



ESSEX CONSERVATION COMMISSION

Minutes for the Meeting of September 4, 2012

Commissioners:

Wallace Bruce, Chairman
Robert Brophy
Elisabeth Frye
James Rynkowski*

Shirley Singleton

Staff:

James Hankin, Agent

Deborah Cunningham
Administrative Clerk

*Absent

Public meeting on a Request for Determination of Applicability filed by Frank Kaminiski to resurface parking lot area of Windward Grille Restaurant at 109 Eastern Avenue. The Commission had issued an Enforcement Order for resurfacing of the parking lot. Mr. Kaminski advised that he had thought that he did not have to file for this work as it was a maintenance project. He told the Commission that in the future he would contact the Commission before allowing any work to be done at the property. The Commission determined to close the matter. On a motion made and duly seconded, the Commission voted unanimously to close the public meeting. On a motion made and duly seconded, the Commission voted unanimously to issue a Negative Determination.

Public hearing on a Notice of Intent filed by John Fenton of Avison Young to remove old dock platform and a portion of existing walkway and install small replacement dock platform with seasonal floats within deeded access to Eben's Creek at 47-49 Lebaron Road. Tom Hughes of Hughes Environmental represented the applicant, John Fenton, Brinck, Mr. Hughes gave an overview of the project and the documents submitted. He explained that it was a simple project but complex from a regulatory point of view. Questions regarding seasonality and Chapter 91 will be submitted to the Corp of Army Engineers after approval by the Commission and simultaneously with the local Harbormaster. The Chairman opened the hearing for comments from the public. Mr. Brinck Lowery, an abutter, asked if the ramp could be lower for esthetics. Mr. Hughes advised that the height was determined by the requirements of the regulatory agencies which had input on the project. There being no further comments, the Chairman called for a motion to close the hearing. On a motion made and duly seconded, the Commission voted unanimously to close the public hearing. After a discussion of the conditions, the Commission voted unanimously to issue a standard Order of Conditions.

Public hearing on a request for an Amended Order of Conditions filed by John McNiff, Jr. of J&L Land Company, LLC to amend the site plan to move the siting of the two residences previously approved

and remove the approved pool from the plan at Lot 7 Low Land Farm Road. Jay McNiff of J&L Land Company, LLC, explained that the Commission had previously approved this project, however, they had a buyer for the property who wished to change the location of the homes on the lot and the configuration of the driveway. He also explained that, due to the change of the location of the residences, that the septic system would have to be moved. He was working with the BOH to get the change approved. He also explained that a change had been made to the plan which had been submitted to the Commission after discussions with one of the abutters. This involved moving the drive away from the property line. The Commission advised that they typically did not approve plans which were still pending with the BOH. In addition, they would need the correct plan to approve. The Commission suggested that the applicant approve continuation of the hearing so that the new plan could be submitted and possible BOH approval could be obtained. The applicant agreed to this. On a motion made and duly seconded, the Commission voted unanimously to continue the hearing.

The Commission met with Gabriel Rossi of 52 Martin Street regarding the Enforcement Order which had been issued for work done on the property. Curt Young of Wetlands Preservation represented Mr. Rossi and advised the the owner wished to restore the area rather than submit an NOI at this time. He advised that a letter outlining the plan to restore the area would be submitted to the Commission for approval at the next meeting.

The Commission reviewed a Notice received from the Northeast Massachusetts Mosquito Control and Wetlands Management District. Mr. Hankin explained that the project is exempt and that the required notice was received. He also advised that he would be visiting the site of the work and that the project had been well documented.

The Agent updated the Commission on the items he had reviewed since the last meeting which included, but were not limited to, site inspections, review of building permit applications, possible violations and other relevant matters.

The Chairman requested a motion to approve the minutes for the meeting of August 7, 2012. On a motion made and duly seconded, the Commission approved the minutes as presented.

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

Approved: Essex Conservation Commission

Prepared by: Deborah Cunningham, Administrative Clerk