

ESSEX CONSERVATION COMMISSION

MINUTES

SEPTEMBER 7, 2010

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

Public Hearings:

The Commission opened a Public Hearing on a Request for Determination of Applicability filed by Peter Durey to remove selected trees and saplings to thin the forest at 39 Spring Street. Peter “Hunt” Durey explained the work proposed for thinning out the forest in the buffer zone on his property. J. Hankin submitted pictures that he had taken while visiting the site with the applicant. S. Singleton asked about Mr. Durey's experience and the erosion concerns taking down the trees. Mr. Durey explained that he worked in the forestry field during college and afterward and that the erosion should not be an issue since the grading would not be changed and the stumps would be left. His opinion was that it would not alter the wetlands area. There will be a perimeter of trees left at the wetland boundary to insure the continuity of the forest canopy. Ms. Frye asked what the purpose of the thinning was. Mr. Durey advised that it was to open the view and allow for easier access. Ms. Frye advised that the stumps would grow “shoots” and Mr. Durey advised that he would like to keep the area cleared. Mr. Brophy asked how the trees would be removed given the stonewall. Mr. Durey advised that he would be cutting the trees into rounds and moving them out by hand. Ms. Singleton asked about the canopy and the remaining trees on the edge of the BVW. Mr. Durey advised that the canopy would be maintained and he intended to leave 10 to 15 ft of vegetation at the edge of the BVW. Ms. Singleton commended Mr. Durey on the detail in his filing, but felt that he might be more concerned if he was on the “other side of the table” without seeing the site. Mr. Durey advised that he understood the site and knowing how the wetlands function and how the forest functions and did not feel there will be an increase in erosion or impact to the BVW. S. Singleton asked for J. Hankin's opinion. J. Hankin advised that the work was permissible under an RDA under the WPA. W. Bruce asked when the work would be done and Mr. Durey advised that he would like to get started right away. S. Singleton asked what the conditions would be. J. Hankin suggested a minimum 10 ft undisturbed area from the resource area, all handwork. On a motion made and duly seconded, the Commission voted unanimously to close the public hearing. Prior to moving to business, the Commission discussed the issuance of a Determination. It was decided that a Negative Determination with the conditions that all the work be done by hand and that a 15' “no disturb” area be maintained along the BVW. On a motion made and duly seconded, the Commission voted unanimously to issue a Negative Determination with the conditions as outlined.

The Commission opened a Public Hearing on a Notice of Intent filed by Ronald Gauthier to repair or replace the field stone retaining wall at 14 Coral Hill. Ronald Gauthier presented the plan to the Commission. Digging will be done behind the wall and any materials will be placed on a tarp to either be reused or discarded. Work will be done by hand from the water, 15 ft. at a time. S. Singleton asked where the materials removed would be discarded. Mr. Gauthier advised that the materials would be removed by the contractor. S. Singleton asked for a

letter from the contractor advising where the materials would be disposed of. S. Singleton also advised that a description of the work was also missing from the application and advised that the Applicant include the proposal from the contractor in the filing. The Clerk advised that hearing could not be closed because the DEP had not issued a number because they needed the plans. The applicant was advised that the hearing had to be continued. On a motion made and duly seconded, the Commission voted unanimously to continue the hearing to September 21.

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. The Commission is still waiting for a peer review report. On a motion made and duly seconded, the Commission unanimously to continue the hearing to September 21.

The Commission opened a Public Hearing on an Amended Orders of Conditions filed by John Fenton to remove any work associated with Lot 9 at 51 LeBaron Road. The Clerk explained that Mr. Fenton was having difficulty with a refinancing because his property was listed on both OOCs with 51 LeBaron Road although there was no longer any work being considered on his property. Mr. Fenton was asking for Amended OOCs which would remove all references to his property together with a letter which could be filed with the Registry of Deeds on his property. On a motion made and duly seconded, the Commission voted unanimously to issue Amended OOCs for Lot 9A also known as 51 LeBaron Road. On a motion made and duly seconded, the Commission voted unanimously to approve the letter for Mr. Fenton as drafted by the Clerk.

At the request of the Applicant, the Commission voted unanimously to continue the following hearings to September 21:

1. Continuation of 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.
2. Continuation of 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.
3. Continuation of 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.

Business:

The Commission reviewed and signed the OOC for near 90 Apple Street (McNiff).

The Commission signed a COC for 20 Coral Hill (Freeman).

The Commission reviewed the Request for a COC for 35 Water Street (DeMeo). On a motion made and duly seconded, the Commission voted unanimously to issue the COC for 35 Water Street (DeMeo). The COC was signed.

The Commission reviewed the Request for a COC for 28 Apple Street (Larson). On a motion made and duly seconded, the Commission voted unanimously to issue the COC for 28 Apple Street (Larson). The COC was signed.

The Commission reviewed the Request for an Extension for Route 133, Main Street (MassDOT). On a motion

made and duly seconded, the Commission voted unanimously to issue the Extension. The Extension was signed.

On a motion made and duly seconded, the Commission voted unanimously to accept the minutes of July 20, 2010 and August 3, 2010.

New Business:

S. Singleton asked to discuss J. Rynkowski and his attendance. W. Bruce advised that he had spoken with J. Rynkowski and he had stated that he would be at the meetings. The Commission discussed what steps could be taken. It was decided that the Clerk would prepare a letter to Mr. Rynkowski outlining the previous conversations regarding attendance and the meetings which had been missed in 2010. He would be asked to regularly attend meetings, be on time, and stay for the entire meeting. If he was unable to do this the Commission asked that he submit his resignation.

R. Brophy advised that the Alewife Brook had been cleared.

The Commission discussed a alleged violation on a property on Chebacco Lake. The Clerk and Mr. Hankin will try to determine from the picture presented by Mr. Brophy which property the work was being conducted. Mr. Brophy and Mr. Hankin will visit the site on Thursday. On a motion made and duly seconded, the Commission voted unanimously to authorize Mr. Hankin to issue an Enforcement Order if it was deemed necessary.

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

Approved: _____

Prepared by: _____