

# ESSEX CONSERVATION COMMISSION

## MINUTES

OCTOBER 5, 2010

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

### Appointments:

The Commission met with John Judd of Gateway Consulting and Sean Costello of Costello construction to discuss changes to the plan for a new residence at 43 Lufkin Point Road. This project has an OOC and the applicant wishes to change the footprint of the new residence. Mr. Judd explained the the new footprint would not have any significant impact on the project and if the Commission would require a new NOI filing or if a request for an amended OOC would be sufficient. The Commission advised that it would require a new plan and this could be done with a request for an amended order.

### Public Hearings:

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 Clerk advised that the necessary plans had been sent to the DEP the day before and a file number still had not been issued so the hearing would have to be continued. On a motion made and duly seconded, the Commission voted unanimously to continue the hearing to October 19.

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. The applicant had not advised the Clerk on the status of the permit with the BOH and was not present. The Commission requested that the Clerk follow up with the applicant and that the hearing would be continued. On a motion made and duly seconded, the Commission voted unanimously to continue the hearing to October 19.

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 Clerk reported that the peer review was still not complete and the applicant had approved a continuation of the hearing. On a motion made and duly seconded, the Commission voted unanimously to continue the hearing to October 19.

Business:

The Commission met with Kim Isabell of 11 Patriot's Lane regarding a violation and Enforcement Order currently in place. Ms. Isabell provided the Commission with documentation on a Chapter 91 License and documents which showed that the property had been used for business purposes in the past. She asked how the Commission would like her to proceed as she was unclear what was needed. Those on the Commission who had viewed the site expressed the opinion that the other members needed to see the area before making a final decision. It was agreed that a site visit would be conducted on Friday, October 8 and the matter would be continued to the meeting of October 19. The Clerk also advised the Commission of her discussion with the Enforcement Agent at DEP.

The Agent discussed with the Commission discussions he had had with Helen Bethell of the Manchester-Essex Conservation Trust regarding a possible violation in the area of the Bishop's Grave in the Essex Woods. The Commission determined that a site visit would be necessary and would try to coordinate with Ms. Bethell to view the site to determine what action may be necessary.

The Agent advised the Commission that he had issued an Emergency Certification for a fence to be placed around the pond at 12 Story Street at the Essex Elementary School and asked that the Commission ratify the action. On a motion made and duly seconded, the Commission voted unanimously to ratify the Emergency Certification for the installation of a fence at 12 Story Street.

The Commission reviewed and signed the OOCs for the common driveway and Lot 9 at 69 Choate Street.

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

There being no further business before the Commission, on a motion made and duly seconded, the Commission voted unanimously to adjourn the hearing.

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

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