

Essex Conservation Commission

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Present: Wallace Bruce, Chairman, Robert Brophy, Philip Caponigro, Stephen Gersh, Samuel Hoar, Shirley Singleton.

Meeting called to order at 7:37 p.m.

A request made by John Papps for the Commission to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, for the installation of a pump chamber at 39 Wood Drive was heard at 7:40 p.m.

John Papps told the Board the proposed project is the upgrade of his septic system, and a pump chamber must be installed next to the dwelling on the lefthand side. The new system is being moved further away from Chebacco Lake and near Wood Drive. An existing garage will be removed for the installation of the system. The lot size is 15,785 square feet. The Board reviewed the Request and plan.

Stephen Gersh moved to issue a negative Determination to John Papps, 39 Wood Drive, seconded by Samuel Hoar, with the Board voting unanimously in favor.

A public hearing was held at 7:45 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Kathrin Rueda for the demolition and reconstruction of a dwelling and garage at 12 Coral Hill.

Ms.Rueda told the Board the septic system was designed for the rear of the property, and she received an Order of Conditions for the upgrade of the septic system from the Board. When she attempted to get bids from contractors for the work they questioned how they were going to get equipment to the area, and were reluctant to submit a proposal. As the house was in poor shape, they said tear down the house, and then put in the system. She has therefore decided to demolish and reconstruct the dwelling. Both buildings, house and garage, will be removed, the septic installed and then the dwelling will be reconstructed. She noted the footprint will be slightly reduced.

With no further questions, Samuel Hoar moved to close the public hearing for Kathrin Rueda, 12 Coral Hill, seconded by Stephen Gersh, with the Board voting unanimously in favor.

A public hearing was held at 7:55 p.m. under the Wetlands

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Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Connie and James Behnke for the upgrade of a septic system at 128 Apple Street.

Daniel Ottenheimer, Mill River Consulting, represented the applicant. Mr. Ottenheimer told the Board there is ledge on the property, and so the wastewater will be pretreated. There is a coastal bank and fresh water resource area on the property. He noted they were outside of the buffer for the fresh water area, but within the buffer for the coastal bank. The Board reviewed the Notice of Intent and plan.

Stephen Gersh moved to close the public hearing for Connie and James Behnke, 128 Apple Street, seconded by Philip Caponigro, with the Board voting unanimously in favor.

A public hearing was held at 8:55 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by John and Kristine True for the upgrade of a septic system at 97 Conomo Point Road.

Daniel Ottenheimer represented the applicant. Mr. Ottenheimer said they will be pretreating the wastewater. The septic and pretreatment system are on the side of the house. The Board reviewed the Notice of Intent and plan.

Stephen Gersh moved to close the public hearing for John and Kristine True, 97 Conomo Point Road, seconded by Samuel Hoar, with the Board voting unanimously in favor.

Walter Mears, 101 Conomo Point Road, asked if the system was being used by two houses, as he thought the existing one did.

Samuel Hoar moved to reopen the public hearing for John and Kristine True, seconded by Robert Brophy, with the Board voting unanimously in favor.

Daniel Ottenehimer told Mr. Mears the septic system is designed for the house as shown on the plan and for the number of bedrooms in the house. The wastewater will be pretreated and pressure distributed. Mr. Ottenheimer noted the goal is to minimize tree disturbance. Mr. Mears said he had concerns with the shallowness of the system.

With no further questions, Stephen Gersh moved to close the public

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hearing for John and Kristine True, 97 Conomo Point Road, seconded by Samuel Hoar, with the Board voting unanimously in favor.

A continuation of 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 Albanese Brothers for site clearing and grading for temporary use of equipment storage, stockpiling of materials and rock processing at 34 John Wise Avenue.

Patrick Seekamp, of Seekamp Environmental Consulting, Inc., and Scott Drapeau of Albanese Brothers, represented the applicant. Mr. Seekamp told the Board they are currently under an Enforcement Order from the D.E.P., and are about to receive an Administrative Consent Order from the D.E.P. Stephen Gersh told the Board the D.E.P. is handling all of the conditions. The D.E.P. had something that showed the wetlands slightly different to that of Mr. Seekamp. Mr. Seekamp said they essentially ended up with slightly less wetland in one area and slightly more in another area. They have pulled the erosion control twenty feet away. The D.E.P. reviewed the wetland boundary and agreed with it and the flagging. Marco Albanese will be allowed to use the site with construction controls which will be written into the consent order. Mr. Seekamp noted the consent order has not been issued as yet. They have revised the restoration plan with the D.E.P. The restoration plan is essentially the same as what was given to the Board, but with a few changes from the D.E.P. Patrick Seekamp said he would send a Request for Withdrawal of the Notice of Intent to the Board.

James DeCoulas, representing Allan and Charles Dalton, 158R Western Avenue, met with the Board to discuss heating oil release problems on the property. The cleanup is being done under the rules of 21E, which are not as specific as those of D.E.P. They have been pumping from a recovery well and treating it in carbon activated drums. Mr. DeCoulas said he would be filing a Notice of Intent to excavate the contaminated soil and recycle it to a specific site. There is a chance it could contaminate the Town wells, so Mr. DeCoulas has been working with Damon Boutchie, D.P.W. Superintendent, and Town Counsel. The area will be completely surrounded by an erosion control barrier. There is a stream in the area but it is not on the USGS map. Mr. DeCoulas questioned whether the Board wanted to treat it as riverfront. Stephan Gersh said if it is not on the USGS map, then no. The release is from a 2000 gallon underground storage tank which perhaps has been leaking for a number of years. Mr. DeCoulas said

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he would like to request it as an emergency because of the Town wells - there will be a 3-4 day time frame for removal of the contaminated material, which will then be replaced with backfill.

A continuation of 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 David Savoie for the construction of a garage and front porch at 169 Eastern Avenue.

A request was submitted for the hearing to be continued to the Board's next meeting.

Stephen Gersh moved to continue the public hearing for David Savoie, 169 Eastern Avenue, to Tuesday, July 13, 2004, at 8:35 p.m., seconded by Robert Brophy, with the Board voting unanimously in favor.

A public hearing was held at 8:40 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, for an Abbreviated Notice of Resource Area Delineation filed by Peter Van Wyck for Low Land Farm, off Apple Street.

Chris Gajeski, Apple Associates, and Peter Van Wyck appeared before the Board. Mr. Gajeski told the Board the site contains bordering vegetated wetlands - wetland flags A-1 through A-24 delineate a wet meadow, A-24 to approximately A-120 contain a forested swamp, with the other side of A-120 transitioning to salt marsh species. The BVW delineation continues towards the north of the site in the area of flag A-215 and continues to A-282. He noted the delineation concurred with a prior delineation. The wetland flags change to yellow at a certain point indicating a change to salt marsh. Bank is demarcated with fluorescent blue flagging and used where intermittent streams directly abut upland areas, although most stream channels were surrounded by bordering vegetated wetlands. Mr. Van Wyck was informed that the Commission has a regulation which enables them to hire a consultant to be paid for by the applicant. A continuation of the hearing was requested by Mr. Van Wyck and Chris Gajeski in order for the Commission to hire a consultant to verify the flagging.

Robert Brophy moved to continue the public hearing for Peter Van Wyck for Low Land Farm to Tuesday, August 3, 2004, at 8:35 p.m., seconded by Samuel Hoar, with the Board voting unanimously in favor.