

Meeting Minutes  
Essex Conservation Commission  
February 19, 2008; 7:30 pm  
T.O.H.P. Burnham Public Library

Commissioners

Present: Wallace Bruce, Chairman  
Robert Brophy, Elisabeth Frye, James Rynkowski, Shirley Singleton

Absent: Philip Caponigro, Stephan Gersh

Quorum: Yes

Clerk: Deborah Cunningham

Appointments:

The Commission met with a citizens group regarding the proposal being presented to the Commission for support of a plan to designate the **Route 133 corridor of John Wise Avenue** as agricultural. The group was hoping to garner the Commission's support of the proposal which will be presented at the Town Meeting. The committee addressed the issue of the public's objection that certain areas of the town were not being included by stating that the zoning needed to begin somewhere and that this area was of particular urgency. They advised that it was planned to continue to try to bring zoning to the rest of the town in future.

Mr. Brophy asked for a definition of "spot zoning" and was advised that this was not defined as "spot zoning" under Massachusetts law. He also inquired about the term "passive recreation" which was used in the proposal. It was explained that "active" recreation was the use of the land for ball fields, for example and "passive" was the use of the land without making changes to the property. In response to Mr. Brophy's inquiry about using the land for hunting, it was explained that any use of the property would be at the discretion of the landowner since the land would continue to be held privately. They also explained that the term was not defined anywhere in Massachusetts law.

Mr. Bruce requested that the committee give a rough estimate of the percentage of the homeowners in the designated area which were in support of the plan. Mr. Kellerman advised that to his knowledge only one homeowner was against the plan and that a meeting of all the homeowners involved would be meeting on the following evening. He also advised that this would protect the value of the land.

Ms. Singleton asked who would be presenting the proposal to the town. Mr. Kellerman advised that a member of the ad hoc committee would present the proposal at the town meeting and they would also have a member of the Planning Board and the Open Space

Committee would also be presenting. He also added that they would like the Conservation Committee to also give their support at the meeting. Ms. Singleton advised the committee that they should be cautious how they presented the proposal in order to avoid the appearance of “snob zoning”. Mr. Bruce advised the committee that at the agreement of the Commission, they could state that in view of the Commission’s charge to protect the wetlands, river ways and the like that this initial zoning would be positive. The Commission agreed that this reflected the Commission’s view on this matter.

The Commission met with the homeowner of **68 Grove Street** to discuss the thinning of trees on the lot to improve the view. A site visit was set up for February 20 to determine if any filing needed to be done to approve the clearing.

NOTE: J. Rynkowski advised the Clerk that, after a visit to the site, there were not issues which needed to be addressed by the Commission.

At 8:01 pm the Commission opened the continuation of a hearing on **51 Pond Street** for the proposal of a boardwalk. The Commission had advised the applicant that they would not be adverse to the repair and maintenance of the existing grassed walkway. A silt fence would be used to contain the area until the seed is firmly rooted. The plan presented was approved by the Commission, but it was agreed that the hearing should not be closed until the final plan showing the new float and access ramp was given to the Commission. A motion to continue the hearing until the next meeting was made by R. Brophy, seconded by S. Singleton and passed by unanimous consent.

A motion to close the meeting was made by S. Gersh, seconded by R. Brophy and passed by unanimous consent.

Prepared by: \_\_\_\_\_  
Deborah Cunningham  
Administrative Clerk

Attest: \_\_\_\_\_  
Wallace Bruce, Chairman