

ESSEX CONSERVATION COMMISSION

MINUTES

SEPTEMBER 21, 2010

Members: Wallace Bruce, Chairman – present
Joseph Ahearn - present
Robert Brophy - present
Philip Caponigro – present
Elisabeth Frye - present
James Rynkowski – present at 7:37 pm
Shirley Singleton - absent

Public Hearings:

The Commission opened a Public Hearing on a Request for Determination of Applicability filed by Julia Carpenter and Thomas Nonis to demolish the existing home a portion of which is in the 100 ft buffer at 64 Eastern Avenue. Tom Hughes of Hughes Environmental represented the applicants and gave an overview of the work to be done. He advised that most of the work would be outside the buffer zone. J. Hankin advised that site was reviewed and the plans were accurate. Mr. Hughes also advised that a pool fence, which is exempt as a minor activity under the WPA, will be installed around the pool. The Chairman asked if there were any questions from the members. There being no questions, on a motion made and duly seconded, the Commission voted unanimously to close the public hearing. On a motion made and duly seconded, the Commission voted unanimously with J. Rynkowski abstaining to issue a negative determination with no conditions.

The Commission opened a Public Hearing on a Request for Determination of Applicability filed by Walter R. Ewaschuk to construct a 16' x 20' shed on a concrete foundation within 35 ft of a BVW at 229 Western Avenue. Walter Ewaschuk described the shed to be constructed at the edge of the parking area on the property. J. Hankin asked about the placement of the shed. Mr. Ewaschuk replied that this is the best place due to the placement of the drainage system. J. Hankin asked what was in the area. Mr. Ewaschuk advised that the area was cleared for ascetic purposes for the school that was behind the property. Access for the construction would be from the parking lot. Mr. Bruce asked for an opinion from the Agent. J. Hankin advised that it was appropriate under the Act with the erosion control. Mr. Bruce asked if the DEP would comment on the project. J. Hankin advised that the DEP did not comment on RDAs. Mr. Bruce advised that this area was an area of interest to the DEP in the past. Bill Holten spoke on Mr. Ewaschuk's behalf and advised that Mr. Ewaschuk would do the work in compliance with the permit issued. There being no further discussion, on a motion made and duly seconded, the Commission voted unanimously to close the public hearing. On a motion made and duly seconded, the Commission voted unanimously to issue a negative determination with the condition that the Agent see the erosion control barrier prior to the start of work.

The Commission continued a Public Hearing on a Notice of Intent filed by Ronald Gauthier to repair or replace the fieldstone retaining wall at 14 Coral Hill. The applicant provided a revised scope of work from the contractor as the Commission had requested. The Clerk advised that no number had been

issued by DEP because the applicant had not yet forwarded a plan. The Commission determined that the hearing should be continued. With the applicant's approval, on a motion made and duly seconded, the hearing was continued to October 5, 2010. The Agent advised that he would contact the applicant to address the issue of the plans which were required by DEP.

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 from Meridian. With the approval of the applicant, on a motion made and duly seconded, the Commission voted unanimously to continue the hearing to October 5, 2010.

The Commission continued the following Public Hearings: 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; b) 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; and c) 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.

Michael Staiti advised that BOH had approved the plan for Lot 9 and was advised that the plan for Lot 7 would be approved on September 23. He asked that the hearing on Lot 9 be closed and the hearing on Lot 7 be continued to October 5. He also asked if the hearing on the common drive for Lot 6 and 11 could be closed. J. Ahearn asked about the placement of the driveway that had been of particular concern to S. Singleton. Mr. Staiti advised that changing the drive is not possible due to the location of the septic system as approved by the BOH. J. Rynkowski asked if the driveway would be paved. Mr. Staiti advised that the owner would like it to remain gravel. J. Rynkowski advised that he knew of cases where the driveways had been placed over the leaching field. J. Hankin asked if the applicant would agree to a condition that the drive be pervious. Mr. Staiti agreed and was advised that if the driveway was paved this would be a violation. J. Ahearn was uncomfortable moving forward without input from S. Singleton who had expressed concern over the location of the driveway. The Commission discussed the issues with moving the driveway. The majority of the members did not feel that the position of the driveway would cause any significant impact to the BVW due to the stonewall and if it was kept gravel. There being no further discussion the Chairman asked for a motion to close the public hearings. On a motion made and duly seconded, the Commission voted unanimously to close the public hearings for Lot 9 and the common driveway. On a motion made and duly seconded, the Commission voted unanimously to issue an OOC with the condition that the driveway remain impervious in perpetuity. On a motion made and duly seconded, the Commission voted unanimously to issue an OOC with no special conditions for Lot 9. On a motion made and duly seconded, the Commission voted unanimously to continue the hearing on Lot 7 to October 5.

Business:

The Commission met with Rebecca Davis regarding a minor modification to the plan for Lot 1 at Low Land Farms for the home being designated as Unit 1. Ms. Davis advised that she and her husband would be purchasing the Unit and wanted to make minor changes to the location and footprint of the home. The changes would have no significant impact and would move the home slightly further from

the BVW. On a motion made and duly seconded, the Commission voted unanimously to accept the minor modification.

The Commission met with Peter Durey of 39 Spring Street to discuss the language to be used in the Determination to be signed for the thinning of trees. Mr. Durey reviewed his proposed language and provided the Commission with a chart outlining the ratios for the thinning project. On a motion made and duly seconded, the Commission voted unanimously to accept the language provided by the applicant including the chart and signed the Determination.

The Commission met with Kim Isabell of 11 Patriots Lane regarding a violation and Enforcement Order for work using a Bobcat which had been observed by the Commission at the edge of Chebacco Lake. Ms. Isabell advised that she had been clearing the area of debris and that there had been crushed stone already in place which she was replacing after it had eroded. She explained that she understood she could do this under a Chapter 91 License and was trying to make the area safer for use by herself and her family. The Commission advised that they would need further documentation that the area had already had crushed stone together with a copy of the Chapter 91 License. Until further notice, no further work should be done other than removing trash. They ask that Ms. Isabell bring any other documentation to the meeting of October 5.

The Commission reviewed a request from 60 John Wise Avenue (Pallazolla) for a Certificate of Compliance. On a motion made and duly seconded, the Commission voted unanimously to issue the COC. The Commission signed the COC.

The Commission reviewed and signed the Amended OOCs for 51 LeBaron Road (Lowery).

On a motion made and duly seconded, the Commission voted unanimously to accept the minutes of September 7, 2010.

There being no further business, the Commission voted unanimously to adjourn the meeting.

Approved: _____

Prepared by: _____