

Essex Conservation Commission

April 25, 1995 - Minutes

Present: David Folsom, Chairman, Edith Messersmith, Edwin Perkins, Peter Perrigo.

Meeting called to order at 7:30 p.m.

Walter Rich met with the Board for a building permit application review to replace the stairway to the deck and replace the deck at the rear of the dwelling at 45 Lufkin Point Road, property of Alma Dutton. Upon review of the application and accompanying plan, the Commission was made aware that the stairway was in the buffer zone. The repair of the stairway was removed from the application. Chairman Folsom signed the building permit application, noting that it was for the deck only.

Thomas Weinberg met with the Board for a building permit application review for the construction of an addition to his business at 156R Eastern Avenue. Upon review of the application and plan the Board found the proposed addition was well outside of the buffer zone. Chairman Folsom signed the building permit application.

A letter was received from Dennis Outwater stating he was notifying the Commission of the names of the people who will be responsible for on-site compliance for work on his property on Belcher Street, in accordance with paragraph 16 of the Superceding Order of Conditions, D.E.P. File Number 21-162.

The Commission was requested by William Blackwood to Determine the Applicability of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, for the reconstruction of the foundation and driveway enlargement at 165 Main Street. Blackwood told the Board that the foundation of the storage barn is crumbling down. It is currently on pilings. The proposed project is to replace the rotted foundation with a poured concrete foundation. There will be no change in the footprint. There is no room to move the building while the foundation is being constructed, so they will try to do most of the work from the inside and driveway. They will be putting in haybales and a silt fence. Folsom asked Blackwood how much room he needed at the back of the building. Blackwood said they were about 40 feet from the marsh and he didn't anticipate going to the back. The Board reviewed the

plan submitted with the Request.

Perkins moved to issue a negative Determination of Applicability to William Blackwood for the replacement of the foundation and enlargement of the driveway at 165 Main Street, providing that no work be done further than 15 feet from the rear of the building, staked haybales or siltation fence be placed between the construction and the resource area and there be no stockpiling of excavating materials at the rear of the building. The motion was seconded by Messersmith, with the Board voting unanimously in favor.

A public hearing was held at 8:00 p.m. under the Massachusetts Wetlands Protection Act, Chapter 131, Section 40, on a Notice of Intent filed by PMC Realty Trust covering the extension to an existing storage building and associated parking area and the construction of two ground water recharge and stormwater management swales at 239 Western Avenue.

Attorney Paul Shea, Rockport, John Paulson and Robert Lynch, Atlantic Engineering and Survey Consultants, Inc., represented John Coughlin, Trustee, PMC Realty Trust. Paulson told the Board, "The proposal is to add on to the existing storage building, which is adjacent to John Coughlin's offices, to create more storage. We are proposing to moved the trailer bays from the front of the office building and redo the facade. Mr. Coughlin has purchased two lots with frontage on Scot's Way. He is proposing to put in a 22 foot way, because he wants all truck traffic to come in from Scot's Way and not Western Avenue. An additional 3,780 square feet of paving will be added to the side of the extension for truck maneuvering. There is a gravel drive in the buffer zone, which was existing when Mr. Coughlin purchase the property. He is proposing to move the driveway out of the buffer zone. In order to mitigate the storm water run-off from the proposed building extension, additional parking area and proposed paved access way, we are utilizing engineered swales, which provide retention, infiltration, and pre-treatment of run-off pollutants." It was noted by Robert Lynch of Atlantic Engineering that the swale is in three parts, as detailed on the plan accompanying the Notice of Intent. Drainage from the site goes under Scot's Way and behind the storage sheds. There also was a correction to the Notice of Intent. The letter of submittal stated that the total additional proposed impervious surfaces within the 100 foot buffer zone equals 1240 square feet - it should be 672 square feet.

Betsy Fawcett, Apple Street - "Will there be a chance of effluents or contaminants running off?" Lynch - "I don't know." Fawcett to John Coughlin - "Are there any gas or diesel pumps on the property?" Coughlin - "Yes, we have above ground tanks." Fawcett - "How many cubic feet of run-off are you adding behind the storage sheds?" Lynch - "We are decreasing the run-off - with swale A and swale B there will be less run-off." Fawcett - "Even in a 100-year storm?" Lynch - "Yes." Fawcett - "Have you noted the Watershed Protection boundary line, FEMA line, Raytheon Map numbers and zoning by-law on the plan?" Lynch - "The entire area is in the Watershed area and we have not drawn in the FEMA line." Frederick Fawcett asked if the shaded area at the top of the plan was a wetland. Lynch told him it was a fill area - a hole in the ground that needs to be filled. Mary Fitzgerald, 120 Blueberry Lane, said she was concerned with the wetlands draining on to her property. Lynch told her there would be no drainage in that direction. Dennis McDermott stated he also was concerned with the drainage. Lynch reviewed the drainage pattern with them.

Perkins moved to close the public hearing, seconded Perrigo, with the Board voting unanimously in favor.

Folsom asked Atlantic Engineering how they were going to cross the wetlands at 230 Western Avenue and 69 Eastern Avenue, because they were going to perform percolation tests. Folsom noted that there is a Cease and Desist Order presently on the Western Avenue property. A letter was submitted stating they would be coming in from the Essex/Hamilton line and will cross in the buffer zone at the point marked in purple on the submitted plan. Once across, they will be in upland and will only have to cross the buffer zone to go back. On the Eastern Avenue property, to avoid the wetland they will have to cut down trees to make a path, or they could put down a Geogrid mat to cross over the wetland. Lynch felt it would have less impact with the Geogrid mat. Fawcett asked what all the paving was for? Coughlin told her it was done in accordance with the Department of Environmental Protection's Superceding Order of Conditions.

Folsom requested a letter be sent to the Commission as to how they will access the wetlands, noting that the Commission would want to observe. Percolations tests are scheduled for May 25 and 26.

Ray Cahoon submitted a Notice of Intent for the construction

of a single-family dwelling on Lot 7A, Patriots Lane. Folsom noted that there is a 100-year flood plain which should be marked on the plan. Cahoon said he would resubmit his Notice of Intent at the next meeting with the requested information on the plan.

A Request for a Determination of Applicability was submitted for the construction of an 8'x10' bocce court at the Essex Scout House, Pickering Street. The Request will be heard at the May 9, 1995, meeting.

Robert Cummings, 31 Gregory Island Road, submitted a request for a Certificate of Compliance for Order of Conditions D.E.P. File Number 21-197. Cummings submitted a copy of a float permit issued by the Harbor Master indicating that the proposed work under the Order of Conditions - pilings driven into the bottom of Chebacco Lake for a dock - was never commenced.

Perkins moved to issue a Certificate of Compliance to Robert Cummings, 31 Gregory Island Road, noting that the work regulated by Order of Conditions D.E.P. File Number 21-197, was never commenced. The motion was seconded by Perrigo, with the Board voting unanimously in favor.


The Order of Conditions was written for PMC Realty Trust for the extension of an existing building, extension of parking area, and the construction of two ground water recharge and storm water management swales at 239 Western Avenue.

Perkins moved to approve the proposed project for PMC Realty Trust at 239 Western Avenue, seconded Messersmith, with the Board voting unanimously in favor.

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

Meeting adjourned at 9:30 p.m.

Prepared by:



Gillian B. Palumbo
Administrative Clerk

Attest:

Essex Conservation Commission

April 25, 1995

A G E N D A

Appointments:

- 7:30 p.m. ... Building permit application review -
Dennis Condon/Robert Cummings, 45
Lufkin Point Road
- 7:35 p.m. ... Building permit application review -
Thomas Weinberg, 156R Eastern Avenue
- 7:40 p.m. ... Building permit application review -
Dennis Outwater, Belcher Street
- 7:45 p.m. ... Request for a Determination of Applic-
ability - William Blackwood, 165 Main
Street
- 8:00 p.m. ... Public hearing - PMC Realty Trust, 239
Western Avenue
- 8:15 p.m. ... Discussion of lifting of Cease and
Desist Order at 230 Western Avenue
- 8:30 p.m. ... Ray Cahoon - submittal of Notice of
Intent, Patriot's Lane

Business:

Review correspondence
Review plan for bocci court at Scout House, Pickering
Street
Certificate of Compliance - Robert Cummings
Sign Bills Payable Voucher