

Essex Conservation Commission

October 19, 1999

Present: Edwin Perkins, Chairman, Wallace Bruce, Stephen Gersh, Peter Perrigo.

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

A public hearing was held at 7:40 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Derrick Perkins covering the excavation of oil-contaminated soil at 7 Essex Park Road.

David Allwine, of Jacques Whitford Company, Inc., represented Perkins. Allwine told the Board, "On the west side of the building is a concrete pad which was used for the storage of equipment and material. During the course of the process for selling the property, we did some sampling at the center of the pad and found petroleum hydrocarbons which exceed the MCP (Massachusetts Contingency Plan) reportable condition. We would like to get this cleaned up prior to 120 days, which is when you have to report it. It is also part of the Purchase and Sales Agreement with the prospective buyer. It is called a Limited Removal project. We will remove the pad, which will then expose the soil beneath it. Soil samples will then be collected for laboratory analysis to find the soil which exceeds the standards. Once delineated, the soils will be excavated and transported off-site for proper disposal." Perkins asked if all the machinery would go through the parking lot on the north side to the slab. Allwine told him, "There's not a ton of room, but enough for a backhoe. The delineated wetland is more like a ditch than a wetland. We will be putting in a row of haybales. There will be less than one hundred cubic yards of soil to be excavated, and it should take about a day to do the project."

James Duda, 116 Western Avenue, an abutter to the property, said, "I don't think this is as simple as it is being described. The floor in the storage area is saturated with fluorocarbons. There was machinery in the main building which was probably causing contamination of the floor. There is an area of crushed stone which, when Derrick moved out, was covered over. It was probably saturated with oil. There was a dumpster that could also be contaminated. The building was constructed in 1964, and laws were not as strict back then. They have had a number of people work for them. Machinery is not just a simple process."

Allwine said, "We are only here because there is going to be some digging within the wetlands. These are two different things that you are talking about. I agree that in this type of situation, there is a lot of use of solvents, etc." Perkins

told Duda, "We have run the business from its inception. The drums were always washed before being placed there. The floor of the building is concrete, but there are two differences between the inside and the outside. The floor inside was constructed to be extra thick to hold the machinery; the outside was just hardware store cement and, therefore, was not too strong."

James Duda - "If down the road we try to sink a well and Liberty Research is gone, and there is contamination, I guess the new owner is responsible, unless there are stipulations in the purchase." Perkins - "I think the new owner is well aware of what took place there. It was never that big a business, and at the max it was twenty people." Duda - "It's the nature of machinery to drip oil. This is our concern, that there should be any contamination. I feel it should be looked at more carefully." Allwine - "If we find that whatever oil is there has seeped further down, then I anticipate there will have to be more testing. When we have removed the concrete, that is the end of the project. We try to use our experience and history with other projects to make a determination." Duda - "I don't want this to be done helter-skelter, but to be done methodically." Allwine - "It has been done methodically to this point, but to carry it to the point that you want, we do not have to do extreme testing."

As the Board had no further questions, and it was felt that the public had sufficiently voiced their concerns, Chairman Perkins entertained a motion to close the public hearing for Derrick Perkins, Essex Park Road, Gersth so moved, seconded by Perrigo, with the Board voting unanimously in favor.

Scott Steeves, developer for property on Choate Street owned by David Sauer, informally met with the Board to discuss the subdivision. Steeves presented a letter from the botanist who flagged the area, stating his credentials. Steeves said he intends to build five houses on the property. He has had an indication that the Board of Health has approved the design. He will be within the 100 foot buffer zone with the construction of the road, but will not be encroaching on the wetlands with the septic design. Steeves indicated that he will be submitting building permit applications for construction of the lots, but will be using the existing driveway for egress for construction purposes only. Perrigo asked if the area was flat. He was told the area is quite hilly, with a high elevation of 116. Perkins told Steeves that because the new road will go through the buffer zone, he will have to file with the Commission. Steeves indicated he may try to shift the road to keep it as far out of the buffer zone as he can. Perkins told him the Board would

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require a drainage plan. Steeves then asked the Board what was their preference for impervious surfaces. Perkins told him they prefer hottedp as there is more control.

Karen Gertsch met with the Board to discuss the Order of Conditions and address some points on 65 Eastern Avenue, property of PMC Realty Trust, John Coughlin, Trustee. She submitted an aerial photograph she received from the State showing the ACEC area. She noted that when you look at the ACEC maps, it was difficult to see the defined area. She asked why there was a fecal coliform count from testing done in the area by the Board of Health, with the discharge going into the ACEC area. Perkins noted that the restaurant is on a tight tank, and that maybe the the Board of Health should test the septic system. Perrigo said that when they started sampling the storm drains, they were told not to sample the state storm drains, but only the local ones. Gertsch wondered if she could ask the D.E.P. circuit rider to test the drain. A discussion followed on the Superceding Order of Conditions issued to 65 Eastern Avenue. Perkins further explained what the Commission had John Coughlin do with the drainage from the property. Gertsch then said she asked Wastewater Coordinator Tom Noble regarding the testing of the storm drain in front of the South Essex Village. Noble told her that if the Commission requested a sampling, he would do it. Gertsch then said she would like the Commission to request Noble to sample the catch basin. Perrigo said he would speak to Noble to find out when he did the latest sampling.

A request for an extension to the Order of Conditions D.E.P. File Number 21-252 was made by Eben Creek Realty Trust for J.T. Farnham's Restaurant, 88 Eastern Avenue. The request was made for an additional six months to complete a few minor details of the project.

Gersh moved to grant Eben Creek Realty Trust for J.T. Farnham's Restaurant, 88 Eastern Avenue, a six-month extension to Order of Conditions D.E.P. File Number 21-252, seconded by Bruce, with the Board voting unanimously in favor.

A building permit application was submitted for review for Briqid Venti, 18 John Wise Avenue, for an addition to a barn. Perrigo moved that the Chairman sign the building permit application for Brigid Venti, 18 John Wise Avenue, seconded by Gersh, with the Board voting unanimously in favor.

A building permit application was submitted by Mark Ricci for

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review by the Commission, for the construction of a garage at 122 Belcher Street.

Perrigo moved to sign the building permit application for Mark Ricci, 122 Belcher Street, for construction of a garage, pending review of the site, seconded Bruce, with the Board voting unanimously in favor.

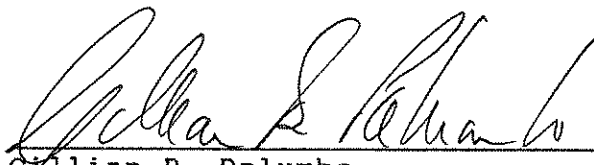
The Order of Conditions was written for Derrick Perkins, 7 Essex Park Road.

Gersh moved to approve the project of Derrick Perkins, 7 Essex Park Road, as submitted in the Notice of Intent, seconded by Bruce, with the Board voting unanimously in favor. Bruce will be the Commission's representative for the project.

Gersh moved to adjourn the meeting, seconded by Bruce, with the Board voting unanimously in favor.

Meeting adjourned at 9:40 p.m.

Prepared by:



Gillian B. Palumbo  
Administrative Clerk

Attest: