

Essex Conservation Commission

October 20, 1998

Present: Edwin Perkins, Chairman, Robert Brophy, Peter
Perrigo, George Stavros

Meeting called to order at 7:35 p.m.

A continuation of a public hearing was held at 7:36 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Glenn Muise covering the upgrade of a septic system and the relocation of 30 feet of driveway at 77 Wood Drive.

Muise requested that the public hearing be continued to Tuesday, November 3, 1998, because, according to the Board of Health, his septic plans were not complete.

Stavros moved to continue the public hearing for Glenn Muise to November 3, 1998, at 7:35 p.m., seconded by Brophy; Perkins, Brophy, and Stavros voted in favor, Perrigo voted present.

The Board reviewed the definitive subdivision plan of Stephen Wedlock and Kim Pederson for a subdivision of land along the Old Manchester Road, for comments to the Planning Board. The Board felt the road should be completed and paved to be in accordance with the Subdivision Control Law, with a complete drainage system and utilities, and paved to the required width so that emergency vehicles have adequate access. The Board also felt that the road should be completed to the corner of Andrews Street/Rocky Hill Road.

The Board reviewed the definitive subdivision plan of Craig Doyle for a subdivision of land at 170 John Wise Avenue, for comments to the Planning Board. The Board felt the project was outside an Area Subject to the Wetlands Protection Act, and therefore gave their approval to the project.

The Board of Selectmen met with Board, at the request of the Board, to discuss the vernal pool issues on Wood Drive, which occurred in August. Chairman Perkins said they had a serious problem with Derek Brown, who has been going on homeowners' property to look for vernal pools. The problems they had with the Environmental Protection Agency cost him a lot of hours and money for the telephone calls and faxes to the E.P.A. Selectman Madsen asked on whose authority did Brown go on to others' property. He was told that it was on his own authority. Perkins

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said he told D. Brown that the Commission had no problems with vernal pools, but he shrugged it off.

The certification for the vernal pool was sent to the Commission from the Division of Fisheries and Wildlife, showing the certified vernal pool to be on Assessors Map 4, Lot 108A, property of James and Jill Periton. Later Perkins received a call stating that a vernal pool was being filled in on Wood Drive. Perkins said he went to the property and found this to be on property belonging to John and Marilyn Heath, which is adjacent to the Periton property. It is believed that Leila Altholz called the E.P.A. The Peritons are now trying to go through the process of having their vernal pool decertified. Perkins asked the Selectmen to realize what D. Brown has been doing and to consider this when appointments are made. Selectman Madsen noted that they have a man who is trespassing on property, entering peoples' property without their permission, making reports on their land without their knowledge or permission. Perkins told the Selectmen that there is a vernal pool to the rear of the Filtration Plant, and he has suggested that it would be a good project for the grammar school to certify it. The problem is how D. Brown is handling the vernal pool issues. Perkins said he told him he was demeaning everything the Conservation Commission was doing, but he just walked off with the representative from the E.P.A. Perkins noted that after a heavy rainstorm some time later, Marilyn Heath said she saw Leila Altholz and D. Brown walking on her land taking photographs. She called Perkins, who suggested she call the Police Department, which she did. The police went to the property.

Selectman Folsom said the whole crux of the vernal pool is that it has to be certified, but homeowners do not have to have it certified. Perkins said that issues like this hurt the efforts of the Commission, Eight Towns and the Bay, and the Open Space Committee, because it demeans credibility. Brophy said he would question the appointment of someone so controversial. At this time, the meeting with the Selectmen was concluded.

Stavros moved to approve the Minutes of the meeting of September 1, 1998, seconded Brophy, with the Board voting unanimously in favor.

The Essex Elementary and Middle School submitted a request to the Board for their participation in a school project, namely a

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pseudo town meeting to consider the construction of a stadium at Centennial Grove. All Boards have been asked to have a representative speak with the school children as to how their Board will be involved in the construction project.

Erica Funkhouser, 179 Southern Avenue, submitted a request to the Board for a Certificate of Compliance for work regulated by D.E.P. File Number 21-353. Thomas Prentiss, the Commission's representative for the project, will view the site to be sure the work is in compliance with the Order of Conditions.

Brophy told the Board he made a site visit to Stuart Pratt's project at 15 Tree Hill. He found that digging around the island had taken place, and the water was already two feet deep. Brophy felt that at the moment the project was looking good.

A discussion followed on the public access at the Town Landing and Conomo Point. The Board felt the Selectmen should apply for a grant from the Coastal Access Grants Program for the access maintenance.

The Open Space Committee has created the trail from the 'Field of Dreams' to Chebacco Lake. They would like to construct a boardwalk to the Lake, and were informed that they would have to file a Notice of Intent. As the Open Space Committee is a Town committee, the filing fee for the project could be waived.

Brophy brought to the Board's attention that an old shed at the end of Island Road could possibly contain hazardous waste, which could be leaching into the marsh. According to the records of the Assessors Office, the property is owned by The Trustees of Reservations. It was felt a letter should be sent to the Trustees notifying them of this matter.

Stavros moved to adjourn the meeting at 9:00 p.m., seconded by Perrigo, with the Board voting unanimously in favor.

Prepared by:



Gillian B. Palumbo
Administrative Clerk

Attest: