



ESSEX CONSERVATION COMMISSION

Minutes for the Meeting of April 2, 2013

Commissioners:

Wallace Bruce, Chairman
Robert Brophy
Elisabeth Frye
Ted Marshall

James Richardson
Shirley Singleton
Samantha Stevens

Staff:

Deborah Cunningham
Administrative Clerk

*Absent

The Chairman opened the meeting and began with the business before the Commission. The Chairman advised that, on the advice of town counsel, the matter regarding 90 Apple Street would be tabled at this time with no discussion.

The Clerk presented a Request for a Certificate of Compliance for 10 Harlow Street. She advised that the work permitted was for the clean out of a culvert which was still on the property and in working condition. On a motion made and duly seconded, the Commission voted unanimously to issue the Certificate of Compliance.

The Chairman presented the minutes for the meetings of February 5 and February 19, 2013 for approval. On a motion made and duly seconded, the Commission approved the minutes.

The Commission opened a public hearing on a Notice of Intent filed by Ted Guldemond to raise the grade of an existing backyard to mitigate flood risk during extreme high tides at 5 Ralston Lane. Michael Joyce of Green Environmental represented the applicant and advised the project was very similar to a project which the Commission had reviewed and permitted for the adjacent property. After some discussion, the Commission determined that a site visit would be appropriate prior to making a final decision. The representative agreed and a time and date was set. The representative agreed to continue the meeting to April 16. On a motion made and duly seconded, the Commission voted unanimously to continue the hearing to April 16.

The Commission opened a public meeting on a Request for Determination of Applicability filed by Carl Darrow to install a septic holding tank at 4 Robbins Island Road. John Judd of Gateway Consulting represented the applicant and advised that the work proposed had been approved by the BOH and would move the tight tank further from the marsh. The Commission saw no issues with the project. 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 for the project.

The Commission opened a public hearing on a Notice of Intent filed by David Brown of Shea's Restaurant to construct a seasonal deck with a fence and handicap access gate and replace existing rail road tie wall with a stone wall at 122 Main Street. Michael DeRosa of DeRosa Environmental represented the applicant and gave a summary of the work proposed. He also advised the Commission that the DEP had issued comments that the work could not be permitted. Mr. DeRosa suggested that the Commission view the site and make a decision regarding the project. If the DEP felt it should not be permitted, it could appeal the Commission's decision. A few questions were asked regarding the setback requirements for the fence which was proposed on the property line and Mr. DeRosa advised that he would research those regulations. The Commission agreed to a site visit and a time and date was set. Mr. DeRosa agreed to continue the hearing to April 16. On a motion made and duly seconded, the Commission voted unanimously to continue the hearing to April 16.

The Commission discussed opening both hearings for the work at 234 John Wise Avenue simultaneously. The representatives for the applicant preferred that the hearings be heard separately. The Commission agreed to proceed with separate hearings.

The Commission opened a public hearing on a Notice of Intent filed by Castle Creek Real Estate, LLC to install water service using directional drilling at 234 John Wise Avenue. As an abutter, Shirley Singleton recused herself from the Commission's discussion. Hancock Associates represented the applicant and gave an overview of the work being presented to provide a public water supply to the property. They advised that the BOS had already approved the tie in to the Ipswich water. Concurrently with the filings in Essex, the applicant was also working with the town of Ipswich. The abutters at Downriver Ice Cream expressed concerns about the work limiting parking for their business. The Commission agreed that if the sediment pond could be moved approximately 20' that this could be done during the preconstruction meeting for the project. Due to the use of the directional drilling, the disturbance would be minimal. The Commission had no issues with the project. 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 the condition that the location of the area of work could be moved if possible to accommodate the concerns of the abutters.

Shirley Singleton left the meeting at approximately 8:50 pm since she was an abutter to the property being reviewed in the last hearing of the night. Prior to the opening of the last hearing, Wallace Bruce asked that Robert Brophy assume the responsibilities of Chairman and recused himself from the discussion. He later advised that the applicant had made reference during the last hearing to working with the company for which he is employed. Although he was not involved in the project and had not known that his company had done work for the applicant, it was his opinion that he should not be part of the hearing.

The Commission opened a public hearing on a Notice of Intent filed by Castle Creek Real Estate, LLC to conduct maintenance to an existing leaching facility and to conduct restoration activities at 234 John Wise Avenue. Hancock Associates described the damage that had been done which had caused the issuance of an Enforcement Order. He advised that, although the work should have been permitted, very little damage had been done and the area would re-vegetate on its own. The work being presented would have minimal effect on the area and would be done under the supervision of a wetlands scientist. The Commission had no concerns with the work. 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 the condition that a wetlands scientist monitor the work with particular attention paid to work done in the area of the causeway used to access the rear of the lot.

The Commission discussed tree clearing being done in the area of Scot's Way. It was determined that the Commission would try to get more details and the matter was tabled to the next meeting.

The Clerk advised that an email had been received with concerns about the work being done on subdivision Lot 7 on Low Land Farm Road. The Commission agreed to review the photos and arranged a site visit to determine if the work was being done according to the approved plan.

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

Approved: Essex Conservation Commission

Prepared by: Deborah Cunningham, Administrative Clerk