

Essex Conservation Commission

August 4, 1998 - Minutes

Present: Edwin Perkins, Chairman, Robert Brophy, Edith Messersmith, Thomas Prentiss, George Stavros, R.J. Lyman (7:45 p.m.)

Meeting called to order at 7:33 p.m.

A Request made by Kerry and Patricia Kaplon for the Commission to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, for the demolition of a structure and the construction of an 8'x11' deck at 27 and 29 Gregory Island Road was heard at 7:35 p.m.

The Kaplons told the Board that they have purchased a lot adjacent to their lot and would like to demolish the structure that is presently on this property. They would then like to add a small three and one half foot catwalk to the existing deck. The Board reviewed the Request.

Stavros moved to issue a negative Determination of Applicability to Kerry and Patricia Kaplon, 27 and 29 Gregory Island Road, seconded by Messersmith, with Brophy, Messersmith, Prentiss and Stavros voting in favor.

Open Space Committee - Brophy told the Board that the Open Space Committee walked the whole perimeter of Centennial Grove where the path, under the Trails Program, would be placed. At present, it looks as though it may be under 1000 square feet of alteration. So as to create less impact, Stephen Gersh suggested a couple of radial paths from the main path, going close to the water.

A public hearing was held at 8:45 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 landscaping and grading within a bordering vegetated wetland buffer zone at Lot 3, Scot's Way, Assessors Map 8, Lot 15C.

John Coughlin, Attorney Pete Shea, and Robert Lynch of Atlantic Engineering met with the Board. Shea submitted a decision issued by the Essex Planning Board, acting as the Special Permit Granting Authority, outlining the conditions, safeguards, and

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limitations on the use of the lot. Lynch told the Board that they would like to construct a two-story building, but which would look like a one-story structure from the street. The building is 4,860 square feet on one story, with the total floor area being 9,720 square feet. The parking area has a total of 32 spaces. There is a single entrance/exit to the site. The drainage for the parking lot will flow to a catch basin, and finally over to an infiltration basin. A berm will be placed so as to divert the flow to the catch basin. The building is 83 feet from the wetlands. The access road to Lot 4 is on Lot 3. As noted in the Special Permit Granting Authority decision, usage for the building is limited to light manufacturing, office space, research and development, and storage/warehouse. The building will, in no event, be used for storage of any septic handling trucks or equipment or for the storage of hazardous waste. Lyman questioned Shea as to why the decision referred to hazardous waste and not hazardous material. Shea said it was just his terminology. Lyman questioned Lynch regarding the overflow. Lynch said it really wasn't an issue. Even during the 100-year storm the basin will hold it. It was 3.6, but now they have it down to 1.9.

With no further questions from the Board and public, Stavros moved to close the public hearing for PMC Realty Trust, Lot 3, Scot's Way, seconded by Messersmith, with the Board voting unanimously in favor.

A public hearing was held at 8:00 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, walkways, utilities, and associated landscaping and grading within a bordering vegetated wetland buffer zone at Lot 4, Scot's Way, Assessors Map 8, Lot 15-D.

John Coughlin, Attorney Pete Shea, and Bob Lynch of Atlantic Engineering, met with the Board. Shea submitted a decision made by the Essex Planning Board, acting as the Special Permit Granting Authority, outlining the conditions, safeguards, and limitations on the use of the lot. It was noted that the building will be used only for light manufacturing, office space, research and development, and storage/warehouse. Lynch told the Board the difference between this lot and the other lot was the impervious area that they are restricted to. The building will be a two-story structure, which will look like a single story from the street. The parking lot will be a

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bituminous material, with run-off flowing to a catch basin and then to an infiltration basin. There is a large area of ledge on the lot which they will have to get rid of, and replace it with the building. In this case, they have an impervious surface which will be replaced by another impervious surface. Berms will be constructed to catch run-off from the side of the building and from the rear. Margaret Fitzgerald, Blueberry Lane, asked if any of the overflow will be going into the wetlands near Blueberry Lane. Lynch told her that the building will be smaller than the ledge area that is there presently, and the flow will run the same way as it has been. He added that they are not supposed to divert the run-off, as the wetland is dependent upon this run-off. Fitzgerald questioned Lynch about the height of the building, to which he indicated that under the Essex By-laws the maximum height is 35 feet. Brophy asked Lynch if the roof drains were going into drywells. Lynch said they were not, they were going into energy dissipators.

As there were no further questions from the Board or the public, Stavros moved to closed the public hearing for PMC Realty Trust, Lot 4, Scot's Way, seconded by Lyman, with the Board voting unanimously in favor.

A public hearing was held at 8:20 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by James and Charlotte Gagnon covering the installation of a septic holding tank at 52 Martin Street.

Engineer John Judd represented the Gagnons. Judd told the Board that the entire site is in the buffer zone. with the closest point from the wetlands to the holding tank being 36 feet. The weight of the tank is 16,980 lbs; soil weight over tank is 7,800 lbs; total downward force is 35,043 lbs; displaced water table is 29,203 lbs. Judd said they will be putting crushed stone and then putting concrete around the tank. Perkins suggested putting crushed stone, then putting a concrete pad and attaching the tank to the pad. Judd noted that the Board of Health waived the soil testing. Perkins asked Judd if they were aware of the problem. Judd said, "I don't think so. I would rather have the tank sink than be buoyant." Perkins - "And we would rather have it stay in place. We shall put that in our Order of Conditions." Judd was asked if it would have to be pumped if the tank was put on the other side of the house. Judd said it would and that it was much more accessible where they were placing it.

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Stavros moved to close the public hearing for James and Charlotte Gagnon, 52 Martin Street, seconded by Lyman, with the Board voting unanimously in favor.

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 by Robert Sanford covering the reconstruction of a porch at 5 Hardy's Lane.

Robert Sanford told the Board that he is part of the communal septic system on Island Road and must put in a septic tank in front of his dwelling. He would like to widen the porch on the side of the house, going from 8 feet wide to 11 feet wide. The Board reviewed Sanford's plans.

With no further questions from the Board or the public, Messersmith moved to close the public hearing for Robert Sanford, 5 Hardy's Lane, seconded Lyman, with the Board voting unanimously in favor.

Phil Caponigro, Choate Street, submitted a letter to the Board from engineer Clay Morin stating the order of work for Caponigro's project of a proposed bridge crossing a wetland on Choate Street. The letter stated that the proposed bridge will now be a precast bridge made by Concrete Systems, Inc. of Hudson, NH. The excavation for the bridge footings will take place first. If the brook is still running, then the flow will need to be temporarily diverted through the use of sandbags and a pipe or by another method if the Commission so chooses. The bridge will come in two sections and will be put in place by a crane. The footings for the bridge will be poured in place prior to the placement of the bridge sections. Once the bridge structure is set, then the back filling, placement of the rip-rap wall will be conducted at the same time bringing the driveway base to rough grade. The guardrails will be constructed after the rough grade is reached. The underground utilities will be placed as the rough grading is being completed unless the Electric Company requires a different sequence for the installation. The utilities will run underground from the street and then on the other side of the bridge may be installed on a pole. The driveway will then be finished graded and loam and seed placed along the driveway, creating the shallow grassed swales. Caponigro said they were asking for an amendment to the Order of Conditions to be able to use a precast bridge instead of a man-built bridge.

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Stavros moved to allow the amendment to the Order of Conditions for Phil Caponigro, Choate Street, for a precast bridge instead of a man-built bridge, seconded by Messersmith, with the Board voting unanimously in favor.

Crozer Fox, 151 Main Street, met with the Board to discuss the Cease and Desist Order placed on his property. Stavros said that he received a call that work appeared to be ongoing within 100 feet of the marsh. Stavros said he would like the Board to know that everyone was very co-operative, i.e. property owners and contractors, when he issued the Cease and Desist Order. The Board discussed the situation and felt that stabilization of the graded area should be completed without delay and erosion control measures to prevent any siltation into the marsh should be put in place immediately.

Stavros moved to issue an Enforcement Order to Crozer Fox, 151 Main Street, seconded Messersmith, with the Board voting unanimously in favor.

The Order of Conditions was written for PMC Realty Trust, Lot 3, Scot's Way.

Prentiss moved to approve the project for PMC Realty Trust, Lot 3, Scot's Way, as submitted in the Notice of Intent, seconded by Stavros, with the Board voting unanimously in favor. Stavros will be the Commission's representative for the project.

The order of Conditions was written for PMC Realty Trust, Lot 4, Scot's Way.

Stavros moved to approve the project for PMC Realty Trust, Lot 4, Scot's Way, as submitted in the Notice of Intent, seconded by Lyman, with the Board voting unanimously in favor. Stavros will be the Commission's representative for the project.

The Order of Conditions was written for James and Charlotte Gagnon, 52 Martin Street.

Messersmith moved to prove the installation of a tight tank for James and Charlotte Gagnon at 52 Martin Street, seconded by Prentiss, with the Board voting unanimously in favor. The Board wanted specified in the Order of Conditions that a reinforced concrete slab must be constructed, at least two feet wider than the tank on all sides, with tank tie downs installed

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into the concrete. The concrete must be reinforced with no less than No.5 rod wired in, no greater than 1 foot square. The pad must be at least 12 inches thick. The Board also wants to be notified when the soil is dug, that it will support the weight of the tank, pad and contents. If it will not support it, then pilings may be required. The soil testing must be done by the engineer. Brophy is the Commission's representative for the project.


The Order of Conditions was written for Robert Sanford, 5 Hardy's Lane.

Prentiss moved to approve the construction of a deck on the property of Robert Sanford, 5 Hardy's Lane, seconded by Messersmith, with the Board voting unanimously in favor. Perkins will be the Commission's representative for the project.

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

Meeting adjourned at 9:20 p.m.

Prepared by:


Gillian B. Palumbo
Administrative Clerk

Attest: