all the Town Boards in an information gathering mode, and now will try to solidify his thoughts and information garnered in response to the Annual Town Meeting's Question 5, in which the Town asked the Board of Selectmen to try to form a Wastewater Commission. The Board of Selectmen asked him to look into it and find the required language to present at the next Town meeting. Schwartz said he also wants to look at the reasons why Question 4 did not pass. He will then report back to his Board and have Town Counsel craft the legal language. One question is whether it should be an elected or appointed Board. Perkins asked if this was something that could come under the Water Department. Schwartz said this had been discussed and it could well become a part of the Water Department. Perkins - "It seems to me the people who have the best understanding of this are the Department of Public Works and Water Department. I would hate to see a whole new other group of people, because then you get a communication gap. If it is under one group, then things seem to run smoother." Lyman asked, "Do you know at this point in your inquiry as to whether it will be an elected, appointed, or come under another Board? Do you know when this may occur? Do you have a sense of this at this time?" Schwartz - "I can't speak for the other Board members, but sometime within this fiscal year. I would like to get this issue resolved." Lyman said his observation is that when you get into needs and requirements, one tends to get into a territorial position. Schwartz asked the Board members to consider their thoughts on the matter, either as a Board or as an individual. Perkins said he felt until you have a final plan, it is hard to know what is needed. He said he would hate to see the Town get more than it needed. Lyman said he thought it was very difficult for them to prejudge - other than the Town has to stop putting sewage into the river, he really did not have a clue. He added that he felt they all appreciated the efforts of the Board of Selectmen with these difficult issues.

A public hearing was held at 7:55 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of

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Intent filed by Jonathan and Ellen Hull covering the construction of a concrete footing for steps at 105 Conomo Point Road.

Hull told the Board that he would like to move the existing staircase and concrete footing four feet to the right of its current location. He also wants to extend the kitchen onto the existing porch using the existing foundation. Stavros said that when he went to view the property, he noticed that the porch was sagging, and given the fact that Hull intends to enclose the porch, he wondered if he would be doing some work on the foundation. Hull said the contractor looked at it and felt it was fine, so he would not be doing any work on the foundation. The Board reviewed the Notice of Intent.

With no further questions by the Board or the public, Messersmith moved to close the public hearing for Jonathan and Ellen Hull, 105 Conomo Point Road, seconded by Perrigo, with the Board voting unanimously in favor.

A request made by the Essex Open Space Committee for the Commission to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, to cut brush for a trail at Centennial Grove, Assessors Map 4, Lot 78, was heard at 8:05 p.m.

Commission member Perkins represented the Open Space Committee. He told the Board that the proposal is to create a four foot wide path around the edge of Centennial Grove. The project will require some brush cutting to create the trail. He felt it would be an interesting resource for the Town. Perkins noted that on his visit he saw a fallen tree with another tree growing out of it, and also what might be a vernal pool, which he felt could be used as a school project. A few runners off the trail will also be created, but with minimal brush cutting. All brush cutting will be done by hand.

Prentiss moved to issue a negative Determination of Applicability to the Essex Open Space Committee for the proposed project at Centennial Grove, seconded by Messersmith, with the Board voting unanimously in favor.

A public hearing was held at 8:15 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Richard O'Donnell covering the construction of

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a driveway with utilities within the buffer zone at 48 Belcher Street.

Engineer Clay Morin, Morin Engineering, represented O'Donnell. Morin told the Board that the proposed driveway is across from an existing bordering vegetative wetland, and the whole lower section will be in the buffer zone. Bruce Julian, Superintendent of the Department of Public Works, has a couple of concerns. One is the site view from the driveway, and the other is the swale which could cause erosion. Morin said he would put in haybales and a retention pond while the driveway is being constructed. Perkins asked Morin what was the percentage of grade. Morin said it was 14-15%, therefore they may have to readjust the grading at the bottom of the driveway. Perkins wondered why Morin had not considered having a permanent retention area. Morin felt it could work quite well. He added that the driveway is 12 feet wide, and their concern was public safety. Julian of the D.P.W. said they could perhaps flair the driveway at the road edge, but they have to have further discussion on this matter. Morin said he would redesign the plan to include the retention basin and submit a copy to the Board.

With no further questions from the Board or the public, Prentiss moved to close the public hearing for Richard O'Donnell, 48 Belcher Street, seconded by Perrigo, with the Board voting unanimously in favor.

Clay Morin, together with James Conway, met with the Board for an informal discussion on the proposed construction of a 90'x30' addition to the existing structure and construction of a second building, 42'x48' in size, at 174 Western Avenue. There is a large seasonal swamp and stream, but not a year-round stream, along the side of the property. Perrigo wanted it noted that the stream which flows on the property flows to two of the Town wells. Stavros said he does not have as much of a problem with the rear building as he does with the construction of the second building, which is to the front of the property and is being constructed for rental purposes. He added that he felt the Board should be concerned with protecting the wetland and not as concerned with the building. Lyman asked if they needed fifteen parking spots. Morin said the by-laws require a certain number, and when the plan was presented to the Planning Board, they indicated they would rather not see the parking to the front of the lot. Lyman said his view is - you avoid, then you minimize,

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then you mitigate. Keep it further back from the wetlands, look at how to make it one building, move the parking away from the wetlands.

Laura and Mel Higgins met with the Board for an informal discussion on the property at 67 Western Avenue, which they are proposing to purchase. There is a drainage ditch with a bordering vegetative wetland on the property. The septic system is sized for four bedrooms, so the Higgins' are thinking about adding on to the existing dwelling. They were told that if they could, to keep the proposed addition outside of the 100 foot buffer zone, but if that were not possible, then they would have to file.

Stavros reviewed his submittal of a Notice of Intent for a pond extension at the Cape Ann Golf Course, John Wise Avenue, with the Board. A public hearing is scheduled for the meeting of October 6, 1998.

The Order of Conditions was written for Richard O'Donnell, 48 Belcher Street.

Prentiss moved to approve the project of Richard O'Donnell, 48 Belcher Street, as submitted in the Notice of Intent, seconded by Messersmith, with the Board voting unanimously in favor. The Board required that (1) the driveway be paved, and (2) a plan be submitted to the Commission showing the drainage and retention pond prior to the commencement of any work. Perkins is the Commission's representative for the project.

The Order of Conditions was written for Jonathan and Ellen Hull, 105 Conomo Point Road.

Stavros moved to approve the project for Jonathan and Ellen Hull, 105 Conomo Point Road, as submitted in the Notice of Intent, seconded by Perrigo, with the Board voting unanimously in favor. Perrigo will be the Commission's representative for the project.

Lyman moved to ratify the issuance of the Enforcement Order by Chairman Perkins to Crozer Fox, 151 Main Street, seconded by Perrigo, with the Board voting unanimously in favor.

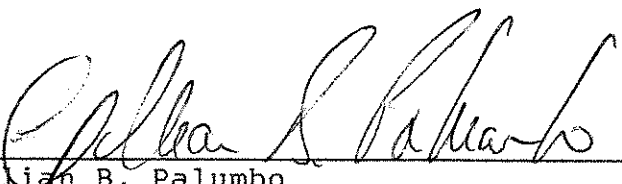
The Board discussed the vernal pool issue which occurred on Wood Drive.

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

Meeting adjourned at 9:30 p.m.

Prepared by:



Gillian B. Palumbo
Administrative Clerk

Attest: