

Essex Conservation Commission

October 6, 1992

Present : Edwin perkins, Acting Chairman; David Folsom;
Arthur Hodges; Alan McCoy; Sheldon Pennoyer.

Meeting called to order at 8:00 p.m.

A Request for a Determination of Applicability made by Dana and Sharlene Burnham was heard at 8:00 p.m. for the removal of a greenhouse attached to the existing dwelling and the reconstruction of a two-story addition over the existing foundation at 8 County Road. The reason for the Request is that the work is within 100 feet of a brook. The Burnham's have received approval from the Board of Health for the project. They feel that the work they will be doing will have no impact on the brook. There will be no soil removal as the addition is going onto an existing foundation. The Board then reviewed the Request application and plan.

McCoy moved to issue a negative determination to Dana and Sharlene Burnham for the removal of a greenhouse and the reconstruction of a two-story addition over the existing foundation at 8 County Road. The motion was seconded by Pennoyer, with the Board voting unanimously in favor.

A Continuation of a Public Hearing was held at 8:15 p.m. under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Gloucester Bank and Trust covering construction of a portion of a residential structure, driveway and regrading within the buffer zone on property at the corner of Western Avenue and Essex Park Road. Engineer Clay Morin, representing Gloucester Bank and Trust, submitted a letter requesting the hearing be continued until October 20, 1992.

Pennoyer moved to continue the public hearing for Gloucester Bank and Trust until October 20, 1992, at 8:00 p.m. The motion was seconded by Folsom, with the Board voting unanimously in favor.

A Public Hearing was held at 8:30 p.m. under the Massachusetts Wetlands Protection Act, Chapter 131, Section 40, on a Notice of Intent filed by George W. Evans covering construction of a foundation for an existing house at 10 Lufkin Point Road. David Savoie represented Dr. Evans.

A letter from abutters Sara and Richard Bronstein was read into the meeting. The Bronstein's letter stated that they have no objection to the project providing that the building's dimensions are kept the same and that, according to Savoie, the raising of the roof will be very modest and in keeping with the current appearance and privacy of the site. Savoie said the project involved raising the house and constructing a concrete foundation beneath. The house will then be lowered onto the new foundation. The footprint will not change. The existing foundation consists of wooden pillars placed on ledge and cement blocks toward the creek and a soil foundation toward the street. The small shed attached to the house will not have a full foundation, but will be on sono tubes. Perkins asked, "If you do run into ledge, are you planning to pin the foundation to the ledge and not blast?" Savoie said there would be no blasting. He added that Metropolitan Movers would jack up the house and then put it down on the foundation. The distance from high tide to the building is forty feet. The excavation will be done with a backhoe. Silt barriers will be placed between the resource area and the work area. Charles Swanson, an abutter to the property, said he had concerns about the project and read a letter into the meeting. The letter requested a construction fence be erected at the eastern side of the Evans property to prevent personnel and/or machinery from damaging the abutters' property. Swanson also wanted to be sure that there would be no stockpiling of material and/or debris on other peoples' property. Savoie also said he would use extreme care in the area of the septic system. There were no further comments from the public. The Board reviewed the Notice of Intent and plan.

Hodges moved to close the public hearing, seconded by Pennoyer, with the Board voting unanimously in favor.

A Continuation of a Public Hearing was held at 8:40 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Whitewater Development Corporation covering construction of a 174'x 120' commercial building with parking lot on Lots 4 and 5, Scot's Way.

Folsom removed himself from the Board and from any discussion as he is an abutter. Perkins said the Commission made a visit to the site because "we wanted to see where the wetlands were, where the parking area and grey water area would be. We discussed with Town Counsel the opinion of the

applicant's attorney that the subdivision is grandfathered in and does not have to comply with the Water Resource Protection by-law. He had a handwritten opinion for us and said he would forward a formal copy." Clay Morin, the applicant's engineer, said he had checked the FEMA maps and had identified the area as a Zone C. Hodges said he was concerned about the effect of the processing plant on the Watershed District. He felt if something went wrong there could be a major disaster for the town. Pennoyer said that if the applicant found a way not to have the building in the buffer zone it would take away a lot of the authority over this project. He felt that the Board could put a limit on the type of thing that goes on in the building with it sited partially in the buffer zone. Hodges felt the Commission might have some jurisdiction because the water resource district is affected. "If they were coming to us fresh now," he said, "It would not be permitted, so I want to make sure that the area has some protection."

George Benoit, Benoit Realty, said, "As I recall when the subdivision was approved by the Planning Board, a tree barrier was supposed to be installed between the subdivision and the abutters." A discussion followed as to what the Planning Board has specified as a buffer zone. Ronald Strong, owner of the subdivision, said he felt the field was sufficient. John Wonson, Blueberry Lane, asked if the Hamilton Conservation Commission had been notified of this project. Administrative Clerk Gillian Palumbo said she had spoken to Doris Nason of the Hamilton Conservation Commission, who said that the building would have an impact on the wetlands in Hamilton and that the developer would have to file a Notice of Intent with them. It was noted that a small portion of the parking area was within the buffer zone at the Hamilton town line. Mark Jacobs said "Even a dog house cannot be built without making an impact and disturbing upland wildlife habitats. There are wildlife corridors here in the area which allow wildlife to go in and out. Yes, there will be an impact, but no direct impact. Nancy Randall, Blueberry Lane, and George Benoit, requested they be sent a copy of the Order of Conditions.

As there were no more comments from the public or the Commission Pennoyer moved to close the public hearing for Whitewater Development Corporation, Scot's Way, Essex. The motion was seconded by Hodges, with Hodges, McCoy, Pennoyer and Perkins voting in favor; Folsom abstained.

The Board told George Benoit that he had been seen cutting brush on his property near wetlands. Benoit's property, off

Western Avenue, has a current Cease and Desist Order on it. Benoit said he was cutting brush because his surveyor told him he could. The Commission told Benoit he could not cut brush within 100 feet of wetlands. It was also noted that Benoit had been placing floats in the lake. Benoit said he would anchor the floats to hold them in place.

The Order of Conditions were written for the Society for the Preservation of New England Antiquities.

Folsom moved to approve the project for S.P.N.E.A. covering the construction/placement of a 12" water main along Spring Street. The motion was seconded by Pennoyer, with the Board voting unanimously in favor.

The Order of Conditions were written for James and Madeline Albani, Lot 5, Pine Ridge Road.

Pennoyer moved to approve the proposed dwelling and deck for James and Madeline Albani, Lot 5, Pine Ridge Road. The motion was seconded by McCoy, with the Board voting unanimously in favor.

The Order of Conditions were written for Dr. George Evans, 10, Lufkin Point Road.

Pennoyer moved to approve the raising of the existing building and the construction of a new foundation for Dr. George Evans, 10 Lufkin Point Road. The motion was seconded by Hodges, with the Board voting unanimously in favor.

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

Meeting adjourned at 10:30 p.m.

Prepared by:


Gillian B. Palumbo

Attest:

10/6/92

Essex Conservation Commission

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A G E N D A

Appointments:

- 8:00 p.m. ... Request for a Determination of
Applicability - Dana and Sharlene
Burnham, 8 County Road
- ... Continuation of a Public Hearing -
Gloucester Bank and Trust, corner of
Essex Park Road and Western Avenue
- 8:15 p.m. ... Public hearing - Dr. George Evans,
Lufkin Point Road
- ... Continuation of a Public Hearing -
Whitewater Development, Scot's Way

Business:

Write Order of Conditions - S.P.N.E.A
Louis Rome
James Albani

Letter to George Benoit

Building permit application review - Village Restaurant

Review correspondence