



ESSEX CONSERVATION COMMISSION

Minutes for the Meeting of May 5, 2020

Commissioners:	*Absent	Staff:
Michael Burke, Chairman	Kevin Cooke	Deborah Cunningham
Cliff Ageloff	Ted Marshall	Administrative Clerk
Thomas Barrieau	Laureen Sanderson	
		Ken Whittaker, Agent

Consistent with the Governor's orders suspending certain provisions of the Open Meeting Law and banning gatherings of more than 10 people, this meeting was conducted by remote participation to the greatest extent possible. The Conservation Commission and the public was not physically in attendance at this meeting, but every effort was made to allow the public to participate in the meeting in real time. Persons who wished to do so were invited to join the meeting from a computer, tablet or smartphone by using a GoToMeeting link or dialing in using a phone.

The Commission opened a public hearing on a Request for Determination of Applicability filed by Carter Roberts to install a gravel road and storage at 197R Western Ave. After a review of the materials submitted by the applicant and after input from the public, the Commission asked the applicant to prepare a more detailed plan for the installation of the road. The applicant agreed to a continuation of the hearing. On a motion made and duly seconded, the Commission voted unanimously to continue the public hearing to May 19, 2020.

The Commission continued a public hearing on a Notice of Intent filed by Frederic Little to construct a single family home with detached garage, access driveway, install a sub-surface disposal system with site preparation, drainage and stormwater management and proposed mitigation at 0 Spring St. A request to continue the hearing to May 19, 2020 had been received by the applicant's representative. On a motion made and duly seconded, the Commission voted unanimously to continue the public hearing as requested.

The Commission reviewed the restoration plan submitted for 15 Burnham Court. The Commission had concerns about the amount of stone that should be removed from the bank and the addition of a seating area. The applicants requested that the cease and desist order be lifted on the portion of the property upland from the bank to allow for the installation of the driveway and landscaping. The Commission expressed concerns about lifting the cease and desist for any of the work until the restoration plan had been approved. Attorney Philip Lake was present to represent the applicants and expressed his opinion

that the Commission's response to the request had "gone too far" and "was not a reasonable response". Commissioner Barrieau stated that the Commission was being asked to lift the Enforcement Order despite no remediation having been completed. The Commission discussed the limitations of the work that might be authorized prior to approval of the restoration plan. It was agreed that the applicants would be authorized to do the following: 1. Stone could be removed from the bank by hand raking and removal by wheel barrel; 2. The driveway could be installed; and 3. Landscaping north of the proposed garage could begin. The Commission also advised that the restoration plan would be submitted to the Commission's consultant for review prior to acceptance. This matter would be continued at the next meeting. On a motion made and duly seconded, the Commission voted unanimously to authorize the work as outlined previously and to submit the restoration plan for review.

The discussions on the potential bylaw and potential Commissioner Guidelines was tabled to the next meeting.

The Chairman presented the minutes for the meetings of April 7, 2020 and April 21, 2020 for approval. On a motion made and duly seconded, the Commission voted unanimously to approve the minutes as presented.

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