

ESSEX CONSERVATION COMMISSION

MINUTES

SEPTEMBER 1, 2009

Members: Wallace Bruce, Chairman – present
Robert Brophy - absent
Philip Caponigro – absent
Elisabeth Frye - present
James Rynkowski – arrived 7:42 pm
Shirley Singleton - present

Appointments:

The Commission met with Ray Cahoon regarding moving a boathouse across the lake to his property at 10 Patriot's Landing. The Commission advised that the issuance of a Chapter 91 license may have to be filed prior to any involvement by the Commission. Mr. Cahoon advised that the DEP advised him that he should come to the Commission first. After a review of the regulations, it was determined that an NOI must be filed so that an OOC can be issued to be submitted with the Chapter 91 application.

Public Hearings:

The Commission continued a Public Hearing on a Notice of Intent filed by Joshua Taylor to construct a single family dwelling, driveway and utilities within 100 feet of a bordering vegetated wetland at 67 Apple Street. The applicant advised that the project has received BOH approval and the Building Inspector advised that both dwellings could be maintained on the property. On a motion made and duly seconded, the Commission voted (4-0) to close the hearing. On a motion made and duly seconded, the Commission voted (4-0) to issue an OOC with standard conditions.

The Commission opened a Public Hearing on a Request for Determination of Applicability filed by Karen Birch to remove deck, build new deck using current footings with three additional footings, cover entrance with roof, move driveway, and replace current retaining wall at 8 Patriot's Landing. W. Bruce advised that he, E. Frye and R. Brophy had conducted a site visit. The concern had been the addition of the three footings. The applicant had advised that the new footings would be dug by hand. He advised that they had determined that a negative determination could be issued with conditions if the Commission agreed. He suggested the conditions be use of haybales, no stockpiling of anything beyond the front of the house, no use of pesticides and/or chemicals, and use of hand digging with no machinery. Ms. Birch gave an overview of the project for the members who were not in attendance at the last meeting. On a motion made and duly seconded, the Commission voted (4-0) to close the public hearing. On a motion made and duly seconded, the Commission voted (4-0) to issue a negative determination with conditions.

The Commission continued a Public Hearing on a Notice of Intent filed by Karen Whitmore of JP Morgan Chase Bank, NA to repair an existing septic system for a two bedroom dwelling at 6 Turtleback Road. Mike Juliano updated the Commission on the change to the plan of the installation of

a drain to direct water away from the driveway. He also advised that BOH had approved the plan. On a motion made and duly seconded, the Commission voted (4-0) to close the hearing. On a motion made and duly seconded, the Commission voted to issue an OOC. The Commission requested that the Clerk confirm that the current plan approved by the Commission is the same as the plan approved by the BOH.

The Commission opened a Public Hearing on a Notice of Intent filed by Robert Kaminski for work previously conducted without a permit within the 100' buffer zone to onsite resource areas as well as additional proposed site work, including restoration activities at 109 Eastern Avenue. Dan Ottenheimer with Mill River Consulting introduced Curt Young with Wetlands Preservation Inc. who gave an overview of the application. Questions regarding the amount of restoration proposed in light of the amount of work done were presented by the Commission. Mr. Young advised that the land is being used and therefore restoration is not being proposed. The Chairman opened the hearing to the public. Mike DeRosa representing the Gertsches had reviewed the application and advised that he felt the BVW line was accurate. He also advised that Commission do a site visit. When the applicant's representative was questioned regarding mitigation, they were reminded that there is no provision in the regulations for mitigation in the buffer zone. He also suggested that trees be moved to the line along the BVW to add more protection. It was advised that a buffer line of trees along the property line would help to mitigate the secondary impact to the abutter. Mr. Young advised that the applicant would be open to this. On a motion made and duly seconded, the Commission voted to continue the hearing to September 15, so that the change in plantings can be added to the plan and a site visit could be scheduled. A site visit was scheduled for Wednesday evening at 6 pm.

The Commission discussed the appointment of Joseph Ahearn to the open position on the Commission. On a motion made and duly seconded, the Commission voted (4-0) to recommend to the Selectmen to appoint Mr. Ahearn.

The Commission discussed the hiring of a conservation agent. The Clerk was instructed to contact Ms. Ryder for references.

Mr. Bruce updated the Commission on his discussions with the Town Administrator regarding the barrier at Water Street. The Commission agreed to have Mr. Bruce discuss the placement of a boardwalk, as requested by DEP. The Commission would agree to pay for the plans to be prepared if the Town would incur the cost of building the boardwalk.

The Commission reviewed the request for a COC for 241 John Wise Avenue as requested by Amy Ahearn. On a motion made and duly seconded, the Commission voted (4-0) to issue the COC.

On a motion made and duly seconded, the Commission voted to accept the minutes for the meeting of July 21 (4-0) and the minutes from the meeting of August 4 (3-1).

On a motion made and duly seconded, the Commission voted (4-0) to adjourn the meeting.

Approved: _____

Prepared by: _____