

ESSEX CONSERVATION COMMISSION

MINUTES

OCTOBER 19, 2010

Members: Wallace Bruce, Chairman – present
Joseph Ahearn - present
Robert Brophy - present
Philip Caponigro – present
Elisabeth Frye - present
James Rynkowski – present at 7:38 pm
Shirley Singleton - present

Public Hearings:

The Commission opened a Public Hearing on a Request for an Amended Order of Conditions filed by James McGraw and Costello Construction, Inc. to amend the order of conditions to reflect changes to the plan for the placement and design of the residence at 43 Lufkin Point Road. John Judd of Gateway Consulting and Sean Costello of Costello Construction presented the new plan which reflected the changes presented to the Commission at the last meeting. J. Hankin asked if any changes had been made that had not been presented at the last meeting. J. Judd advised that it had simply been “cleaned up” and no other changes had been made. 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 an amended OOC, which would change the approved plan.

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. J. Hankin advised that a DEP number had been issued but the project was still under review. He did not feel that the DEP would have any comments. The Chairman asked if the members had any further questions and if they wanted to close the public hearing. 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 an OOC with no special conditions.

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 was not in attendance and the Clerk advised that she had not received any communication regarding the status of the project. The Commission discussed continuing the hearing on behalf of the applicant. It was determined that the Clerk would write the applicant and advise that this was the second meeting which the Commission had continued without the applicant being present and without contact from the applicant. If the applicant did not contact the Clerk or attend the next meeting the

public hearing would be closed and the application could be denied for lack of information. On a motion made and duly seconded, the Commission voted unanimously to continue the public hearing on behalf of the applicant to the meeting of November 2.

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 advised that the peer review report was not complete and the applicant had requested that the hearing be continued. On a motion made and duly seconded, the Commission voted unanimously to continue the hearing to November 2.

Business:

The Commission met with Vanessa Johnson of Essex County Greenbelt to discuss a Conservation Restriction of 177 acres at 54 Spring Street and Spring Street Rear. The Commission reviewed the restriction and discussed some of the changes which the restriction could allow the owners to perform. There was concern that some of the projects such as installing a pool or dredging the pond could effect the wetlands. V. Johnson advised that the owner would have to get the approval of both the Essex Greenbelt and also obtain all necessary permits before the projects could move forward. The Commission expressed concern that the owners would not understand that approval from Essex Greenbelt was not the only authorization needed. V. Johnson explained that the Restriction was thoroughly reviewed with the current owners. In addition, Essex Greenbelt had an education component and the restriction would be reviewed and explained to any future owners. There being no further discussion, the Commission voted unanimously to recommend to the Selectmen that the Conservation Restriction be signed and signed the Municipal Consent Form.

The Commission met with Kim Isabell of 11 Patriot's Lane regarding the Enforcement Order for crushed stone placed in a wetland area on the edge of Chebacco Lake. K. Isabell presented some documentation which showed how the area had been used in the past as a commercial site. However, she had been unable to locate a Chapter 91 License. B. Brophy asked how much stone had been dumped at the site. K. Isabell again stated that she only had one truck of stone placed on the site which had had stone in the area already. The Clerk and the Agent advised that the DEP was closely monitoring this situation. There being no further discussion, the Commission voted unanimously to amend the Enforcement Order to have the property owner take the following action by the meeting of November 2: 1) provide evidence that a Chapter 91 license is recorded on the property; and 2) engage a wetlands scientist and have them provide a time frame for when the area can be evaluated.

The Commission discussed a site visit to Bishop's Grave in the Essex Woods. It had been determined that the area was questionable regarding the wetlands and that no action would be taken by the Commission at this time. The Agent will contact Helen Bethell of the Manchester-Essex Conservation Trust.

The Clerk presented a Request for an Extension for Lot 7 at Low Land Farms. On a motion made and duly seconded, the Commission voted unanimously to grant the extension.

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

Approved: _____

Prepared by: _____