

Essex Conservation Commission

February 3, 1998 - Minutes

Present: Edwin Perkins, Chairman, Robert Brophy, Peter Perrigo, Thomas Prentiss.

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

Peter Van Wyck met with the Board to discuss the Turtleback Extension road, off Apple Street. Van Wyck said he needs to relocate the road away from the wetlands at least by 30 feet, as stated in the Superceding Order of Conditions issued by the Department of Environmental Protection. He said he would like to avoid having to file, as presently the plan shows the road being constructed within the wetland area. Van Wyck asked the Commission to write a letter to the Planning Board asking them to consider moving the road away from the wetlands to avoid its impact on the wetlands and as requested by the D.E.P.

Prentiss moved to write a letter to the Planning Board for Peter Van Wyck, seconded Brophy, with Perkins, Brophy, and Prentiss voting in favor; Perrigo voted present.

A continuation of 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 Phil Caponigro covering the grading for a subsurface sewage disposal system in the buffer zone and outer riparian zone, limited crossing of an intermediate stream and driveway construction in the buffer zone at Lot 11, Choate Street.

Clay Morin, Morin Engineering, represented Caponigro. Morin told the Board the leach facility for the septic system was moved so that the small section of the leach area that was in the outer riparian zone is now outside of the outer riparian zone boundary. He discussed with the Essex Health Agent, Brendan Zubricki, about moving the reserve area. Zubricki reviewed the proposal with the Board of Health, who gave permission to revise the plan. It was Morin's understanding that if they could not move the septic system leach facility, then the additional soil test holes would need to be located on the lot and the adjacent lot for justification of the leach facility placement. Because they moved the leach area, the additional test holes were not placed on the plan. They went with trenches to avoid having to dig another test hole. They will be regrading 6% (estimated at 3,500 square feet) in the 200 foot zone. The FEMA Flood Elevation is 10. The annual

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mean high-water line is the upper boundary of the bank, as determined by the first observable break in slope or the annual mean flood level if it is lower. The annual mean high-water line of the Castleneck River is at the rear property line, approximately three to five feet off the centerline of the river, and is shown on the 40 scale Site Plan. The ACEC is shown on a plan of the Parker River/Essex Bay Area of Critical Environmental Concern with a basemap of the USGS topographic Map of 1966. The ACEC is shown going up to the pond. The elevation of the spillway is 17.1; the culvert is lower. No flow is observed in the summer months. It is proposed that the driveway base be placed and that the actual pavement of the driveway be done one to two years later, after the driveway base material has stabilized and no more settlement is expected to occur. There is one tree that is located at the entrance to the proposed driveway that will need to be removed to provide adequate turning into the driveway, and also to provide for appropriate sight distance when coming out of the driveway. The Board reviewed the amended plan.

Perkins entertained a motion to close the public hearing for Phil Caponigro, Choate Street, so moved Prentiss, seconded by Brophy, with the Board voting unanimously in favor.

A Request for the Commission to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, made by Massachusetts Highway Department for the application of herbicides to control target vegetation on Route 128 was heard.

A letter was received from Massachusetts Highway requesting the hearing be rescheduled, as they were unable to provide proper representation. Perkins entertained a motion to reschedule the Request for Determination of Applicability for Massachusetts Highway to February 17, 1998, at 7:35 p.m., so moved Perrigo, seconded Prentiss, with the Board voting unanimously in favor.

Clean Soils Environmental submitted a Request for an Emergency Certificate for the clean-up of fuel oil believed to be from a ruptured line beneath the basement floor of a dwelling at 60 Western Avenue. Clean Soils Environmental has received approval from the D.E.P. to conduct an Immediate Response Action to contain the release. The Board signed the Emergency Certificate because they felt it was necessary to contain and clean up the spill as soon as possible.

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The Board reviewed the submittal of a Notice of Intent by PMC Realty Trust for Lot 1, Scot's Way. The public hearing will be scheduled for February 17, 1998, at 7:45 p.m.

The Order of Conditions was written for Phil Caponigro, Lot 11, Choate Street.


Prentiss moved to approve the project of Phil Caponigro for Lot 11, Choate Street, as submitted in the Notice of Intent and amended plan, seconded by Perrigo, with the Board voting unanimously in favor. The Board felt that in addition the special conditions boilerplate the following should be added: (1) that the culverts should be installed during the dry period, and (2) a temporary basin or flow way should be constructed with haybales and a silt fence, to eliminate any silt or debris from entering the intermittent stream.

The correspondence was reviewed.

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

Meeting adjourned at 9:08 p.m.

Prepared by:



Gillian B. Palumbo
Administrative Clerk

Attest: