

Essex Conservation Commission

January 19, 1999 - Minutes

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

Meeting called to order at 7:39 p.m.

A public hearing was held at 7:40 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Craig Fougere covering the upgrade and repair of a septic system at 8 Pond Street.

Craig and Paula Fougere were present. Fougere told the Board that the septic system has to be upgraded. Presently, a cess pool is in place, which will be eliminated. To the rear of the proposed septic system is an existing above ground pool, and it is proposed to construct a retaining wall around the pool area. A small retaining wall will also be constructed on the street side of the system to prevent any silting on to Town property. The system has been approved by the Board of Health. There had been a grade issue with them, but that has now been resolved. The grade will be a little higher than that of the street, hence the need for a retaining wall. The wall will be one foot in height on the end closest to the dwelling, rising to two feet at the other end. Perrigo noted that the Fougeres may have to encase the water line as the grading will be over the pipe. Fougere also indicated that although the plan states the walls will be constructed of timber, they actually will be concrete, which the Board noted was their preference.

With no further questions from the Board or the public, Perrigo moved to close the public hearing for Craig Fougere, seconded by Messersmith, with the Board voting unanimously in favor.

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 Symes Associates covering the grading for a single family dwelling, septic system, and all associated grading within the buffer zone at 105 Choate Street, Lot 2A.

Engineer Martin Halloran, Atlantic Engineering and Survey Consultants, represented Symes Associates. Halloran told the Board that both the proposed dwelling and septic system are out of the buffer zone and rivers area. There is some grading for the septic system in the buffer zone, approximately 40 feet, because the Board of Health asked them to rotate the septic

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system 180 degrees. Halloran noted that some of the numbers in the Notice of Intent will change due to the Board of Health. The system is now 90 feet away from the bordering vegetated wetlands. Arthur Clarke, Choate Street, asked if the septic system should be 100 feet away from the BVW. Clarke was told that under Title V it is 50 feet. Brophy stated that he had a problem with placing a new system in the buffer zone. He said he could understand this occurring with an upgrade of an existing system, but not with a new system. Clarke then questioned whether there would be a drainage impact from this construction. Halloran indicated that no impact would occur. Perkins then told Halloran that the Commission may require that a concrete wall be placed behind the system.

With no further questions from the Board or the public, Messersmith moved to close the public hearing for Lot 2A, 105 Choate Street, applicant Symes Associates, seconded by Perrigo, with the Board voting unanimously in favor.

A public hearing was held at 8:05 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Symes Associates covering the grading for a single family dwelling, septic system, and all associated grading within the buffer zone at Lot 2B, 105 Choate Street.

Engineer Martin Halloran, Atlantic Engineering and Survey Consultants, represented the applicant. Halloran told the Board that the Board of Health has made them change the system so that there is less in the river front area and more in the bordering vegetated wetland. The system is 122 feet from the bordering vegetated wetland, but the grading is within 70 feet. The Board wanted to know where the wells were located in relation to the septic systems. Halloran said the well will be 125 feet on Lot 2B, and 300 feet from the system on Lot 2A.

With no further questions from the Board or the public, Perrigo moved to close the public hearing for Symes Associates, Lot 2B, 105 Choate Street, seconded by Messersmith, with the Board voting unanimously in favor.

Donald Browning, 42 Apple Street, met with the Board regarding the stockpiling of material within the buffer zone. Browning said it is all garden material and had placed it on the edge of the lawn. There is also gravel stockpiled, which will be going under the barn to cover a dirt floor. He said he is trying to

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save the barn, which needs to be shored up. Placing the gravel on the floor of the barn will make the area easier to work in. Browning was told to file a Request for a Determination of Applicability.

Chris McCarthy submitted a building permit application for review for the construction of a single family dwelling on 3 Moses Lane, applicant James and Jill Periton. McCarthy said he wanted to show the Board what his scope of work will be. He noted that Elevation 46 is the deep area of an area designated, although not certified, as a vernal pool, and has not been filled. McCarthy asked if he should put in haybales when construction commences; Perkins felt they should be.

Messersmith moved to sign the building permit application for James and Jill Periton for the construction of a single family dwelling at 3 Moses Lane, seconded by Perrigo, with the Board voting unanimously in favor.

A Request for a Certificate of Compliance was made by Paul Rullo, 15 Lowe Hill Road, for work regulated by Order of Conditions D.E.P. File Number 21-234. Perkins viewed the site and felt the work had been satisfactorily completed.

Perrigo moved to issue a Certificate of Compliance to Paul Rullo, 15 Lowe Hill Road, finding that work regulated by Order of Conditions D.E.P. File Number 21-234 has been satisfactorily completed, seconded by Messersmith, with the Board voting unanimously in favor.

A Request for Certificates of Compliance for work regulated by Orders of Conditions D.E.P. File Numbers 21-194, 21-193, and 21-198, was made by Kerry and Patricia Kaplon, Gregory Island Road. The above Orders of Conditions were issued to property adjacent to the Kaplons, and formerly owned by Myles and Jennifer Rigney. The Kaplons purchased the property and demolished the building; the Orders of Conditions have lapsed and are no longer valid. They are requesting the Certificates of Compliance in order to 'clean up' the title.

Perrigo moved to issue Certificates of Compliance to Kerry and Patricia Kaplon, Gregory Island Road, finding that the Orders of Conditions D.E.P. File Numbers 21-193, 21-194, and 21-198, have lapsed and are no longer valid, seconded by Messersmith, with the Board voting unanimously in favor.

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The Order of Conditions for Symes Associates, 105 Choate Street, Lot 2A, were written.

Perrigo said environmentally there is no impact and felt the Board would, perhaps, be overruled if they denied it, but he does feel there is no hardship and is not happy about the design.

Perrigo moved to approve the Notice of Intent for Symes Associates, for Lot 2A, 105 Choate Street, providing all permits from the Board of Health and Planning Board have been given, and that a membrane and wall be put in place, seconded Messersmith, with the Board voting unanimously in favor.

The Board wanted to add to the Special Conditions that a wall be built following the 30 foot elevation line to the 100 foot buffer line on the south side to the 100 foot buffer line on the southwest and northeast sides. The design of the membrane and wall must be approved by the Commission and the Board of Health prior to the commencement of any construction.

The Order of Conditions was written for Symes Associates, Lot 2B, 105 Choate Street.

Messersmith moved to approve the project for Symes Associates, 105 Choate Street, Lot 2B, seconded by Perrigo, with Perkins, Messersmith, and Perrigo voting in favor; Brophy opposed.

The Board also wanted to add to the Special Conditions that a wall be constructed following the 30 foot elevation line and that the wall and membrane design be approved by the Board and the Board of Health prior to commencement of any construction.

The Order of Conditions was written for Craig Fougere, 8 Pond Street.

Perrigo moved to approve the project for Craig Fougere, 8 Pond Street, providing that both retaining walls be changed on the plan from wood to concrete.

The Board reviewed the correspondence. A letter was received from the Division of Fisheries and Wildlife regarding 105 Choate Street which stated that upon review of the information that is currently contained in their database, the project occurs near but not within the actual habitat of a state-protected rare

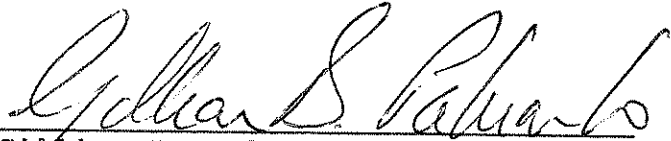
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wildlife species. The project, therefore, will not adversely impact the actual wetland habitat of the Mystic Valley Amphhipod providing the 100-foot buffer zone is maintained in an undisturbed, naturally vegetated state to the greatest extent possible.

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

Meeting adjourned at 9:55 p.m.

Prepared by:



Gillian B. Palumbo  
Administrative Clerk

Attest: