

Essex Conservation Commission

November 17, 1998

Present: Edwin Perkins, Chairman, Robert Brophy, Edith Messersmith, Peter Perrigo, Thomas Prentiss, George Stavros.

Meeting called to order at 7:39 p.m.

A public hearing was held at 7:40 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by August R. Meyer, Jr., covering the installation of a water line at 23 LeBaron Road.

Meyer told the Board, "Shaheen Husain of LeBaron Road is planning to put in a water line to the end of LeBaron Road. I would like to connect to this water line; Brad Story, Quincy Bent, and other Meyers' are also planning to tap into this line. It is about 325 feet from my well to LeBaron Road. The salt marsh is about 25 feet from the proposed water line, but on the other side of the stone wall." Meyer then stated that his problem is a huge area of ledge by the cottage on his property, and that to avoid blasting, he would have to go around it and be much closer to the marsh. Perrigo felt it would be helpful to visit the site to see exactly where the ledge is in relation to the marsh. Prentiss indicated that he, also, would like to view the site.

With no further questions from the Commission or the public, Perrigo moved to close the public hearing, seconded by Messersmith, with the Board voting unanimously in favor.

Derek Brown met with the Board at 7:50 p.m. regarding the Commission's meeting with the Board of Selectmen on October 20, 1998. He read the following letter to the Board, "This is in response to both a memorandum on vernal pools from the Conservation Committee, and to a recent meeting of the Committee with the Selectmen. Both memorandum and meeting concerned me directly, but neither was I sent a copy or invited to the meeting."

"I want to set straight the course of events of the past spring and summer. I was contacted by a neighbor of the Perritons, with their knowledge, and told that destruction of a neighboring property was imminent. They were concerned that the vernal pool would be destroyed also, so I spent time on the land in spring taking photographs, measuring, etc. During that time

Page Two  
November 17, 1998

I was unaware that the property belonged to anyone other than the Perritons. In retrospect I would have concluded that had the pond fallen on the Heath property, it would have been recorded through the normal channels previous to filing an Order of Conditions."

"I also assumed that because the Perritons were the landowners, it was not necessary to inform others about the certification process until completion."

"In mid August I received a copy of the Fish and Wildlife Certification which arrived coincidentally the same day that I heard that the pond was being destroyed. By the time I arrived in the evening, the pool had been wrecked."

"The following Sunday I was invited to go to the property with an EPA agent. Before her arrival I saw Mr. Perkins in the marina parking lot where he suggested that I indicate that the pond I intended to certify was a tiny depression on Perritons lot that was not filled. I replied something to the extent that that was not the case. Despite this obvious fabrication, Mr. Perkins led the group, including the EPA agent, to this small depression and indicated that it was indeed the certified pool. This was both unprofessional and unethical."

"The meeting minutes record that Mr. Perkins had problems with the EPA that were expensive to remedy. In my understanding, the problem was that a vernal pool had been filled, not that the EPA had been notified. It was actually a member of this Conservation Committee who recommended that the EPA be called. I am also at a loss to understand how this pool could have been filled with such speed when a member of this Committee was on sight holding certification papers."

"The minutes report that after the EPA inspection, both Leila Altholz and I were the focus of a trespassing violation called in by Mrs. Heath and recommended by Mr. Perkins. After checking my memory and following a discussion with Chief Harrell I can safely say that the people in question were the surveyors mapping the boundary of the Perritons' property. I include a copy of the Gloucester Times police report for that date. Presumably, they were hired to ensure that any remaining vernal pool habitat was not included in someone else's landscape remodelling agenda."

Page Three  
November 17, 1998

"As to Mr. Brophy's comments regarding my suitability for appointment to any Town committee, I fail to see the relevance of such a personal affront in an official Town committee meeting. As far as I am aware, Mr. Brophy is not a Selectman, and so does not have the ability to appoint or remove anyone. I'm concerned that such negative and inappropriate remarks are recorded as Committee business."

"I've done field work to certify two more ponds in Essex. One is on Town-owned land, the other is on Wood Drive, toward the end of the road, and is accessible from the roadside. I'm going to file soon."

"The bottom line is that the Town is currently unable to protect vernal ponds in Essex, unless it is at the specific request of the landowner. I suggest that either a move be made to hire a conservation agent on a part time or per case basis, or better to adopt a wetland by-law that protects vernal pools irrespective of their landscape position. The MACC has produced such a model by-law and I would appreciate if the members of the Committee read it and made notes for discussion."

Perkins said he felt it was unfortunate that this happened, but they must go on. Brown indicated that the two vernal pools being certified are on Wood Drive, near Glenn Muise's house, and Conomo Point Road, near to Brown's driveway. Perkins said he is also recommending a vernal pool be certified on Centennial Grove Road as a school project.

A continuation of a public hearing was held at 8:10 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.

As there was no representation by or for the applicant at the hearing, Stavros moved to continue the hearing to December 1, 1998, at 8:00 p.m., seconded by Messersmith, with Brophy, Messersmith, Prentiss and Stavros voting in favor; Perrigo abstained.

Stavros moved to sign the Bills Payable Voucher, seconded by Messersmith, with the Board voting unanimously in favor.

A Request for a Certificate of Compliance was made by Helen D.

Page Four  
November 17, 1998

Lane, 39 Spring Street, for work regulated by Order of Conditions D.E.P. File Number 21-247.

Perrigo moved to issue a Certificate of Compliance to Helen D. Lane, 39 Spring Street, certifying that work regulated under Order of Conditions D.E.P. File Number 21-247, has been satisfactorily completed, seconded by Prentiss, with the Board voting unanimously in favor.

A letter was received from the Department of Environmental Protection regarding the Superceding Order of Conditions issued to Peter Van Wyck, File Number 21-164, for the Turtleback Road Extension. The D.E.P. wants to review modifications to the plan after the issuance of the Superceding Order of Conditions. At this time, no work on the drainage system, including site preparation within jurisdiction, may commence without the approval of the D.E.P.

Messersmith moved to approve, as read, the Minutes of the Meetings of September 15, 1998, and October 6, 1998, seconded by Perrigo, with the Board voting unanimously in favor.

The Order of Conditions was written for August Meyer, 23 LeBaron Road.

Stavros moved to approve the installation of a water line for August Meyer, Jr., at 23 LeBaron Road, seconded by Messersmith, with the Board voting unanimously in favor.

A Request for a Certificate of Compliance was made by Erica Funkhouser, 179 Southern Avenue, for work regulated under Order of Conditions D.E.P. File Number 21-353. Prentiss reviewed the project and felt it had been completed according to the Order of Conditions.

Prentiss moved to issue a Certificate of Compliance to Erica Funkhouser, 172 Southern Avenue, certifying that work regulated by Order of Conditions D.E.P. File Number 21-353 has been satisfactorily completed, seconded by Messersmith, with the Board voting unanimously in favor.

The Board felt a letter should go to the Board of Health asking that they notify engineers that they may have to file with the Commission, and to notify contractors that there should be an Order of Conditions on file prior to commencement of any work.

Page Five  
November 17, 1998

The Board signed the payroll voucher for the Administrative Clerk.

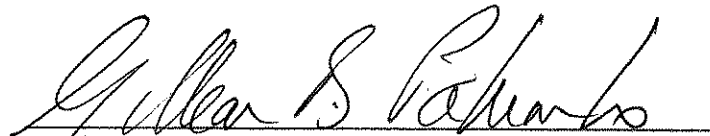
The Board reviewed a building permit application submitted for Robert Hanlon, 57 Eastern Avenue, for the addition of a 15' x 24' second story dormer to the existing dwelling. Finding there would be no violation of the Wetlands Protection Act, the application was signed.

The Board reviewed a building permit application submitted for Richard and Patricia Pierro, 5 Pine Ridge Road, for the construction of a 12' x 36' swimming pool. As there would be no violation of the Wetlands Protection Act, the application was signed.

Messersmith moved to adjourn the meeting, seconded by Prentiss, with the Board voting unanimously in favor.

Meeting adjourned at 8:45 p.m.

Prepared by:

  
Gillian B. Palumbo  
Administrative Clerk

Attest: