



ESSEX CONSERVATION COMMISSION

Minutes for the Meeting of May 20, 2014

Commissioners:

Wallace Bruce, Chairman
Robert Brophy
Elisabeth Frye
Ted Marshall

James Richardson*
Shirley Singleton*
Samantha Stevens

Staff:

Deborah Cunningham
Administrative Clerk

Bill Decie, Agent

*Absent

The Commission continued the hearing on the Enforcement Order and violations in the area of the right of way known as Annabelle Avenue and 75 Wood Drive. Robert Brophy acted as Chairman for this matter. The Commission reviewed the final draft of the Enforcement Order prepared by town counsel. The Clerk advised that she had been notified by the abutters that the removal of the electric fence which had been seen on site had not been included in the draft of the Enforcement Order. The Commission agreed that this had been presented at a previous meeting and also at the site visit and should be part of the Order. On a motion made and duly seconded, the Commission voted unanimously to approve the Enforcement Order with the addition of language to remove the electric fence. There being no further matters to discuss, the Commission, on a motion made and duly seconded, voted unanimously to close the public hearing. The homeowners asked if they could mow the right of way and put their boats in the water for the summer. The Commission determined that these two activities could take place with the condition that the boats not be removed until the end of summer to limit traffic and disturbance on the right of way.

The Commission opened a public hearing on a Notice of Intent filed by Laura and Lincoln Collins to raze and reconstruct existing house on existing footprint and construct a one story addition at 6 Robbins Island Road. Robert Gulla of Gulla Architecture represented the applicant. This matter had been presented at the last meeting and missing items had been resolved. The Commission had no issues with the project and on a motion made and duly seconded, unanimously voted to close the public hearing. The Commission voted unanimously, on a motion made and duly seconded, to issue an OOC with the standard special conditions.

The Commission opened a public meeting on a Request for Determination of Applicability filed by Curt Bergeron of Essex Marina to dig around a current foundation to install new footings and a poured concrete foundation for the existing porch at 35 Dodge Street. Mr. Bergeron was not in attendance

when the meeting was opened. The Commission had reviewed Mr. Bergeron's requests at a previous meeting on an informal basis and had asked that Mr. Bergeron present the application now before them. Mr. Decie advised that the only conditions he would put on the project were that the shrubs should be moved or replaced and that a silt sock should be placed where the shrubs were being removed. The Commission agreed to these conditions. The Chairman called for a motion to close. On a motion made and duly seconded, the Commission voted unanimously to close the public meeting. Mr. Bergeron arrived. The Commission advised that they had closed the public meeting. The Clerk then advised that Mr. Bergeron had written a letter advising the Commission of work he had intended to do under the Chapter 91 license held on the property. No further discussion being needed, the Commission voted unanimously, on a motion made and duly seconded, to issue a Negative Determination with the conditions that the shrubs be moved or replaced to a location approved by the Agent and that a two silt socks be installed, the first in the location of the removed shrubs and the second around the limit of work, both to be approved by the Agent.

The Commission opened a public meeting on a Request for Determination of Applicability filed by the Board of Selectmen for the Town of Essex to demolish the residence and garage at 103 Conomo Point Road. Brendhan Zubricki, Town Administrator represented the Selectmen and explained that the Town was now in complete ownership of the property and had determined that the current structure needed to be removed. The Commission requested that a silt sock be placed along the road as an additional erosion barrier. Mr. Zubricki agreed that this would not be a problem. There being no further discussion, 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 a Negative Determination with the condition that a silt sock be placed along the edge of the road.

The Commission opened a public meeting on a Request for Determination of Applicability filed by the Board of Selectmen for the Town of Essex to pave the gravel area on the Cogswell Road Extension. The Clerk advised that she had been contacted by Pamela Merrill of the DEP and told that the project did not meet the stormwater management guidelines. She also advised that she had forwarded Ms. Merrill's email and the content of her phone call to Mr. Zubricki. Mr. Zubricki was in attendance to represent the Selectmen. Mr. Zubricki suggested that the Commission continue the meeting to the next scheduled meeting of the Commission. He also asked that the Commission, through its Agent, provide the necessary information for meeting the stormwater management guidelines. The Commission agreed and, on a motion made and duly seconded, voted unanimously to continue the hearing.

The Commission opened a public hearing on a Notice of Intent filed by David Kempskie to construct a single family residence with associated driveway, utilities and landscaping at 36R2 Story Street. Jesse Blanchet of Griffen Engineering represented the applicant who was not in attendance. The project was presented as a single family residence with driveway and necessary grading and utilities. The Commission then opened the hearing to the public. The abutters who share the driveway with the owners of 36R advised that they had been told by the applicant that the structure would be a garage with a living space above. They also advised that they had concerns due to the vehicles that were using the current driveway and would now be accessing the new driveway which was closer to the resource area. Mr. Blanchett was not aware of any work being done other than that proposed by the application prepared by Griffen. The Commission determined that a site visit would be needed to understand the layout of the three properties and the use of the driveway and that the hearing should be continued. A

site visit was scheduled for May 29 at 6:30 pm. On a motion made and duly seconded, the Commission voted unanimously to continue the public hearing.

The Chairman recognized Neil Daigle regarding an Enforcement Order issued for 39 Grove Street. Mr. Daigle advised that his elderly mother-in-law lived at the property and had not been dumping debris in the resource area. Mr. Bruce advised that he had also been to the property and had only observed debris that had been there for some time and could not determine where it had come from. The Commission then discussed the second Enforcement Order that had been issued for 37 Grove Street and determined that, at this time, the person responsible for the dumping was unknown and the matter should be tabled for further investigation. The Clerk will prepare the letter regarding dumping of cuttings and leaves in the resource area for review at the next meeting. The Commission would then determine where the letter should be sent.

The Clerk presented three Requests for Certificates of Compliance to the Commission. Mr. Decie had reviewed each and agreed that the COCs should be issued. On a motion made and duly seconded, the Commission voted unanimously to issue the COC for 71 Choate Street (fka 69 Choate St, Lot 7). On a motion made and duly seconded, the Commission voted unanimously to issue the COC for 52R Lufkin Pont Road. On a motion made and duly seconded, the Commission voted unanimously to issue the COC for the project known only as Western Avenue.

The Chairman presented the minutes for the meeting of April 1, 2014 for approval. The Clerk advised that she had made the corrections that had been pointed out at the last meeting. On a motion made and duly seconded the Commission voted unanimously to approve the minutes of April 1, 2014 with the noted corrections.

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

Approved: Essex Conservation Commission

Prepared by: Deborah Cunningham, Administrative Clerk