

# ESSEX CONSERVATION COMMISSION

## MINUTES

NOVEMBER 2, 2010

Members: Wallace Bruce, Chairman – present  
Joseph Ahearn – present at 7:47 pm  
Robert Brophy - present  
Philip Caponigro – present  
Elisabeth Frye - present  
James Rynkowski – present  
Shirley Singleton - present

### Public Hearings:

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 advised that it had not yet received final approval from the BOH and asked that the hearing be continued to November 16. On a motion made and duly seconded, the Commission voted unanimously to continue the hearing to November 16. The Clerk will advise the applicant of the time.

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 had not been completed and the applicant had requested that the hearing be continued to November 16. On a motion made and duly seconded, the Commission voted unanimously to continue the hearing to November 16. The Clerk will advise the applicant of the time.

### Business:

The Commission met with Kim Isabell of 11 Patriot's Lane regarding the Enforcement Order for work done on Chebacco Lake. K. Isabell provided the Chapter 91 License and advised that she was filing an Application for Simplified License to have it transferred to her name. She had spoken with Mike DeRosa and received a contract in the mail today and would be retaining Mr. DeRosa for any work required. S. Singleton asked what K. Isabell understood the Chapter 91 License allowed her to do. K. Isabell advised that she understood she had to file the simplified license application and notify the Con Com and her abutters. S. Singleton stated that this was correct but advised that the license was only for an 8 x 12 float for maintenance for 30 years from 1998. K. Isabell advised the Mr. DeRosa had been on site and had taken pictures of invasive plants in the area, he felt that the land was eroding away and the trees dying because of the beaver issue. He will be at the next meeting to advise the Con Com on what he felt should be done. The Commission showed Ms. Isabell the pictures received from the DEP. They advised her that the boardwalk had been put in after 2003 and was not permitted. K. Isabell advised that some walkway was there when she and her ex-husband walked the property with a realtor in 1999. S.

Singleton asked how the crushed stone was delivered. K. Isabell advised that it delivered over the Breen property on Redgate Road. K. Isabell was asked how much was dumped and she advised that 22 tons was her recollection. She was asked how many trucks delivered the stone and she advised that 1 truck brought in the stone. The Commission asked the K. Isabell to get records from Bentley Warren regarding how much stone had been delivered. The Commission advised that it would have to decide whether to refer to DEP or issue a new EO. After K. Isabell had left the meeting, the Commission discussed how it should proceed. Members were divided on the whether the project should be referred to the DEP. However, it was decided that at this time the Commission would issue a new EO with conditions as outlined in the memo prepared by J. Hankin and would also add that M. DeRosa should obtain documentation from the supplier of the stone on how much stone was delivered to area, who ordered. The Commission also wanted confirmation that M. DeRosa has been retained. W. Bruce asked that the new EO reflect that Ms. Isabell had provided a copy of the Chapter 91 License. On a motion made and duly seconded, the Commission voted unanimously to issue a new EO with the conditions as outlined above.

The Commission reviewed and signed the OOC for 14 Coral Hill (Gauthier). The Commission reviewed and signed COCs for 94 Eastern Avenue (McKean) and 82R Eastern Avenue (Appleton). On a motion made and duly seconded, the Commission voted unanimously to issue the COCs for McKean and Appleton.

On a motion made and duly seconded, the Commission voted unanimously to accept the Minutes for the Meetings of September 21, 2010 and October 5, 2010.

R. Brophy advised the Commission that a fuel tank needed to be removed at the Essex Marina on Dodge Street. He asked if the Commission would approve the removal without a filing. The Commission determined that J. Hankin should visit the site and authorized him to approve the removal if he felt that no filing was required.

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

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

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