

Essex Conservation Commission

October 1, 1996

Present: David Folsom, Chairman, Arthur Hodges, Edith Messersmith, Edwin Perkins, Peter Perrigo, Thomas Prentiss (7:55 p.m.)

Meeting called to order at 7:40 p.m.

A Request made by Roger and Eileen Hardy for the Commission to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, for the construction of a driveway to a new dwelling on Island Road, Assessors Map 22, Lot 16, was heard at 7:41 p.m.

Roger Hardy told the Board that the driveway will not be going through any wetland area. The marsh is on the other side of the road, with the road acting as a barrier between the driveway construction and the marsh. The Board reviewed the Request.

Perkins moved to issue a negative Determination to Roger and Eileen Hardy for the construction of a driveway on Island Road, seconded by Messersmith, with Messersmith, Hodges, Perrigo, and Perkins voting in favor.

Engineer Clay Morin met with the Board with a revised plan to accompany a Notice of Intent filed for Nancy Roberts, 83 Eastern Avenue. Morin told the Board that the septic tank and leaching area are now outside of the buffer zone, but a new 4-bedroom dwelling will be added to the existing dwelling. Because the public hearing had been closed on the original submittal, the Board felt the amended plan was sufficiently altered to require a new hearing. It will be scheduled for October 15, 1996.

A Request made by the Town of Hamilton Water Department and submitted by Damon Boutchie of the Essex Water Department for the Commission to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, to drive test wells off Red Gate Road was heard at 7:50 p.m.

Perrigo removed himself from the Board for this discussion as he works for the Essex Water Department. Damon Boutchie of the Essex Water Department told the Board that "the Hamilton Water Department would like to drive some test wells in search of additional water supplies. Permission has been received from John Coughlin, owner of the Gateway subdivision, to test on his property. This is one of the few sites that has not been

Page Two
October 1, 1996

tested, because the former owner had a Chapter 61 restriction on the property. The plan is to come into the buffer zone and dig test holes. A small pickup type truck or similar sized rubber tired 'driving rig' is usually used to access the most promising locations. 2.5 inch pipes are driven into the ground as detailed in the narrative attached to the Request." Boutchie was asked how many test holes were to be dug, to which he replied, "Two."

Perkins moved to issue a negative Determination to Hamilton Water Department to dig test holes off Red Gate Road, seconded Hodges, with Hodges, Messersmith, Folsom, and Perkins voting in favor; Prentiss abstained (arrived in the middle of the discussion), Perrigo did not vote because of a conflict.

A public hearing was held at 7:58 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by William Burke covering the upgrade of a septic system at 58 Forest Street.

Engineer Clay Morin represented Burke. Morin told the Board "that the question came up as to whether there were wetlands in the area. I felt there was and had it flagged by botanist Paul Sommer, of Sommer Environmental. The septic system was an old cesspool. The distance from the existing well was less than 50 feet, so the well will be moved. The system is completely in the buffer zone. We have asked the Board of Health for a reduced size in the leach area. They have said because it was an intermittent flow they could reduce the length from the pipe to the system. The Town is going to move a catch basin which was partially responsible for the amount of water on the lot. Morin said he felt the wetland area was an isolated one subject to flooding, with jewel weed and spotted alder." The Board then reviewed the Notice of Intent and accompanying plan.

Perkins moved to close the public hearing for William Burke, 58 Forest Avenue, seconded by Hodges, 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 Joel Plastridge covering the construction of a well and pond at 37 Spring Street.

Plastridge told the Board "that the proposed project is to dig a

Page Three
October 1, 1996

shallow pond and stream that will border on the marsh. My land slopes to the marsh which will enable stream water flows to move naturally and settle in the pond, with no run-off to the marsh. Near the pond and stream site, presently there is a natural stream running into the marsh. The pond size will be 20' x 20' and 48 inches deep. Starting at the high level on Spring Street water flows towards the house, which is the same level, and then runs down to the marsh - so the water runs naturally to the marsh. The clay-like soil should enable us to construct a pond without artificial liners." Prentiss - "If we had an extreme amount of rainfall, how would you mitigate the surging and silting into the marsh?" Plastridge - "I cannot do anything, but it wouldn't be any more than the springs run now." Perkins - "How do you propose to dig this?" Plastridge - "Something small, like a bobcat arrangement, when it is dry, and remove the soil via a truck." Prentiss - "Would it be reasonable to put some rip-rap on the upper level of the pond to prevent the flow?" Plastridge - Yes, then I could put plants in to hide it." The Board scheduled a site visit on Thursday, October 3, 1996, at 8:30 p.m. The public hearing, therefore, was adjourned to this date.

A public hearing was held at 8:25 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed Ginnie O'Hara for the Estate of Lillian Leck covering the upgrade of a septic system and regrading in the buffer zone at 24 Story Street.

Engineer Clay Morin represented the applicant. Morin told the Board the area behind the school is a wetland and this project will be 85 feet away. The leaching facility will be in the buffer zone and also the regrading. The siltation control shown on the plan can be either staked haybales or a siltation fence. The existing cesspool will be filled and abandoned. The Board then reviewed the Notice of Intent and accompanying plan.

Hodges moved to close the public hearing for the estate of Lillian Leck, seconded Prentiss, with the Board voting unanimously in favor.

A request for a Certificate of Compliance was made by Patrowicz Land Development on behalf of Osborne Ward, 13 Red Gate Road, D.E.P. File Number 21-275.

Perkins moved to issue a Certificate of Compliance to Osborne Ward, 13 Red Gate Road, certifying that work regulated by Order

Page Four
October 1, 1996

of Conditions, D.E.P. File Number 21-275, has been satisfactorily completed, seconded Perrigo, with the Board voting unanimously in favor.

A request for a Certificate of Compliance was submitted by Edward McInerney, 44 Lakeshore Drive, for work regulated under Order of Conditions D.E.P. File Number 21-248. Perrigo said he would make a site visit and let the Board know at the next meeting as to whether the work is complete.

A building permit application submitted by Judith Perkins, 4 Robbins Island Road, was reviewed. The application was to remove an existing shed and replace it with a new one on a cement slab. The Board felt an Abbreviated Notice of Intent, or at the least, a Request for a Determination of Applicability should be filed for the project and Perkins will be so notified. It was the consensus of the Board that removal of the existing shed would not be a problem, as Ms. Perkins had a concern as to the safety of the shed.

A Request made by the Essex Historical Society and Shipbuilding Museum for the Commission to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, for the repair of a retaining wall and the removal of brush at 66 Rear Main Street, was heard at 8:50 p.m.

Maria Burnham represented the Historical Society and Shipbuilding Museum. She told the Board that they are going for their Chapter 91 License, but would like to repair the wall and cut brush now. The repair to the retaining wall will be just the cap - they are not going into the water. The brush and other growth will be removed under professional guidance. The Request with accompanying information was reviewed.

Prentiss moved to issue a negative Determination to the Essex Historical Society and Shipbuilding Museum, 66 Rear Main Street, for the removal of brush and repair to a retaining wall, seconded Perkins, with the Board voting unanimously in favor.

A public hearing was held at 8:55 p.m. under the Massachusetts Wetlands Protection Act, M.G.L. chapter 131, Section 40, on a Notice of Intent filed by Patrowicz Land Engineering covering the repair and upgrade of a septic system at 62 Lakeshore Drive, property of William and Nancy Gorman.

Page Five
October 1, 1996

Engineer Scott Patrowicz represented the Gormans. Patrowicz told the Board that the Notice of Intent was filed for the repair and upgrade of the existing septic system. They have received Board of Health approval for the upgrade. The property has an existing cesspool, 25 feet from Chebacco Lake, and the project is for the installation of a new septic system. Perrigo indicated that there is a water line running through the property. Patrowicz told him there will be an encasement around the sewer line. The existing cess pool will first be pumped, then crushed and filled with sand. The Board reviewed the Notice of Intent and accompanying plan.

Perrigo moved to close the public hearing for Patrowicz Land Development for property at 62 Lakeshore Drive, seconded by Perkins, with the Board voting unanimously in favor.

A public hearing was held at 9:03 under the Massachusetts Wetlands Protection Act, M.G.L. chapter 131, Section 40, on a Notice of Intent filed by Patrowicz Land Development covering the upgrade and repair of an existing septic system at 154R Eastern Avenue, property of Paul and Catherine Xavier.

Engineer Scott Patrowicz represented the Xaviers. He told the Board "the wetlands were flagged by Mary Rimmer. The Xaviers have no area in the back because the rear garden is no depth to ledge. They do not own the driveway - the property behind them owns the driveway. We asked for seven variances from the Board of Health. The only way we could go was with a Clivus composter and grey water system. The black water goes into the basement, and the greywater goes through a filtering device into a surge tank. Clivus pumps the system once a year and a contract is signed with Clivus that they pump the system. The only thing that is outside is the manifold lines. The existing system is a cesspool which is about 34 feet from the resource area." The Board then reviewed the Notice of Intent and accompanying plan.

Perkins moved to close the public hearing for the property of Paul and Catherine Xavier, 154R Eastern Avenue, seconded by Messersmith, with the Board voting unanimously in favor.

A public hearing was held at 9:11 p.m. under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Patrowicz Land Engineering covering the repair and upgrade to a septic system at 160 Eastern Avenue, property of David and Carol Leighton.

Page Six
October 1, 1996

Engineer Scott Patrowicz represented the Leightons. He told the Board that a Clivus composter and greywater system also has to be installed at this property. The greywater system will be placed in front of the house. The size of the system is 30 feet long and 6 feet wide and will take all of the greywater filtered to it. The Board reviewed the Notice of Intent and accompanying plan.

Perrigo moved to close the public hearing for David and Carol Leighton for property at 160 Eastern Avenue, seconded by Prentiss, with the Board voting unanimously in favor.

A public hearing was held at 9:17 p.m. under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Patrowicz Land Engineering covering the repair and upgrade of a septic system, and the demolition and reconstruction of a single family dwelling at 17 Addison Street, property of Joseph Ginn.

Engineer Scott Patrowicz represented Joseph Ginn. Patrowicz told the Board there is an existing structure with a barn in the rear. The property has an existing cesspool which will be abandoned. Waste will flow to the septic tank, then to the pump chamber and dosed to a leaching field. There is a lot of earth work to do - the top soil, subsoil and unsuitable material will be removed and replaced with clean course sand fill. We have requested in the Notice of Intent proposal to reconstruct the foundation walls. Our intent now is to put in the septic system and then next year we would like to tear down the house and reconstruct it. The main part of the barn is 30 feet by 30 feet; the house portion is also 30 feet by 30 feet. We would also like to have a drive-under garage. The existing garage door on the building has the driveway going along the edge of the creek. The applicant does not want that, and proposes the driveway to go in from the street to the drive-under garage to the front of the house. Joseph Ginn, owner of the property, told the Board that the footprint, if anything, would shrink. Patrowicz said hot-top is proposed for the driveway, and in answer to the question whether one can hot-top over the septic system, the answer is yes. The proposed system is for a three-bedroom structure. The Board reviewed the Notice of Intent and accompanying plans.

Perkins moved to close the public hearing for 17 Addison Street,

Page Seven
October 1, 1996

property of Joseph Ginn, seconded by Perrigo, with the Board voting unanimously in favor.

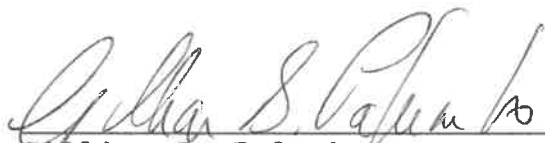
The Board reviewed the submittal of a Request for a Determination of Applicability for H.A. Patrican, 15 Pond Street, to close in two existing decks. Folsom said that if the work involved construction of foundations under the decks then an Abbreviated Notice of Intent should be filed. As the Request did not indicate whether foundation work was to be done, Patrican will be contacted for this information.

The correspondence was reviewed.

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

Meeting adjourned at 9:50 p.m.

Prepared by:



Gillian B. Palumbo
Administrative Clerk

Attest:

Essex Conservation Commission

October 1, 1996

A G E N D A

Appointments:

- 7:30 p.m. ... Submittal of revised plan for Nancy Roberts, Eastern Avenue - Clay Morin
- 7:35 p.m. ... Request for a Determination of Applicability - Roger and Eileen Hardy, Island Road
- 7:40 p.m. ... Request for a Determination of Applicability - Hamilton Water Department
- 7:45 p.m. ... Public hearing - William Burke, 58 Forrest Avenue
- 7:50 p.m. ... Public hearing - Joel Plastridge, 37 Spring Street
- 7:55 p.m. ... Public hearing - Estate of Lillian Leck, 24 Story Street
- 8:00 p.m. ... Public hearing - William and Nancy Gorman, 62 Lakeshore Drive
- 8:10 p.m. ... Public hearing - Paul and Catherine Xavier, 154R Eastern Avenue
- 8:20 p.m. ... Public hearing - David and Carol Leighton, 160 Eastern Avenue
- 8:30 p.m. ... Public hearing - Joseph Ginn, 17 Addison Street
- 8:40 p.m. ... Request for a Determination of Applicability - Essex Historical Society & Shipbuilding Museum, 66 Main Street

- Business: Submittal of RDA - Essex River Landing, Main St.
H.A. Patrican, Jr., Pond St.
- Submittal of NOI - Donald Reed, 40 Southern Ave.
Curtis Jones, 75A Wood Drive
- Request for COC - Edward McIrnerney, Lakeshore Dr
Osborne Ward, Red Gate Road