

Essex Conservation Commission

September 4, 2001 - Minutes

Present: Edwin Perkins, Chairman, Robert Brophy, Wallace Bruce, Stephen Gersh, Philip Lake.

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

A continuation of 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 the Estate of Blanche Nelson, Cynthia Cameron, Executrix, covering the construction of a single family dwelling, driveway, and septic system at 2 Brook Pasture Lane.

Engineer Clay Morin represented the applicant. C. Morin told the Board they have increased the size of the recharge area. Based on the site visit, they have also increased the distance of the silt fence by 25 feet. The house has been moved slightly, as well as the driveway. The driveway and septic system have been staked out based on the plan. Donna KcKay, an abutter, said, "Just before the site visit, the area was reflagged. A flag on the boundary of our property was moved 25'-35' back on the site. A new flag is now hanging off the branch of a tree." C. Morin read from the letter submitted by Mary Rimmer, of Rimmer Environmental Consulting, which stated "...Rimmer Environmental Consulting re-investigated the site on July 9, 2001, to ensure that flags were still present and consistent with the survey plan. Flags that were no longer present or were worn were replaced as needed." C. Morin was requested by the Board to re-verify the flag.

With no further questions from the Board or the public, S. Gersh moved to close the public hearing for Cynthia Cameron, seconded by W. Bruce, with the Board voting unanimously in favor.

A continuation of 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 Intent filed by William Mahoney for a septic system upgrade at 20 Coral Hill.

Dan Johnson represented the applicant. D. Johnson told the Board the Mahoneys have a single cesspool, which is not failing, but they have volunteered to upgrade the system. They found very good soil - sand and gravel - so they can easily replace the existing system with the upgrade, but they cannot maintain the 100 feet from Chebacco Lake. The only problem is the wells and the required distance from the septic system. The water line is

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being brought down to Coral Hill, so they will do everything at once. When they dig for the water line, the septic upgrade will go in. W. Bruce asked if the upgrade was contingent upon the water going in. D. Johnson said, "Yes, with the approval of the Board of Health, the Mahoneys would like to do it all at once so they do not have to consider the proximity of the other wells. The septic tank/pump chamber will not change at all, just the leaching area. The impervious barrier and retaining wall already exist. A rubber membrane will be placed to prevent any breakout.

With no further questions from the Board or the public, S. Gersh moved to close the public hearing for William Mahoney, seconded by R. Brophy, with the Board voting unanimously in favor.

A Request made by Brian and Michele McCormick for the Commission to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, for the drilling of a well at Lot #3, 105 Choate Street, was heard at 8:05 p.m.

B. McCormick told the Board the contractor dug the well 15 feet into the buffer zone in error. He was, therefore, told to file a Request for a Determination of Applicability to cover the error. The Board reviewed the Request and accompanying plans.

S Gersh moved to issue a negative Determination of Applicability to Brian and Michele McCormick, Lot #3, 105 Choate Street, seconded by W. Bruce, with the Board voting unanimously in favor.

Chairman E. Perkins signed the building permit application for the construction of the proposed dwelling for Brian and Michele McCormick for Lot #3, 105 Choate Street, based on the plan dated July 30, 2001, showing the siting of the dwelling and garage outside of the buffer zone area.

Karen Bernier, 101 Western Avenue, met with the Board to discuss the construction of an addition to the existing dwelling. She noted that she has an intermittent stream on one side of her property and the Alewife Brook to the front. She was advised to file a Notice of Intent for the project.

Robert Borgioli, representing Dr. Paul Kippenberger, 229 Western Avenue, met with the Board to review the plan accompanying a building permit application for assurance that the proposed project is outside of the 100-foot buffer zone. The proposed

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project is for the repair of a concrete slab for kennel runs. Review of the plan indicated the proposed project was well outside of the buffer zone. Chairman E. Perkins signed the building permit application.

Marc Fagan, 48 Southern Avenue, met with the Board to discuss the construction of a shed on his property. M. Fagan asked the Board for their opinion on an area which was ruled a drainage ditch in 1997. The Board suggested he file a Request for a Determination of Applicability as there are wetlands in the area.

Sheila Carter, 10 Apple Street, met with the Board to discuss the construction of a new dwelling. She said she is the third unit of a 3-unit condominium, and would like to demolish the existing house and rebuild with a modular home. The present plan showed the house slightly within the buffer zone, and she was told she should move the house seven feet back to be out of the buffer zone. Brush and the old railway bed are between her house and the Alewife Brook.

R. Brophy moved that if a plan is returned to the Commission showing the house has been moved out of the buffer zone, the building permit application will be approved, seconded by W. Bruce, with the Board voting unanimously in favor.

Arthur Clarke, 84 Choate Street, met with the Board to discuss the beaver problem on his property. He read a letter sent to him from the Fire Department stating that they are concerned if there is a fire in the area there will not be sufficient water in the fire pond to pump. A. Clarke said he will be using Beaver Solutions to take care of the dam. He noted that trees are being damage, and there is also road damage. Beaver Solutions will be coming on September 19th if permission is granted by the Commission. He wants to guarantee the flow of water so he will not be flooded.

S. Gersh moved the Commission allow Arthur Clarke, 84 Choate Street, to alleviate the beaver problem under an Emergency Certification, seconded by W. Bruce, with the Board voting unanimously in favor.

A Request for a Certificate of Compliance was made by Massachusetts Electric for Order of Conditions D.E.P. File Number 21-392.

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S. Gersh moved to issue a Certificate of Compliance to Massachusetts Electric certifying that work regulated by Order of Conditions D.E.P. File Number 21-392 has been satisfactorily completed, seconded by W. Bruce, with the Board voting unanimously in favor.

The Board reviewed a building permit application for Paul and Catherine Xavier, 154R Eastern Avenue, for the addition of a second story to the existing dwelling. The Board felt a Request for a Determination of Applicability should be filed.

The Board reviewed a subdivision plan for Tara Subdivision. A memo will be sent to the Planning Board stating that review of the plan indicates there are significant wetland issues. The applicant will be required to come before the Commission to discuss the extent of the project.

Board of Health Verification of Conservation Commission
Jurisdiction Forms were received for Dorothy Lunken, 64 Eastern Avenue, and Scott Martell, 21 Choate Street. Both project were out of the Commission's jurisdiction.

The final plan for the project of Suzanne Perlman, 8 Deer Hill Farm Road, was submitted to the Board by DeRosa Environmental Consulting, Inc.

The Board reviewed the submittal of Notices of Intent for Thomas Perkins, 66 John Wise Avenue, and Paul and Kathleen Pennoyer, Grove Street. Both will be heard at the Commission's meeting to be held on September 18, 2001.

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

Meeting adjourned at 9:42 p.m.

Prepared by:



Gillian B. Palumbo
Administrative Clerk

Attest: