

ESSEX CONSERVATION COMMISSION

MINUTES

JANUARY 4, 2011

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:

Continuation of 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 applicant requested that the hearing be continued to January 18. On a motion made and duly seconded, the Commission voted unanimously to continue the hearing to the next meeting.

Business:

The Commission met with Mike DeRosa of DeRosa Environmental Consulting regarding the Enforcement Order currently in place for 11 Patriot's Lane. Mr. DeRosa advised that in reviewing the plan which had been submitted, he felt that all of the gravel should be removed from the sight rather than leaving part of it under the proposed deck. S. Singleton questioned the logic regarding the taxation of the property as a lake front property and the implication that the boardwalk should remain because a Chapter 91 License had been issued to a previous owner. Mr. DeRosa agreed that these should not be considerations in determining if the plan should be approved. The Commission questioned when the boardwalk had been built and advised Mr. DeRosa that the aerial photos provided by the DEP appeared to show no boardwalk in 2003. Mr. DeRosa had not seen these photos and took a moment to review. He advised that there was significant tree cover which could be hiding the boardwalk, but could not say definitively. It was determined that the best course of action would be to address the violation of the gravel. Mr. DeRosa will revise the plan to simply removing all of the gravel, replanting and removing the boards from the boardwalk to allow for proper light. The plantings under the boardwalk will be assessed in the spring to see if further planting will be needed. Ms. Isabell can then file a separate NOI for the boardwalk and deck once it was determined that the Enforcement Order had been fully satisfied. Mr. DeRosa agreed to amend the plan and forward a copy to the Clerk. The new plan will be reviewed at the next meeting and the Commission will determine if the current Enforcement Order will be revised or if a new Enforcement Order will be issued.

The Chairman presented the minutes of the meeting of December 7, 2010 for approval. There being no

discussion on the minutes, on a motion made and duly seconded, the Commission voted unanimously to approve the minutes of December 7, 2010.

There being no further business, on a motion made and duly seconded, the meeting was adjourned.

Approved: Essex Conservation Commission

Prepared by: Deborah Cunningham, Administrative Clerk