

# ESSEX CONSERVATION COMMISSION

## MINUTES

APRIL 6, 2010

Members: Wallace Bruce, Chairman – present  
Joseph Ahearn - present  
Robert Brophy - absent  
Philip Caponigro – present  
Elisabeth Frye - present  
James Rynkowski – present  
Shirley Singleton - present  
Also present: James Hankin, Agent  
Deborah Cunningham, Administrative Clerk

### Building Permit Applications:

Tammy Kirby of 171 Western Avenue met with the Commission to review a building permit application for the installation of a tack shed. The Commission requested that the Agent visit the site and sign off on the application if appropriate.

### Appointments:

Dan Ottenheimer of Mill River Consulting met with the Commission to discuss a change to the approved plan for a well and septic system at 21 Lufkin Point Road. Mr. Ottenheimer explained that the well as shown on the plan needed to be moved approximately 20 feet to accommodate the system of the neighbors and have appropriate setbacks. Mill River will provide the Commission with a new plan for the file. On a motion made and duly seconded, the Commission approved the change to the plan as submitted by a unanimous vote.

### Public Hearings:

The Commission continued a Public Hearing on a Notice of Intent filed by the Essex County Trail Association for the repair and maintenance of trails and pathways throughout Essex. Due to the lack of a quorum of the members present at the previous meeting, the applicant requested that the hearing be continued to April 20. On a motion made and duly seconded, the Commission voted unanimously to continue the hearing to April 20 at 7:40 pm.

The Commission opened a Public Hearing on a Request for Determination of Applicability filed by Christian Peyla to allow access of machinery and equipment into the last 20 feet of the 100 foot buffer zone which may be required to build the home at 16 Cogswell Court. Robert Gulla, Registered Architect, represented the applicant and explained that the RDA was being filed to allow machinery to access the last 20' of the buffer zone if necessary in the course of building the new residence which

will be outside the buffer zone. J. Hankin asked if hay bales and silt fence shown on the plan would be the limit of work. Mr. Gulla advised that this would be the case. 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 issue a negative determination with the conditions that hay bales and silt fence be installed as shown on the plan and disturbed areas be reseeded when complete.

The Commission opened 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 continuation to a date to be determined while BOH issues were being resolved. On a motion made and duly seconded, the Commission voted unanimously to continue the hearing to a date to be determined.

The Commission opened a Public Hearing on a Notice of Intent filed by Brinck Lowery to remove the existing dwelling and reconstruct a new dwelling in the same footprint at 51 LeBaron Road. Bill Manuell of Wetlands & Land Management represented the applicant. He gave a history of the current work being done on the property and the reasons for the current NOI filing. He advised that as work had progressed on the previous work permitted by the Commission, it was determined that the current residence could not be renovated due to a lack of sufficient footings. S. Singleton asked if a building permit was in place on the property. Mr. Manuelle advised that would be done after approval of the Commission. S. Singleton then asked if the home was on town sewer. Mr. Manuelle advised that it was. J. Ahearn asked about the footings. Mr. Stevens (builder) advised that there were none. J. Ahearn stated that he thought he had seen footings at the back of the home. Mr. Stevens advised that they were not to sufficient depth. S. Singleton asked if the project was subject to coastal storm flowage. Mr. Manuelle advised that is was not and that there is no coastal bank. On a motion made and duly seconded, the Commission voted unanimously to close the hearing. The Commission discussed the issuance of the Order of Conditions and determined that a stamped "as built" site plan indicating the 10' elevation and the location of all habitable dwellings must be filed when the project is complete. No habitable dwellings are to be below flood level. On a motion made and duly seconded, the Commission voted unanimously to issue the Order of Conditions with the above conditions. J. Hankin and D. Cunningham will write the OOC to present at the next meeting for signing.

The Commission proceeded to the next Public Hearing on a Notice of Intent filed by Karen McNiff to construct a single family home with garage, septic system, and associated grading and utilities at 90 Apple Street. Mr. Leonard Zide, Attorney, representing the neighbors, Hodges and Corcoran, submitted a letter of objection to the opening of the hearing based on incorrect or incomplete information. He advised that his clients were currently involved in litigation with the applicant. It was his opinion that the hearing could not be opened for the reasons outlined in the Letter of Objection. The Agent advised the Commission that the reasons outlined did not preclude the Commission from opening the hearing. The Applicant requested a few moments to confer with her representative. Upon returning to the meeting, the applicant advised that she would be withdrawing the application at this time in order to amend the filing form to update the owner information. She also advised that she would like that hearing to be re-published with the new information once the revised document was submitted to the Commission. Mr. Zide advised that this would be acceptable at this time. On a motion made and duly seconded, the Commission voted unanimously to withhold opening the hearing until the revised form was filed and a new notice posted.

Business:

W. Bruce advised the Commission that he had been contacted by the Town Administrator regarding the location of a new safety building for the town. He advised that the lot has been delineated and any members wishing to view the area should do so. The Town has asked for input from the Commission regarding any wetlands issues

On a motion made and duly seconded, the Minutes from the meeting of March 2, 2010 were unanimously approved.

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

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

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