

Essex Conservation Commission

February 17, 1998

Present: Edwin Perkins, Chairman, R.J. Lyman, Edith Messersmith, Peter Perrigo, George Stavros.

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

A Request made by the Massachusetts Highway Department for the Commission to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, for the application of herbicides to control target vegetation on Route 128 was heard at 7:40 p.m.

A representative (Lourabito) from Mass. Highway told the Board that the proposed work involves the application of herbicides to control target vegetation along State roads and highways in accordance with Rights of Way Management Regulations (333 CMR 11.00) and the Massachusetts Highway Department's Yearly Operational Plan. Primary target vegetation locations include the guardrail and jersey barrier. The section in Essex is 1300 feet in length and the proposed work will extend no further than four feet from the edge of the roadway. A topography map and aerial view of the area were submitted to the Board. No spraying will be done during rainy or windy weather. A package will be mailed to all Towns stating what chemicals will be used, etc. A forty-five day time period will be allowed for Towns to reply. It was noted that additives are put into the spray to prevent it from drifting. The Request was filed for the proposed work, but also for the Highway Department to receive the Board's concurrence on the delineation of the wetland area. The Board reviewed the Request.

Lyman moved to issue a negative Determination to the Massachusetts Highway Department, seconded Messersmith, with the Board voting unanimously in favor.

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 PMC Realty Trust covering the construction of a commercial building, parking area, drainage system, utilities and associated grading within a bordering vegetated wetland buffer zone at Lot 1, Scot's Way.

Attorney Paul Shea and Robert Lynch of Atlantic Engineering represented John Coughlin, the property owner. Shea submitted a letter to the Board which stated the uses for the property,

Page Two
February 17, 1998

namely, 1) Light manufacturing, 2) Office space, 3) Research and Development, 4) Storage warehouse, and an added allowed use of Daycare. He noted that as they went through the permitting process with the Planning Board, the public realized they were trying to meet the requirements. Lynch told the Board the change on the plan was to move the roof infiltration from the back to the front of the property. The Storm Water Management Regulations are now in effect, so this change met the regulations. Lyman asked what the rationale was for the limitations of what could go on the property. Lynch said because of the Woodman controversy, the public wanted the limitations written in.

Perkins entertained a motion to close the public hearing for PMC Realty Trust, Lot 1, Scot's Way, Perrigo so moved, seconded by Lyman, with the Board voting unanimously in favor.

Clean Soils Environmental Ltd. submitted a request for an addendum to the Emergency Certificate for 60 Western Avenue. The addendum noted that the property owner's insurance company would like to conduct assessment activities in and out of the buffer zone to continue to assess the extent of the #2 Fuel Oil release. The insurance company will not work within the resource area and therefore, Cleans Soils requested the additional assessment to be added to the existing Emergency Certificate.

Prentiss moved to sign the addendum to the Emergency Certification requesting assessment activities in and out of the buffer zone to better determine the extent of the #2 fuel oil release at 60 Western Avenue, seconded by Perrigo, with the Board voting unanimously in favor.

A request for a Certificate of Compliance was submitted by Francis Gentleman, 9E Gregory Island Road. Perkins said he would make a site visit to see if the project was complete.

Perrigo moved to accept the Minutes of December 2, 1997, December 16, 1997, January 6, 1998, and January 20, 1998, as read, seconded by Messersmith, with the Board voting unanimously in favor.

The Order of Conditions was written for PMC Realty Trust, Lot 1, Scot's Way.

Lyman moved to issue an Order of Conditions to PMC Realty Trust,

Page Three
February 17, 1998

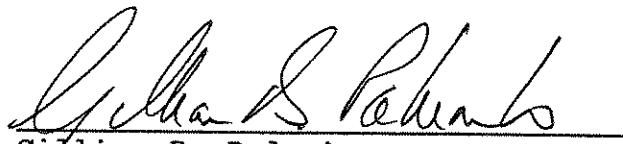
seconded Perrigo, with the Board voting unanimously in favor. Additions to the Special Conditions boilerplate were 1) Prohibition of transfer, disposal or storage of hazardous waste, sewerage, or other wastewater, and 2) Upon transfer of ownership or execution of a long-term lease, the owner or lessee shall appear before the Commission to certify compliance with the limitations.

The Board reviewed the correspondence.

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

Meeting adjourned at 8:55 p.m.

Prepared by:


Gillian B. Palumbo
Administrative Clerk

Attest: