

Essex Conservation Commission

April 6, 1999 - Minutes

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

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

A public hearing was held at 7:35 p.m. under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Woodman's, Inc. covering the relocation of pole lighting within the parking area at 125R Main Street.

Lawrence Woodman, of Woodman's Inc. told the Board they would like to move a light pole to the edge of the parking lot where it meets the old railroad bed so that the light will shine on the door of the function hall. Digging for the trench will be done by hand just enough to cover the wire, with the trench being placed on the edge of the paving where it meets the marsh. The trench will be about 100 feet in length.

Messersmith moved to close the public hearing for Woodman's Inc., 125R Main Street, seconded by Prentiss, with the Board voting unanimously in favor.

A building permit application was submitted for review for Alfred DeScenza, 7 Beach Circle, to enlarge a shop. Upon review, the Board felt a Request for a Determination of Applicability should be filed.

Derek Brown met with the Board at 7:55 p.m. He told the Board the reason he was meeting with the Board was to discuss placing an article on the Annual Town Meeting warrant for the creation of a by-law for the protection of vernal pools. It would also allow the Commission to charge a fee to pay for a botanist to flag the area. Brown continued, "If the sewer thing happens in Essex, we will go crazy trying to protect them (vernal pools) from development. It is my understanding that the Town has to have a plan before the sewage can go in. We've missed it (Town Meeting) this year. What I would like to hear is if there is any hesitation from the Board about going ahead with it. Essex is a small community, and I would like to know if there is anyone, other than Martha (Hoar) and I, that express any interest in getting vernal pools certified. We would like to put the onus on the homeowner to notify us." Prentiss asked, "What if the homeowner is reluctant to notify you?" Brown said most homeowners are reluctant. Prentiss said he did not want

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to see the Town have problems because of it. The Board then indicated that they would be interested in reviewing the Rockport by-law which passed at the town meeting earlier this year. Brown then noted that when a person files a Notice of Intent he has to say if there is a vernal pool - that would be part of the arrangement with the homeowner, who would pay a fee for this. Prentiss wanted to know how the State deals with this. Brown said he had not spoken to them, but could not see why they would not agree with this. Perkins told Brown that the Town, at a Town meeting, has a right to vote in, with a two-thirds vote, a by-law which is more restrictive than the state. Prentiss questioned if a person does not come into the Commission, then how is the Board supposed to know if he has a vernal pool. Perrigo said, "The harder you make it on the homeowner, the less likely they are to come in, unless they are turned in by a neighbor. I think the by-law will have to be worded very carefully, without making it seem as though we are kicking around their rights." Perkins noted, "I don't think there is anybody sitting on this Board who is against this, but I want it to work for the Town of Essex." Prentiss said, "I don't want to seem like the devil's advocate, but I think when you have something like this, people will be rushing to fill in any depression on their property." Prentiss went on to say that he felt vernal pools were always being created. Brown indicated that the Rockport by-law passed easily at the town meeting. Perkins said, "How do we know where the vernal pools are to begin with? Even many of the landowners do not know what they are." Martha Hoar, who attended the meeting with Derek Brown, said she would like to offer her services in the natural history area. Perkins felt the Board should actively pursue this issue. He also noted that if a building permit application came in, and there is a by-law regarding vernal pools, then the Board, along with the Planning Board, can consider it. Then it would not be necessary for building permit applications to always come to the Board, even though it has been approved by the Planning Board. It would also be the responsibility of the Planning Board to consider the by-law.

Perkins felt the Board should meet, together with the Planning Board, at the end of May to discuss this. The meeting was tentatively scheduled for June 1, 1999.

A request for a Certificate of Compliance was made by Charles and Joanne Hay, Apple Street, stating that work regulated by Order of Conditions D.E.P. File Number 21-263 has been

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satisfactorily completed.

Perigo moved to issue a Certificate of Compliance to Charles and Joanne Hay, Apple Street, pending an inspection by Board member Perrigo that work regulated by Order of Conditions D.E.P. File Number has been satisfactorily completed, seconded by Prentiss, with the Board voting unanimously in favor.

A letter was received from Allan and Joanne Guminski indicating that their property at 219 John Wise Avenue, presently under Chapter 61, is listed for sale. Under Chapter 61, the property must be offered to the Town for a municipal option to purchase at fair market value prior to any other purchase. Noting the property was listed for \$1,900,000 and given the Town's present financial status, the Board felt a letter should be sent to the Board of Selectmen deferring to their judgement.


A public hearing will be held by the Planning Board on April 21, 1999, at the Essex Scout House, to consider proposed amendments to By-laws 6-3.23 - Lot, 6-12 - Flodd Plain District, and 6-13.3a.13 and 6-13.3b.7 - Water Resource Protection District.

Perrigo moved to approve the Minutes of February 23, 1999, as read, seconded by Prentiss, with the Board voting unanimously in favor.

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

Meeting adjourned at 8:45 p.m.

Prepared by:

  
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Gillian B. Palumbo  
Administrative Clerk

Attest: