

ESSEX CONSERVATION COMMISSION

MINUTES

FEBRUARY 15, 2011

Members: Wallace Bruce, Chairman – present
Joseph Ahearn - absent
Robert Brophy - present
Philip Caponigro – present
Elisabeth Frye - present
James Rynkowski – present at 8:05 pm
Shirley Singleton - present

Public Hearings:

The Commission opened a Public hearing on a Notice of Intent filed by Ray and Nancy Frieden to remove old existing outbuilding from area surrounded by wetlands and restore, fill 350 sf of wetlands and construct an addition to the existing house in the 100' buffer zone, remove and replant 4 trees, and construct septic system at 104 John Wise Avenue. Randy Burley of Mill River Consulting represented the owner and presented the plan for removal of the storage building and installation of a new septic system with an addition to the residence. He advised that the storage building is unsafe and the plan would be implemented in two phases. The first phase would be to remove the building before the frost was gone and the second phase would be the addition and the septic system. He advised that BOH has seen the septic plan but it cannot be approved until spring. He has a verbal approval from the BOH Agent. S. Singleton asked about any changes which may be requested after the Con Com's approval and an Order of Conditions was issued. Mr. Burley advised that amended NOI would be needed. S. Singleton asked about monitoring the replication areas. Mr. Burley advised that Mary Rimmer had suggested in her report that it would be at the discretion of the Commission. He also pointed out that there would be some removal of trees because one was dead, one was near dead, and two were a problem with the placement of the new septic system. S. Singleton asked about changes to drainage. Mr. Burley explained the drainage plan and calculations. The Commission asked if the DEP had commented on the project. The Clerk advised that a DEP number was issued but the project was still under review. R. Brophy asked about size compared to original house and advised that he also felt that a catch basin was needed. Mr. Burley explained why the submitted plan would clean the water before going into the wetland and that a catch basin would actually not be the best for this lot given the high water table. W. Bruce requested a site visit. The Commission had concerns that the site would be difficult to view given the amount of snow on the ground. The site visit was tabled for later. Nancy Frieden, homeowner, the explained the history of the property and explained why they were renovating at this time. Peter Kellerman, an abutter to the property, expressed concerns about pollution due to septic and deterioration of the building in the current condition. He felt that the project would improve the environment and was in favor of the project. Marybeth ** felt that it would be good for the community. Ray Frieden explained the sequence of the project and advised that septic cannot go anywhere else and that any changes made by BOH would be brought to the Commission. The

Commission discussed breaking the project up into two NOI filings. J. Hankin advised not to separate the two matters and not to remove the building until comments from DEP were available. It was then determined that the hearing should be continued. On a motion made and duly seconded, the Commission voted unanimously to continue the hearing to the next meeting.

Since Mr. Burley was present, the Commission held a discussion the use of directional drilling at 84 Choate Street. This request had been filed by Mill River Consulting to determine if the Commission would require a NOI filing or if the work could be permitted under an RDA. The Commission determined that if the RDA application was detailed enough so that no more than three conditions would have to be placed in the Determination, that the project could be permitted under and RDA. Mr. Burley advised that he would pass the information on to his colleague at Mill River.

The Commission opened a Public Hearing on a Request for Determination of Applicability filed by the Town of Essex, Board of Selectmen to remove, via hand clearing and disposal, debris, vegetation and beaver dams within the Alewife Brook channel that are detrimental to the annual running of the alewives near Martin Street, Western Avenue, Landing Road and Pond Street. The Clerk explained that there would not be a representative from the Town present. This filing was a duplicate of a filing made three years ago to allow the Town to keep the Alewife Brook cleared by hand clearing. Mr. Brophy expressed some concern that the language presented in the application allowed the Town to break the beaver dams under the Determination, however, there were other governmental agencies that had to give permission for this work. The Clerk advised that this language could be put into the Determination as a condition. There being no further discussion on the matter, on a motion made and duly seconded, the Commission voted unanimously to issue a negative Determination with the condition that all governmental agencies be contacted in connection with the breaking of beaver dams.

The Commission opened a Public Hearing on a Notice of Intent filed by Gabriel Rossi to review a proposed addition to existing single family house at 52 Martin Street. Curt Young of Wetlands Preservation presented the plan. Gabriel Rossi, the homeowner was in attendance. S. Singleton asked about the flood zone. Mr. Young advised that this was not a flood storage area it is a tidal area and pervious pavers will be used which can also be added as a condition. S. Singleton asked about the rain garden and asked if there was a plan with more detail. Mr. Young advised that there were no other details or calculations were available. The Clerk advised that the DEP number had been issued, however no comments had yet been received. Given the nature of the area and the concerns regarding the flood zone, it was determined that the hearing should be continued to the next meeting. On a motion made and duly seconded, the Commission voted unanimously to continue the hearing until March 1.

The Commission opened a Public Hearing on a Request for Determination filed by Keystone Development to prepare an area within the buffer zone for lawn seeding at 69 Choate Street. J. Hankin advised the Commission that a representative of Keystone Development would not be present but that the application had been submitted at his request. It was his understanding that there would be some clearing of trees and then seeding for a lawn. The Clerk advised that the plan had removed the clearing of the trees and only included the lawn seeding. J. Hankin advised that he saw no problem with this but it was within the buffer zone. On a motion made and duly seconded, the Commission voted unanimously to issue a negative determination with the condition that the applicant notify the agent when the seeding was complete and that no herbicides or pesticides should be used.

The Commission continued a Public Hearing on a Notice of Intent filed by Apple Street nominee Trust to construct two single family dwellings and associated appurtenances with the 100 ft buffer zone at Lot 7 Low Land Farm Road. Jay McNiff presented a revised plan for Lot 7 and gave the Commission a timeline for the project and the lawsuit which had been pending on the project. Mr. McNiff advised that the plan had not been submitted to the DEP but would be as soon as possible. The Clerk advised that although the project had been filed with the DEP a year ago, no comments had yet been issued. The Commission felt it would be best to continue the hearing until the next meeting to see if any comments would be made by DEP. On a motion made and duly seconded, the Commission voted unanimously to continue the hearing to March 1.

The Commission opened a Public Hearing on a Request for Determination of Applicability filed by Andrew St. John to erect a temporary art installation on the Essex River bank for approximately 30 days beginning at Essex Marina at 35 Dodge Street and ending at a point slightly north of the Cox Reservation on Cogswell's Grant property at 60 Spring Street. Andrew St. John represented the parties wishing to install the art installation. He asked if the Commission had any questions after the previous meeting. He advised that he had prepared the application with a much detail as possible as the Commission had recommended. S. Singleton commented that it was just what the Commission needed in order to issue the negative Determination. The Commission had no further questions. On a motion made and duly seconded, the Commission voted unanimously to issue a negative determination. The Commission had met with Mr. Andrew St. John Motion for negative determination

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. Orestes Brown represented the applicant and advised that at this time there were no changes to present to the Commission and requested that the matter be continued to April 19. Mr. DeRosa was present on behalf of the Commission having done the peer review. He expressed a concern that the application was extremely deficient and should possibly be resubmitted. In addition, there was a concern that the ORAD was expired. Mr. Brown advised that the ORAD had been resubmitted and approved. The Clerk advised that she would verify when the ORAD had expired. The discussion turned to whether the application should be refiled. It was determined that the applicant would re-notify the abutters and post the next hearing in the newspaper to make sure that all interested parties were aware that the matter was proceeding. Mr. Brown agreed to this. On a motion made and duly seconded, the Commission voted unanimously to continue the hearing to April 19.

Business:

The Commission briefly reviewed the revised Mitigation Plan submitted for 11 Patriots Lane and agreed to accept it with the following deadlines: April 1 gravel must be removed, June 1 planting must be complete, September 6 (first meeting) boards must be removed. The Agent will send a letter amending the EO. On a motion made and duly seconded, the Commission voted unanimously to authorize the agent to amend the EO to reflect the revised plan and the deadlines.

On a motion made and duly seconded the Commission voted unanimously to accept the Annual Report as presented by the Clerk.

On a motion made and duly seconded, the Commission voted unanimously to issue a Certificate of Compliance for 83-85 Choate Street. The Commission agreed to issue a Certificate of Compliance for 15 Tree Hill Lane with an Addendum referencing the new plan for the pond.

On a motion made and duly seconded, the Commission voted unanimously to accept the Minutes as presented for January 4, 2011.

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

Approved: Essex Conservation Commission

Prepared by: Deborah Cunningham, Administrative Clerk