

Essex Conservation Commission

April 2, 1996 - Minutes

Present: David Folsom, Chairman, Edwin Perkins, Peter Perrigo, Thomas Prentiss, George Stavros.

Meeting called to order at 7:35 p.m.

Peter Van Wyck met with the Board to discuss his Order of Conditions D.E.P. File Number 21-238. Van Wyck had submitted a Notice of Intent to cut brush within the buffer zone - the Conservation Commission had approved the project but stated under the Special Conditions that all work in the buffer zone had to be done by hand. Van Wyck said he wanted to drive in a rotary cutter. He felt it was discriminatory as others (in his opinion) had used tractors to cut brush in the buffer zone. The type of machine he would like to use would be a rotary or sickle-bar type machine. Folsom said his concern was the weight of the machine. He felt Van Wyck should send a letter to the Commission stating the size and type of equipment to be used, in order for an amendment to be made to the Order of Conditions. Folsom added that the Board may also stipulate a time-frame as to when the cutting can be done.

Kerry and Patricia Kaplon, 27 Lake Shore Drive, together with contractor Ken Mitchell, met with the Board for a building permit application review. Mitchell told the Board that the existing structure has a wrap-around deck, and the Kaplons wish to take 16' of the deck and close it in. Mitchell was asked if any work would have to be done to the foundation. He said some excavation work may have to be done - the existing 14' x 7' slab foundation may have to be removed and a new 16' x 7' foundation be constructed. The Board felt, at the very least, a Request for a Determination of Applicability should be filed.

A Request made by Clean Soils Environmental, Ltd., for the Commission to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, for the removal of contaminated debris at 38 Wood Drive was heard at 7:50 p.m.

William Mitchell represented Clean Soils Environmental, Ltd. Mitchell told the Board his company is representing property owner George Johnson. Paul Wright (present at the meeting) has been providing contractor services. A release of fuel

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oil from an above ground storage tank at 38 Wood Drive impacted soil, groundwater and surface water. The release was discovered and reported to the Department of Environmental Protection on February 23, 1996. Kyle MacAfee of D.E.P. was assigned to oversee but not supervise this case. The tank had not been used in twenty-five years, and so the homeowner had thought it was empty. Mitchell then said that the soil and groundwater around the dwelling had been impacted by the release, and also water in the storm drain system, soil and surface water beneath the outfall of the storm drain, and surface water which discharges to Chebacco Lake. The day after the breakout occurred, it rained, causing the breakout to spread a little more. The containment process involved emptying the above ground storage tank, removing contaminated water from a catch basin, deployment of absorbent pads, absorbent booms, and haybales. A small intermittent stream was redirected away from the impacted area. Wright removed some soils and three bags of leaves, but any action was minimal. Their plan is to remove the contaminated soils around the dwelling, and to dewater the excavation, treat the groundwater, and discharge remedial wastewater to a catch basin which is connected to a storm drain system. The discharge of the treated remedial wastewater will be conducted under a National Pollutant Discharge Elimination System Exclusion Permit. This catch basin is not connected to the storm drain that was impacted by the release. The plan is to remove contaminated debris - leaves - from the buffer zone and the wetlands area. Mitchell was asked if they anticipate any work within 100 feet of the Lake. Mitchell said no, the only thing they will be doing is surface water sampling, but no soil, sediment, or water removal is planned at this time. They have tested the Aldrich and Johnson wells, which have tested negative for hydrocarbons. The Board reviewed the Request and accompanying plan.

Perkins moved to issue a negative Determination to Clean Soils Environmental, Ltd., for clean up of oil in the proximity of 38 Wood Drive, providing there is no excavation or material removal in the buffer zone. The motion was seconded by Prentiss, with the Folsom, Perkins, Perrigo and Prentiss voting in favor; Stavros had to leave the meeting earlier in order to attend a meeting with the Board of Health.

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The Minutes of Meetings of January 16, February 6, and February 27, 1996, were read. Perkins moved to approve as read the Minutes of January 16, February 6, and February 27, 1996, seconded Perrigo, with the Folsom, Perkins, Perrigo and Prentiss voting in favor.

The Board signed a Bills Payable Voucher and a Request for a Line Item Transfer.

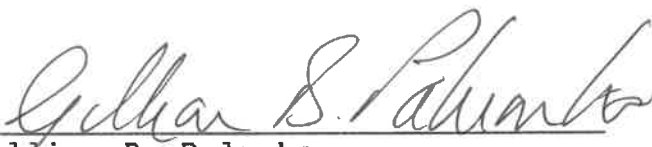
Because of the school vacation, the next meeting will be held on April 23, 1996, and not April 16 as normally scheduled.

The Board reviewed the correspondence.

Perrigo moved to adjourn the meeting, seconded by Perkins, with Folsom, Perkins, Perrigo, and Prentiss voting in favor.

Meeting adjourned at 8:45 p.m.

Prepared by:


Gillian B. Palumbo
Gillian B. Palumbo
Administrative Clerk

Attest:

Essex Conservation Commission

April 2, 1996

A G E N D A

Appointments:

- 7:30 p.m. ... Peter Van Wyck - discussion of Order
of Conditions D.E.P. File #21-238
- 7:35 p.m. ... Building permit application review -
Kerry Kaplon, 27 Lakeshore Drive
- 7:45 p.m. ... Request for a Determination of
Applicability - Clean Soils Environ-
mental, 38 Wood Drive

Business:

Review correspondence

Approval of Minutes - January 16, February 6, February
27, March 5, and March 19, 1996

Sign Line Item Transfer

Sign Bills Payable Voucher

Next meeting night - April 23, 1996?