

Essex Conservation Commission

March 7, 2000 - Minutes

Present: Edwin Perkins, Chairman, Robert Brophy, Wallace Bruce, Stephen Gersh, Peter Perrigo.

Meeting called to order at 7:34 p.m.

Lynnanne Hagar, 2 Dodge Street, met with the Board for an informal discussion regarding the clearing of her property around the existing dwelling. Hagar said she would like to scrape the top of the garden to remove a number of roots and stumps, then level the area and maintain it as a lawn area. Gersh said he wanted no fertilizer used because of the gradient of the area. Hagar was agreeable to this. She was told to file an Abbreviated Notice of Intent for the work.

A Request made by Donald Cashman for the Commission to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, for the construction of an 850 square foot addition to the existing dwelling of Christopher M. Weld, 7 John Wise Lane, was heard at 7:39 p.m.

Cashman told the Board the proposed addition is 850 square feet in size, with a dug foundation. There is a stone wall on the edge of the property between the construction work and the wetland area. The area is presently a field, which is mowed a couple times of the year. The area slopes down to John Wise Lane. The Board reviewed the Request and accompanying plan.

With no more questions from the Board or public, Bruce moved to issued a negative Determination to Donald Cashman for a proposed addition at 7 John Wise Lane, property of Christopher Weld, seconded by Gersh, with the Board voting unanimously in favor.

A public hearing was held at 7:45 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on an Abbreviated Notice of Intent filed by Josephine Zaffiro for the installation of a holding tank at 22 Lufkin Point Lane.

Daniel Ottenheimer represented Mrs. Zaffiro. Ottenheimer told the Board the septic conditions are terrible, with a result that a tight tank must be installed. He noted that Mrs. Zaffiro is hoping to sell the house. The area in front, where they are hoping to work, is lawn. Borings were taken - the cellar of the house is one big ledge - but they were able to get quite deep with the borings. The area is high ground and not marshy. The

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Board reviewed the Notice of Intent and accompanying plan.

Perrigo moved to close the public hearing for Josephine Zaffiro, seconded by Brophy, with the Board voting unanimously in favor.

A Request made by Creative Development Associates, LLP, for the Commission to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, for the construction of a 16 foot wide common driveway within the wetland buffer zone at 66 Choate Street, was heard at 7:51 p.m.

Engineer John Judd, Gateway Consultants, represented Creative Development Associates. Judd told the Board that the applicant is proposing to construct a 16 foot wide common driveway. The proposed driveway bisects the two wetland areas, 75 feet from Flag C12 on one side, and on the other side 60 feet from the resource area. Judd said the applicant is requesting a negative Determination because of the amount of work within the buffer zone. An effort was made to stay as far out of the buffer zone as possible. The area within the buffer is 150 feet to 160 feet in length by 16 feet wide. The drainage area goes through a drainage ditch into an existing pond, and then through to the wetland. Another drainage area flows from the northeast corner into the wetland area.

Gil Guerin, Belcher Street, an abutter to the property, told the Board that he and a group of abutters from Choate Street disagree with the engineer's opinion and wish to outline the drainage area of the property. Guerin submitted a prepared text to the Board and read it into the meeting. The text is as follows: "It is our intent to discover or expose potential and existing drainage issues that may affect the ground water and wetlands that are present at this property. A brief history of the 66 Choate Street parcel, and in direct reference to the field with the pond, begins with an aerial view available in the Town of Essex Assessors Office. This topographical photograph shows the existing conditions as of 1968. As of that date, the photograph reveals that no pond existed. The field displays a grid pattern where simple drainage troughs glare with standing water. In the area near where Choate Street and the main driveway intersect, it is evident that a much larger pool of standing water exists. In an easterly direction, and parallel to Choate Street at the property sideline, there is another pool of standing water. Within 150 feet of this location and where the property meets the street, there is a stone culvert (not visible from the photo)

obviously intended to direct a flow of water."

"Since that time, the Sauer family, operating as a farm and under the direction of Chapter 61A (the farm act) ventured to relieve this hayfield of excess water in order to create a more workable tract of land. In doing this, a pond large enough to relieve a 10+/- acre parcel of land was built. In addition, we believe that drainage piping, used to direct water from various ends of the land and to the pond, was installed. We have also determined that based upon a map produced by Mass. G.I.S. showing specific areas of critical environmental concern (ACEC), that outflow from this pond and vicinity track directly to such an area."

"It is out contention that the construction of a road, in the location as delineated on the plans submitted by Scott Steeves, the developer of 66 Choate Street, would severely and permanently damage the existing drainage system. In addition, it would change adjacent wetlands from their current configuration, and on a much larger scale, produce pollutants that will affect areas of critical environmental concern."

Guerin then showed the Board a Title V plan which showed the pond flowing through wetlands across the street and into a stream which subsequently flowed into the Castle Neck River, an ACEC area. Guerin also indicated that he felt the drainage from the road would ultimately affect him as a homeowner. He suggested that the road, as it was drawn on the plan, and the drainage from the road, would end up pooling on his property. Guerin requested the Board respond to the applicant's Request for a Determination of Applicability with a requirement for a full review of the property prior to making their decision. Judd said, in light of the concerns of the neighbors, the applicant, perhaps, should go the Notice of Intent route. The Commission also felt they should take a thorough look at the property.

With no further questions from the Board or the public, Perrigo moved to issue a positive Determination to Creative Development Associates for property at 66 Choate Street, seconded by Gersh, with the Board voting unanimously in favor.

A public hearing was held at 8:20 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Thomas and Ellen Winkler for the construction of additions to an existing dwelling at 39 Spring Street.

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Mary Rimmer, of Rimmer Environmental Consulting, represented the Winklers. Rimmer told the Board the proposed work involves renovations and approximately 1,760 square feet of additions to an existing single family dwelling. The entire home is located with the 100-foot buffer zone to a bordering vegetated wetland. In one direction, the proposed work is 75 feet from the bordering vegetated wetland and in the other direction it is 45 feet. The Board reviewed the Notice of Intent and accompanying plan.

Gersh moved to close the public hearing for Thomas and Ellen Winkler, seconded by Perrigo, with the Board voting unanimously in favor.

The Order of Conditions was written for Thomas and Ellen Winkler, 39 Spring Street.

Gersh moved to approve the project for Thomas and Ellen Winkler, 39 Spring Street, as submitted in the Notice of Intent, seconded by Brophy, with the Board voting unanimously in favor. Wallace Bruce will be the Commission's representative for the project.

Perkins told the Board he has had discussions with the Massachusetts Electric Company regarding underground lines and the relocation of poles near the Grove and Water Street area, outlining the content of these discussions.

William Perkins met with the Board for an informal discussion on the proposed installation of a tight tank for Ernest and Helen Nieberle, 4 Spring Street. Perkins noted that there is a seasonal ditch in the area, and questioned what filing would be appropriate for this project. The Board felt a Request for a Determination of Applicability would be sufficient.

The Board reviewed a building permit application for Lorie Woodward, 247 Western Avenue, for the demolition of the existing dwelling and the reconstruction of a new dwelling. Chairman Perkins signed the application as there were no wetland or buffer zone considerations.

The Board reviewed a building permit application for Carle Shotwell, Belcher Street, Assessors Map 13, Lot 10B, for the construction of a 25'x26' 2-car garage to the existing dwelling. As there were no wetland violations, Chairman Perkins signed the application.

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A building permit application was reviewed for Scott Boches, Evan's Way, for the construction of a single family dwelling on Lot 3. As there were no wetland issues, Chairman Perkins signed the application.

A building permit application was reviewed for Paul Grant and Loretta Hall, 22 Lufkin Street, for the addition of a bedroom, family room and garage. As there were no wetland issues, Chairman Perkins signed the application.

The Order of Conditions was written for Josephine Zaffiro, 22 Lufkin Point Lane.

Perrigo moved to approve the installation of a holding tank for Josephine Zaffiro, 22 Lufkin Point Lane, seconded by Gersh, with the Board voting unanimously in favor.

Gersh moved to approve the Minutes of the meeting of January 18, 2000, seconded by Bruce, with the Board voting unanimously in favor.

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

Meeting adjourned at 9:17 p.m.

Prepared by:



Gillian B. Palumbo
Administrative Clerk

Attest: