

# ESSEX CONSERVATION COMMISSION

## MINUTES

NOVEMBER 3, 2009

Members: Wallace Bruce, Chairman – present  
Joseph Ahearn - absent  
Robert Brophy - present  
Philip Caponigro – present  
Elisabeth Frye - present  
James Rynkowski – absent  
Shirley Singleton - absent

### Public Hearings:

The Commission opened a public hearing on a Request for Determination of Applicability filed by Paul and Judith Schroeter to replace a sewage disposal system at 57R John Wise Avenue. John Judd represented the homeowners and presented the plan for the replacement of a failed septic system. 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 a negative determination.

The Commission opened a public hearing on a Notice of Intent filed by Brinck Lowery to construct a dwelling addition and landscaping in the buffer zone and land subject to coastal storm flowage at 47 and 51 Lebaron Road. Bill Manuell represented the owners/buyers and presented the plan. E. Frye advised Mr. Manuell that there was an outstanding OOC for the sewer line. Mr. Manuell said that he had been informed of this by the Clerk and had advised the applicant and they would be filing for the COC. Mr. Bruce questioned Mr. Manuell about the storm management calculations. Mr. Manuell advised that as this was a single family dwelling, it did not fall under those guidelines. He advised that the project had been designed with the use of rain gardens and other tools to management and run-off from the residence. Due to the size of the project, the Commission determined that a site visit would be appropriate and scheduled a visit for November 14. On a motion made and duly seconded, the Commission voted (4-0) to continue the hearing to November 17. The Clerk will advise the applicant and/or their representative of the hearing time.

The Commission opened a public hearing on a Notice of Intent filed by The Peter Van Wyck Trust represented by The Neve-Morin Group, Inc. to upgrade a failed sanitary disposal system with 100 feet of a bordering vegetated wetland at 9 Turtleback Road. John Morin of The Neve-Morin Group represented the applicant and presented the plan. Mr. Morin advised that the current system had failed and that the new system had been approved by the BOH. On a motion made and duly seconded, the Commission voted (3-1, E. Frye abstained) to close the hearing. On a motion made and duly seconded, the Commission voted (3-1, E. Frye abstained) to issue an OOC.

The Commission opened a public hearing on an Abbreviated Notice of Resource Area Delineation filed by Apple Street Nominee Trust represented by Apple Associates, Inc. to present the resource area delineation at Essex Park Road. Brian Buia of Apple Associates represented the applicant. Mr. Buia advised the Commission that the funds sent to the DEP had not cleared as of the time of the hearing and a DEP number had not been issued. W. Bruce advised Mr. Buia that two of the four members present were direct abutters and would not be able to vote on the plan. However, plan could be reviewed and the hearing then continued. Arestes Brown, one of the applicants, asked if he could waive the conflict issue. The Commission did not know if this was an option. It was determined that the hearing would proceed, but would have to be continued. Mr. Buia explained that the current plan was the same as the plan previously presented which had been approved by the Commission. The only changes were minor adjustments to the notes on the plan. The applicant was refiled since the ANRAD had expired. W. Bruce asked about future plans for the site. Mr. Brown and Mr. Buia advised that an NOI will be filed for a five lot subdivision once the ANRAD is approved. Since it had been some time since the area had been delineated, the Commission set up a site visit for November 11. On a motion made and duly seconded, the Commission voted (4-0) to continue the hearing to November 17. The Clerk will advise the applicant and/or its representative of the time.

The Commission opened a public hearing on a Notice of Intent filed by Apple Street Nominee Trust represented by Apple Associates, Inc. to construct three dwellings; dwelling one with residence, driveway and septic components in buffer zone; dwelling two with residence and grading in buffer zone; and dwelling three with grading in the buffer zone at Lot 1 Low Land Farm Road. Brian Buia of Apple Associates represented the applicants. He advised that the plan submitted had already been reviewed and approved by the Commission but was being resubmitted because the OOC had expired. There being no significant changes to the plan, the Commission proceeded to close the hearing. On a motion made and duly seconded, the Commission voted (3-1, E. Frye abstained), to close the hearing. On a motion made and duly seconded, the Commission voted (3-1, E. Frye abstained) to issue an OOC.

Public Hearing on a Notice of Intent filed by Apple Street Nominee Trust represented by Apple Associates, Inc. to work on dwelling three only including partial dwelling, grading, septic field, and septic reserve area, septic tank pump chamber, and distribution pipes at Lot 2 Low Land Farm Road. Brian Buia of Apple Associates represented the applicants. He advised that the plan submitted had already been reviewed and approved by the Commission but was being resubmitted because the OOC had expired. There being no significant changes to the plan, the Commission proceeded to close the hearing. On a motion made and duly seconded, the Commission voted (3-1, E. Frye abstained), to close the hearing. On a motion made and duly seconded, the Commission voted (3-1, E. Frye abstained) to issue an OOC.

On a motion made and duly seconded, the Commission voted (4-0) to accept the minutes of September 15 and October 6.

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

Approved: \_\_\_\_\_

Prepared by: \_\_\_\_\_