

# ESSEX CONSERVATION COMMISSION

## MINUTES

JULY 20, 2010

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

The Commission opened the meeting and advised those present that the meeting would be recorded so that the Clerk could prepare the minutes upon her return from vacation.

The Commission then moved on to business items. The Commission review the Order of Conditions prepared for 43 Lufkin Point Road (Costello) and the revised Proposed Construction Sequence document with the changes requested from the last meeting. The Commission discussed including a condition that the reseeded of the disturbed area must be inspected and should have “taken”. J. Hankin advised that this could be part of the issuing of a Certificate of Compliance, that the COC could be denied if the plantings were not thriving. The Commission agreed to this course of action and signed the Order of Conditions.

### Public Hearings:

The Commission continued a Public Hearing on a Notice of Intent filed by Karen McNiff, Trustee of Chocorua Realty Trust to construct a single family home with garage, septic system, and associated grading and utilities at Lot 4A, near 90 Apple Street. There being a quorum of the necessary Commissioners to proceed, Mr. Bruce opened the hearing and turned the floor over to Dan Ottenheimer of Mill River Consulting representing the applicant. Mr. Ottenheimer explained that there had been three outstanding issues which the Commission had asked the applicant to address which were 1) how the waterway had been determined to be a perennial stream; 2) the field data form; and 3) a planting plan. The first two items had been addressed by Mary Rimmer of Rimmer Environmental and the documentation forwarded to the Commission for review. The third item, the planting plan, the applicant was not prepared at this time to complete the planting plan because they did not have the architectural layout for the residence and Mr. Ottenheimer asked that this be one of the conditions of the OOC that this plan be completed. Mr. Bruce asked if the applicant had approached the town regarding the access for the driveway. Mr. Ottenheimer respectfully asked that the Commission focus on the matters pertaining to the application and the wetlands. Mr. Bruce asked for clarification that if the location of the driveway was moved if this would change the location of the leaching field. Mr. Ottenheimer explained that due to the soils on the property “the leaching field had to go right were it was indicated on the plan”. S. Singleton asked if the BOH had signed off on the plan and Mr. Ottenheimer advised that it had. J. Hankin asked Mr. Ottenheimer to refresh everyone’s memory regarding the file number for the project and whether or not DEP had any comments. Mr. Ottenheimer advised that the DEP number was 021-0581 and that, as of the last review, DEP had not

comments. Mrs. Frye again expressed her concern about the placement of the septic system on the lot and the incline down to the water. She felt that these matters were being ignored. Mr. Ottenheimer advised that he understood the concerns, but that his company dealt with these conditions all the time and that there would be an extensive vegetative buffer on the slope since there were not plans to remove any trees or vegetation. W. Bruce asked about the issues involving the road being a scenic way. Mr. Ottenheimer advised that these issues were not WPA issues but felt that the project would comply with those issues. He asked that the Commission address the issues which fell under its jurisdiction. Mr. Bruce then opened the hearing to the public. Mr. Zide, representing the abutters across the street and himself as the owner of 95 Apple Street, advised that he had provided the Commission with letters regarding the Title V issues with the project and missing information on the current plan. He also introduced Mr. Christiansen, a civil engineer, who had prepared the letters. Mr. Christiansen advised this it was his opinion that the project did not meet Title V requirements which would make the NOI incomplete. He then proceeded to describe the issues regarding the grading. It was his opinion that the plan should more accurately reflect the grading that would be done when the driveway and the house were constructed. Mr. Bruce asked Mr. Ottenheimer to comment on the issues discussed by Mr. Christiansen. Mr. Ottenheimer stated that in his opinion the Commission had sufficient information to close the hearing and prepare an OOC. The DEP had an appeal procedure in place should anyone not agree with the decision of the Commission. Mr. Zide commented that he felt that the plans should be more detailed so that the Commission had all necessary information to make an informed decision. Mr. Bruce suggested that the Commission schedule a site visit. It was determined that the site visit would be on Monday, July 26. The Commission then determined that the hearing should be continued until the site visit had been completed. With the applicant's approval, on a motion made and duly seconded, the Commission voted unanimously to continue the hearing to August 17.

The Commission continued a Public Hearing on a Notice of Intent filed by Apple Street Nominee Trust to construct a 20' wide road for a single family development with associated drainage structures, utilities and wetland replication area at Land of Essex Park Road. At the request of the Applicant, on a motion made and duly seconded, the Commission voted to continue the meeting until August 3, 2010.

The Commission continued a Public Hearing on a Notice of Intent filed by Michael Staiti of Lingley Lane, LLC to construct a single family home with associated sewage system, well, utilities, grading, landscaping and driveway at Lot 9 Choate Street. At the request of the Applicant, on a motion made and duly seconded, the Commission voted to continue the meeting until August 3, 2010.

The Commission continued a Public Hearing on a Notice of Intent filed by Michael Staiti of Lingley Lane, LLC to construct a common driveway to access Lots 6 and 11 at Lot 11 Choate Street. At the request of the Applicant, on a motion made and duly seconded, the Commission voted to continue the meeting until August 3, 2010.

The Commission continued a Public Hearing on a Notice of Intent filed by Michael Staiti of Lingley Lane, LLC to construct a single family home with associated sewage system, well, utilities, grading, landscaping and driveway at Lot 7 Choate Street. At the request of the Applicant, on a motion made and duly seconded, the Commission voted to continue the meeting until August 3, 2010.

Business:

The Commission appointed P. Caponigro to ask as Chairman for the purpose of voting on the Meridian proposal as W. Bruce and E. Frye were both abutters. On a motion made and duly seconded, the Commission voted unanimously to accept the proposal from Meridian Associates for review of the Essex Park Road plan with E. Frye and W. Bruce abstaining. The proposal was signed by W. Bruce.

On a motion made and duly seconded, the Commission voted unanimously to accept the minute of the meeting of June 15, 2010.

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

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

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