

# ESSEX CONSERVATION COMMISSION

## MINUTES

MARCH 16, 2010

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

The Commission met with the new conservation agent, Jim Hankin, to discuss responsibilities and coordination of work with the Clerk.

The Commission opened a Public Hearing on a Notice of Intent filed by the Essex County Trail Association (ETA) for the repair and maintenance of trails and pathways throughout Essex. Mike DeRosa presented the plan for maintenance work on trails throughout Essex. He explained that there was currently no work anticipated, but the Order of Conditions would be in place for work which may come up in the future. He introduced Carol Lloyd from ETA and advised that he had been working with her to put together the NOI and that the same application had been filed in other towns in Essex County. E. Frye asked about the history of ETA. Ms. Lloyd advised the group was 27 years old and works in 6 towns with 500-600 members. Its mission is to maintain trails, do mapping work on maintenance plans, to teach and educate. She explained that Essex is one of two towns which have not approved the maintenance plan. Mr. DeRosa explained that the OOC would be good for three years and the ETA would ask for an extension at that time. The OOC would only cover maintenance of trails and the ETA would contact the Commission's agent prior to beginning any work. If any new work were planned, a new NOI would be presented. E. Frye asked if the trails would be open for three years. Ms. Lloyd advised that this may not be the case for private land, this is up to the landowner. Mr. DeRosa also advised that National Heritage will be issuing a letter which exempts the maintenance projects. A question was raised about maintenance by other groups. Ms. Lloyd explained that ETA only comes in if asked and can help with permitting. She explained that ETA can also help private landowners. Thad Beal asked if other groups can do maintenance work under this management plan. Ms. Lloyd responded that this is for work that ETA does. ETA will sometimes collaborate with other groups. Charlie Kellogg from Manchester with the Manchester-Essex Conservation Trust asked if trails need landowners' permission for the trails to be mapped. Ms. Lloyd advised that private trails are not published without permission. Currently, the map being used by ETA is one provided by Manchester-Essex Conservation Trust. She advised that permission does not have to be in writing. There was brief discussion between the public and Ms. Lloyd regarding publishing of private trails. The Commission requested additional time to review the NOI application and recommended a continuation. On a motion made and duly seconded, the Commission voted unanimously to continue the hearing to the next meeting.

The Commission continued a Public Hearing on a Notice of Intent filed by Apple Street Nominee Trust to construct two single family dwellings and associated appurtenances within the 100 ft. buffer zone at Lot 7 Low Land Farm Road. The Clerk advised that the applicant had requested a continuance. On a

motion made and duly seconded, the Commission voted unanimously to continue the hearing to the next meeting.

The Commission opened a Public Hearing on a Request for an Amended Order of Conditions filed by Gulf of Main Research Center, Inc. for the demolition of the wooden garage on site at 5, 9, 11 and Rear Southern Avenue. Attorney Richard Cuffe explained that the property is in receivership and the court has ordered that the barn structures on the property be demolished. Patrick Mulligan and Joe Orzel from Gulf of Maine presented the plan for the demolition. The Commission asked why the buildings had not been included in the initial filing. Mr. Cuffe explained that this has been a slow and arduous process as funds have been collected from the defendant. They did not initially know that the barns had to be destroyed. Mr. Mulligan described the materials that were in the barn. R. Brophy asked about testing for leaching from materials in the barns. Mr. Mulligan advised that this site is still on the DEP's list and the clean up is still not complete. W. Bruce asked if there would be any other issues that would require infringing on off site properties. Mr. Cuffe advised that he was not aware of any. Gulf of Main suggested that the conditions should be that new, functional hay bales and sediment barriers be put in place around the structures. W. Bruce asked about the area once the buildings were removed. Mr. Cuffe advised that the court order requires that the structures be removed and the area leveled. On a motion made and duly seconded, the Commission voted unanimously to issue an amended Order of Conditions with the condition that new hay bales and sedimentation barriers be put in place. On a motion made and duly seconded, the Commission voted unanimously to close the hearing.

On a motion made and duly seconded, the Commission voted unanimously to approve the minutes for the meeting of February 2, 2010.

On a motion made and duly seconded, the Commission voted unanimously to authorize the agent to sign building permit applications on behalf of the Commission.

On a motion made and duly seconded, the meeting was adjourned.

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

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