

Essex Conservation Commission

September 7, 1999 - Minutes

Present: Edwin Perkins, Chairman, Robert Brophy, Wallace Bruce, Stephen Gersh, Peter Perrigo, George Stavros.

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

A Request made by John and Dorothy Doyle for the Commission to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, for the resurfacing of an existing driveway at 6 Goodwin Court was heard at 7:41 p.m.

Lawrence Doyle represented John and Dorothy Doyle. He told the Board that his parents would like resurface the existing driveway. The proposal is to remove all the old paving and approximately six inches of gravel and clay from under the driveway, place it in a truck for removal and then repave it on the same footprint. The excavation would involve the removal of approximately 36 cubic yards of the old material, which will be removed from the site by the Hagstrom Company of Gloucester. It will be strictly a maintenance project. The Board reviewed the Request and accompanying plan.

With no further questions from the Board or the public, Perrigo moved to issue a negative Determination to John and Dorothy Doyle, 6 Goodwin Court, seconded by Bruce, 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 Marion Murphy covering the installation of a 2,000 gallon tight tank at 167 Conomo Point Road.

William Perkins represented Murphy. Perkins told the Board "that the existing septic system consists of a septic tank under the living room, and Mrs. Murphy would like to correct the situation. The dwelling has two bedrooms. We will be installing a 2,000 gallon tight tank. There may be some problems with buoyancy, and therefore, we will be putting in anti-buoyancy blocks. The material underneath should be sufficient to hold up the tank. It was noted that at six and one half feet down, there was something solid, which was assumed to be ledge. No test pits were done, as Mrs. Murphy signed off for a failure. We do not know anything more, other than what Mo Roberts did. There is a concern that we may have to blast. The setback is at 24 feet, indicated by the way the marsh comes in. The FEMA elevation is 10; the existing

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ground is 9. An H2O tank is going in. The blocks will be cabled to the tank." The Board reviewed the Notice of Intent and accompanying plans.

Brophy moved to close the public hearing for Marion Murphy, 167 Eastern Avenue, seconded by Stavros, with the Board voting unanimously in favor.

A public hearing was held at 8:10 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Laura Rust covering the repair of an existing septic system and associated grading at 146 Eastern Avenue.

Robert Lynch, of Atlantic Engineering and Survey, represented Rust. Lynch told the Board the proposed septic system is being placed in the location shown on the plan because directly behind the dwelling is a large piece of ledge. Soil testing showed that there was a slow percolation rate. The proposed system is 51 and 1/2 feet from the buffer zone. The system could not be installed at the front or the side of the property, and if it was moved further back from the proposed location, it would be closer to the buffer zone. A retaining wall, three feet high with a 40 mil liner will be constructed. The septic system was approved by the Board of Health on August 18, 1999. The septic tank goes to a pump chamber, which has a check valve in the pipe to prevent any backflow. The Board reviewed the Notice of Intent and plan.

With no further questions from the Board or the public, Stavros moved to close the public hearing for Laura Rust, 146 Eastern Avenue. seconded by Perrigo, 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 Philip and Paula O'Connell covering the construction of a single family dwelling with associated driveway, grading and septic system at Wood Drive, Assessors Map 5, Lot 29A.

Engineer John Judd represented the O'Connells. Commission member Stavros removed himself from the hearing because of a conflict of interest. It was brought to the Board's attention that a direct abutter has not been notified regarding the public hearing. The Board felt they could not continue with the hearing at this time until all abutters had been properly notified.

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Brophy moved to continue the public hearing for Philip and Paula O'Connell, Wood Drive, to Tuesday, September 21, 1999, at 8:00 p.m., seconded by Perrigo, with Brophy, Bruce, Gersh, and Perrigo voting in favor; Stavros abstained from voting.

A public hearing was held at 8:30 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by John Stavros covering verification of the wetland boundary and soils testing for a septic system at 60 Pond Street.

Engineer John Judd represented John Stavros. Commission member George Stavros removed himself from the hearing because of a conflict of interest. Judd submitted a letter to the Board stating, "As the representative for Mr. Stavros, we respectfully withdraw the Notice of Intent Application for the referenced site."

Perrigo moved to allow John Stavros, 60 Pond Street, to withdraw his Notice of Intent without prejudice, seconded Brophy, with Brophy, Bruce, Gersh, and Perrigo voting in favor; Stavros abstained from voting.

A public hearing was held at 8:35 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 storage facility buildings with associated access, grading, drainage, landscaping, and utilities at Eastern Avenue, Assessors Map 38, parcel 55B.

John Coughlin, Trustee of PMC Realty Trust, together with Attorney Peter Shea and engineer John Judd, met with the Board. Shea told the Board that they felt the storage facility buildings were the most benign and unobtrusive structure for the lot. They had discussed retrofitting the existing barn, but now may remove it. The buildings will be approximately eleven feet high. The only non-pervious area to be affected is to the rear of the sheds. There is a large retention area and calculations show that it is large enough to handle the run-off. Comak Brothers will be doing the landscaping. The entrance to the property will be at the driveway to the house, number 73, beyond South Essex Village. Perkins asked if the Board had a copy of the drainage calculations. Judd said he would submit a copy. The calculations had been done for a 50-year storm; Perkins requested that the calculations be made for a 100-year storm. He then wanted to know where the water went to the rear of the proposed

storage sheds. Judd said there are catch basins between the sheds with pipes that connect, and run-off will go through a pipe to the wetland area. Perkins asked if there was to be a diffuser in the pipe. He was told there would be rip-rap. It was also noted that all catch basins will have gas traps. There are plans to have landscaping cover 2/3rds of the front. A water trap will be under the landscaping; a catch basin will take the water to a subsurface stormwater storage and detention area to an outflow. The elevation of the building is 11, so the landscaping elevation will come up six feet. Brophy asked if 2-3 units could be removed from the rear building to avoid the wetlands to the left of that building. Brophy was told that they would certainly give it consideration.

Nancy Dudley, Eastern Avenue, an abutter to the property, said, "Since this started ten years ago, the amount of water coming on to my property has increased. If you are going to change the parking area, direct the water to Route 133. If someone has a spill of anti-freeze, have it directed to the street, and not to my land. It isn't fair to us to have to keep worrying what kind of substance will come on to our property. It went from illegal blasting to a retention basin. The wetland area from the property flows into Eben Creek." Perkins asked Judd if the retention area could be deepened. Judd said that it is now a wetland resource area with vegetation, so, therefore, you would be digging in a resource area. Dudley asked again if there was any way the water could be directed away from her property. She added that when leaves are off the trees, the area becomes very noisy and visual, and would like something to be done, if at all possible. Brophy asked if the paving to the rear of the rear units could be reduced. Coughlin said it could be done and a catch basin installed there.

Karen Gertsch, Haskell Court, showed an old Essex Resource Map and said, "I have seen the marsh get smaller and smaller. Everytime a project comes along, there is a taking and I would like to ask that the buffer zone be left. In 1968, the Conservation Commission went through the Town and designated all fresh water and salt water marshes." She then asked why they needed so many units. Brophy said that he had asked Coughlin to move the unit out of the buffer zone. Gertsch - "Up to this time in South Essex, we do not have anywhere that is so developed as this area, and it is out of character with this area. It dominates the area. The access road was originally a fire road. Will it still be a fire road?" Gertsch was told it would still

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be a fire road. Emil Gertsch - "Even though you have good landscaping it can still be unaesthetic. I have seen water run in the Dudley's property like a waterfall, and it does concern me, the possibility of what hazardous materials could run into Eben Creek and the ACEC area." The Board decided to make a site visit to the property on Wednesday, September 8, 1999, at 5:30 p.m.

Perrigo moved to continue the public hearing for PMC Realty Trust, for property at Eastern Avenue, to Tuesday, September 21, 1999, at 8:10 p.m., seconded Bruce, with the Board voting unanimously in favor.

A public hearing was held at 9:35 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by James and Jill Periton covering the construction of steps from the top of banking to ground level at 3 Moses Lane.

A letter was submitted to the Board requesting a continuation of the hearing until the Board's next meeting to be held on Tuesday, September 21, 1999.

Stavros moved to continue the public hearing for James and Jill Periton to Tuesday, September 21, 1999, at 7:50 p.m., seconded by Perrigo, with the Board voting unanimously in favor.

The Order of Conditions was written for Laura Rust, 146 Eastern Avenue.

Perrigo moved to approve the proposed project, a septic system repair, for Laura Rust, 146 Eastern Avenue, as submitted in the Notice of Intent, seconded by Gersh, with the Board voting unanimously in favor. Gersh will be the Commission's representative for the project.

The Order of Conditions was written for Marion Murphy, 167 Conomo Point Road.

Perrigo moved to approve the installation of a tight tank for Marion Murphy, 167 Conomo Point Road, seconded by Brophy, with the Board voting unanimously in favor. Perrigo will be the Commission's representative for the project.

Gersh moved that the Minutes of the meeting of June 15, 1999, be accepted as read, seconded by Bruce, with Brophy, Bruce, Gersh,

and Stavros voting in favor; Perrigo abstained.

The Board discussed the issuance of an Enforcement Order to Paul Desmond, for property on Evans Way, Assessors Map 36, Lot 79B. The extent of the activity - the cutting and removal of vegetation and loam from an area 60 feet by 100 feet in a triangular shape within the buffer zone. The requested action - the area must be restored prior to any further work being done on the property. Loam shall be replaced from 6 inches by the wall to approximately two feet of depth into the property, and then graded and reseeded. Trees will be planted that are naturally occurring to the area.

A request for a Certificate of Compliance was submitted by Nucci Vine Associates for work regulated by Order of Conditions D.E.P. File Number 21-355, issued to the Dorothy B. Lunken Trust, 64 Eastern Avenue, for the repair of a pier. Perkins, the Commission's representative for the project, said he had viewed the site and found a very good job had been done.


Perrigo moved to issue a Certificate of Compliance to the Dorothy B. Lunken Trust, 64 Eastern Avenue, certifying that work regulated by Order of Conditions D.E.P. File Number 21-355 has been satisfactorily completed, seconded Stavros, with the Board voting unanimously in favor.

A request for a Certificate of Compliance was submitted by James Stavros, 80 Pond Street, for work regulated by Order of Conditions D.E.P. File Number 21-290. Perrigo, the Commission's representative for the project, will make a site visit.

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

Meeting adjourned at 10:10 p.m.

Prepared by:

  
Gillian B. Palumbo  
Administrative Clerk

Attest: