

**Selectmen's Minutes**  
**TOHP Burnham Library**

**December 15, 2014**

Present: Chairman Jeffrey D. Jones, Selectman Lisa J. O'Donnell, Selectman Susan Gould Coviello, Town Administrator Brendhan Zubricki, Selectmen's Assistant Pamela J. Witham, and Town Counsel Gregg Corbo.

Also Present: Curt Bergeron, Richard Denton, and Judith Riggs.

The Chairman called the meeting to order at 7:00 p.m. in the TOHP Burnham Library on Martin Street and announced that the Board would hear Public Comment. Mr. Denton asked if the Selectmen had received a letter from Katie Ryan, president of the Robbins Island Association, dated Dec 8, 2014. (Please see attachment at the end of these minutes.) The Chairman acknowledged receipt of the letter and Mr. Denton asked that it be attached to the minutes for tonight's meeting. The Select Board agreed. The Chairman said that the Board and Town Counsel would discuss *Mrs. Ryan's letter* in Open Session after the Board and Town Counsel discussed that and related matters in Executive Session. Mr. Denton agreed to wait until later in the evening.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$71,297.79.

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's December 1<sup>st</sup>, 2014, Open Meeting and Executive Session.

A motion was made, seconded, and unanimously voted to accept the *resignation of Shirley Singleton* from the Conservation Commission.

The Selectmen reviewed a letter from the Shellfish Constable regarding his recommendation for opening the Winter Flats. A motion was made, seconded, and unanimously voted to open the winter flats on January 15, 2015.

A motion was made, seconded, and unanimously voted to use the Town Events Fund to cover \$584.00 in Police expenses associated with the Clam Fest.

A motion was made, seconded, and unanimously voted to appoint Amelia Hamlen to the Council on Aging, contingent upon receipt of a favorable CORI check.

At 7:02 p.m., citing the need to discuss pending litigation concerning the case of the Town of Essex v. Leah Maher, et al., Essex Superior Court C.A. No. ESCV2014-00522D; the lease, sale, and value of real property at Conomo Point; pending litigation concerning the case of Stephen Kelley vs. Town of Essex Board of Selectmen, Civil Docket No. ESCV2014-01582; and, collective bargaining with AFSCME Local 2905; the Chairman entertained a motion to move to Executive Session. He stated that discussing these matters in Open Session would be detrimental to the Town's bargaining, negotiating, and litigating strategies. He stated that the Board would be returning to Open Session to finish their regular business for this evening and invited the Town Administrator and Town Counsel to attend the Executive Session. The motion was made

and seconded, and, following a unanimous Roll Call Vote, the Board, their Assistant, the Town Administrator, and Town Counsel moved to Executive Session. All others left the room.

The Board, their Assistant, the Town Administrator, and Town Counsel returned to Open Session at 7:45 p.m.

Curt Bergeron, Richard Denton, Eian MacDougall, Judith Riggs, and one other, and members of the Conomo Point Planning Committee and Northern Conomo Point Design Sub-committee: John Bediz, Mark Lynch, Gordon Martin, Paul Pennoyer, A. Raymond Randall, Jr., and Jim Witham, joined the Selectmen.

Mr. Zubricki reviewed the Department of Environmental Protection's recent guidance that will allow the Town to keep all the bedrooms and buildings currently contained in the northern Conomo Point area based on a provision in Title 5 that allows large systems in existence prior to March 31, 1995 between 10,000 and 15,000 gallons in daily design flow, to continue to be regulated by Title 5. The Town would still have to create a Wastewater Management District for the northern area and dwellings will need to continue to revert to seasonal status through attrition. The DEP has asked Mr. Zubricki to discuss this option in his Quarterly Report to them.

Regarding the property at 5 Beach Circle, Chairman Jones read the following statement:

- The Board of Selectmen needs to discuss the Town Meeting vote authorizing the sale of the 5 Beach Circle property in light of pending litigation.
- There is currently a preliminary injunction pending that prohibits the sale until the case is decided through a final judgment.
- Now that the sale has been approved by Town Meeting, the Selectmen would like to sell the property in the most expeditious manner possible.
- If the Town continues with the litigation, the sale will be delayed, maybe for years.
- While we, the Selectmen, believe that the original RFP was valid and that we will ultimately prevail in the litigation, we also believe that it is in the best interests of the Town that we move forward with the sale without delay so that we can dedicate our resources elsewhere. We also believe that the goals of the RFP can be achieved through other means.
- It is, therefore, in the Town's best interest that we rescind the RFP and issue a new one that offers the property for sale to the general public without the disputed limitations, and in accordance with Chapter 30B of the general laws;
- This action will put the plaintiff on the same footing as all other members of the public, regardless of where they currently reside or if they have any connection to the Town or Conomo Point, and it will eliminate any dispute concerning the scope of the special act.

Subsequently, a motion was moved, seconded, and unanimously voted that the Board rescind the RFP dated September 17, 2014, and that the Selectmen declare that the sale of 5 Beach Circle will not be pursued in accordance with the terms of that RFP; and further, that the Town Administrator, acting as Chief Procurement Officer, be authorized to work with Town Counsel

to develop a new RFP, which offers the property for sale to the general public without the disputed limitations in the previous RFP, in strict compliance with Chapter 30B of the general laws; and that the Selectmen publicly state that this action is taken solely to resolve a disputed claim and it is not to be construed as an admission or acknowledgment of any kind whatsoever including with respect to the requirements of the previous RFP or the manner in which the Selectmen have interpreted the special act.

After much discussion among the Selectmen and the Conomo Point Planning Committee members, a motion was made, seconded, and unanimously voted to authorize Mr. Zubricki to work with Chairman Mark Lynch of the CPPC to suggest changes to the preliminary proposal for consultant services from Jim Heroux regarding northern Conomo Point. Mr. Heroux can revise his proposal for the Board to approve on January 12, 2015.

It was agreed that the Board, the Committee, and the Town Moderator would get together in February to discuss the proposed Conomo Point articles for the 5/4/15 Annual Town Meeting Warrant.

Paul Pennoyer, Gordon Martin, and A. Raymond Randall, Jr. left the meeting.

Selectman O'Donnell said that she would like to read the following statement regarding a proposed subdivision of Robbins Island:

- When the Board of Selectmen attempted subdivision approval, abutters (the Hsias) disputed the location of the property line which is defined by Mean High Water;
- The Town's surveyor has confirmed the accuracy of the original line, but the Planning Board will not approve the plan until an agreement with the Hsias is reached;
- Over the past year, the Selectmen have tried to work with the Hsias;
- In the meantime, the Selectmen have conducted an extensive title search and determined that the Hsias do not have a right of access over the Town's property;
- Although the Hsias have not obtained a survey to support their claim, the Selectmen have met with them twice over the past few months to try to resolve this matter;
- The Selectmen offered to give the Hsias enough property to keep the house where it is and the Selectmen offered to allow them access over the Town's property;
- In exchange, the Selectmen asked only that the Hsias agree to the location of the line and give an access easement to the water;
- Each time the Selectmen met with the Hsias, the Hsias seemed to ask for more and offer less;
- If the Town is going to have a vote to sell in May, this issue needs to be resolved before the end of the year so that the appraiser and Planning Board have sufficient time;
- If the Hsias do not agree to a resolution, the only other option is the Land Court;
- Land Court will likely take several years to decide and will cost both parties thousands;
- In the meantime, Bridge Leases will end, leaving the future of Robbins Island uncertain.

Selectman O'Donnell explained to Mr. Denton that there is no way to even consider Mrs. Ryan's recent letter unless and until the Hsia dispute has been resolved, since no subdivision will be approved without resolution of that matter.

Following Selectman O'Donnell's statement, Town Counsel, Richard Denton, Eian MacDougall, Judith Riggs, and one other left the meeting.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period November 27 through December 12<sup>th</sup>, 2014, regarding the following:

Next Steps for Federal Channel Realignment: Mr. Zubricki said that the Town's engineering consultant is recommending that the Town seek a realignment of the Federal Channel with a 60-foot width. This option would not require legislative approval. The consultant is also recommending that the new plan should be tweaked to take advantage of the already existing areas of deeper water to minimize dredging and silting-in of the dredged areas. The Selectmen were in favor of the consultant's recommendations and a motion was made, seconded, and unanimously voted to authorize Mr. Zubricki to convey their decision to the consultant. Upon completion of the encroachment elimination plan, it will be submitted to the Army Corps of Engineers and the Town's consultant will provide preliminary support for the review process.

John Bediz, Curt Bergeron, Mark Lynch, and Jim Witham left the meeting.

Town Administrator's Performance Review and Goal Setting: Mr. Zubricki said that he has listed his goals in his Town Administrator's report for calendar year 2015. He called the Board's attention to the standard rating forms to be used for his review. The Selectmen will review the new goals and will coordinate the calendar year 2014 review through the Chairman.

Revision of Town Clerk Position Description and Approval of Part-Time Assistant Town Clerk Position Description: Mr. Zubricki reported that the Treasurer/Tax Collector Department's workload has increased in recent years and can no longer afford to have their clerk spend four hours per week helping the Town Clerk. Therefore, it has been agreed that the Treasurer/Tax Collector Clerk will spend all of her time working in that department. As a result, it is now necessary for the Town Clerk to hire someone to help with Town Clerk business, primarily during her absence. Subsequently, a motion was made, seconded, and unanimously voted to change the Town Clerk's position description to include supervision of Assistant Town Clerks. And, a motion was made, seconded, and unanimously voted to approve the Assistant Town Clerk's position description. The new position will be a part-time position with no benefits.

FEMA Flood Map Appeal Update: Mr. Zubricki reminded the Selectmen that the Army Corps of Engineers is conducting a technical study of the east coast that may affect FEMA methodologies and maps. He recommended that it might be advisable to wait for the results of the study before appealing the recently issued flood maps. Also, he reported that Gloucester and Manchester may be interested in joining with Essex if an appeal is made. The Selectmen agreed with Mr. Zubricki.

Town Hall Health/Safety Project Designer Change Order: Mr. Zubricki reported that this project has taken longer than expected to complete due to several change orders and that the designer has asked for additional compensation to partially offset their increased supervision. The Selectmen were in favor of the request and a motion was made, seconded, and unanimously voted to approve two change orders for structural engineering services to design sub-consultant CBI, with a 10% markup on each for Meyer and Meyer.

The Board also authorized the approval of two small change orders for RDK Engineers so long as each can be substantiated as extra work.

Town Hall East Wall Repair Change Order: Mr. Zubricki reported that during the execution of repairs to the east wall of the Town Hall, it was discovered that there has been a leak for some time now which has caused certain wooden structural components of the wall to deteriorate. The source of the leak and the extent of the damage need to be determined, as well as an estimate for the cost of repairs. A motion was made, seconded, and unanimously voted to approve and sign a change order to that effect outside of a meeting when it becomes available, including time and materials for tracing the leak.

Potential Demolition of Structure at 1 Robbins Island Road: The Board was in agreement with Mr. Zubricki's recommendation and a motion was made, seconded, and unanimously voted to authorize Mr. Zubricki to begin the permitting process to demolish the structure located at 1 Robbins Island Road and to incur all necessary costs to complete the demolition.

Streetlight Inventory and Purchase Price Analysis: Mr. Zubricki reported that National Grid has provided an inventory of Town streetlights and related information. He recommended that the Selectmen schedule a meeting with Constellation Energy sometime after the first of the year, so that Constellation can explain how the Town would save money by purchasing the streetlights and converting them to LED. The Selectmen asked Mr. Zubricki to schedule a meeting in February.

Preliminary Draft of Selectmen's FY16 Capital Plan and Preliminary Draft of Selectmen's FY16 Operating Budget: Mr. Zubricki reviewed the items on his preliminary draft. The final capital plan and operating budget are due to the Finance Committee on January 13, 2015. Mr. Zubricki asked the Selectmen to have any desired changes for him by the next meeting.

School District Tentative Budget Hearing: The Selectmen and Mr. Zubricki briefly discussed the recent school budget hearing that they had attended. It is still uncertain whether or not Essex or Manchester may need an over-ride.

Unexpected Increase in Vocational School District Assessment: Enrollment in the vocational school has more than doubled this year. It has gone from 5 students to 12, resulting in an annual increase of approximately \$90,000. The Selectmen were in favor of asking George Harvey to review the status of the school at a February Selectmen's meeting.

Transmittal of DEP Quarterly Report: A motion was made, seconded, and unanimously voted to send out the DEP Quarterly Report.

A motion was made, seconded, and unanimously voted to approve *Chief Silva's recommendation* to appoint Michael C. Juliano to the position of Special Police Officer.

A motion was made, seconded, and unanimously voted to appoint Matt Coogan to serve as the Town's representative to Eight Towns & the Great Marsh Coalition to finish a partial term of 1 year ending 6/30/15.

The Selectmen discussed the Centennial Grove Committee which has been inactive for a couple of years now and a motion was made, seconded, and unanimously voted to dissolve the committee.

A motion was made, seconded, and unanimously voted to authorize the signature of a contract with ADP Payroll Services outside of a meeting with full ratification at the Board's first meeting in January, since the contract will be available between now and the end of the calendar year.

A motion was made, seconded, and unanimously voted to authorize Chairman to lock electric supply rate for calendar year 2016, when he and Mr. Zubricki determine that a favorable rate has been offered.

A motion was made, seconded, and unanimously voted to sign a certification to the Alcoholic Beverages Control Commission stating that the estimated temporary increased resident population of Essex as of July 10, 2015 will be 3650.

A motion was made, seconded, and unanimously voted to sign the Alcohol License Renewal Certification 2015.

Regarding the 2015 Annual Town Meeting, a motion was made, seconded, and unanimously voted to schedule the Annual Town Meeting for Monday, May 4<sup>th</sup>, 2014, to be held in the Essex Elementary School Gymnasium, starting at 7:30 p.m. A motion was made, seconded, and unanimously voted to Open the Warrant for the Annual Town Meeting and accept articles for inclusion in the Warrant until 3:00 p.m. on Monday, March 2, 2015. And, a motion was made, seconded, and unanimously voted to accept reports for the Annual Town Report until noon on Monday, February 2, 2015.

Mr. Zubricki stated that the Selectmen are scheduled to meet on the 12<sup>th</sup> and the 26<sup>th</sup> of January, 2015. Chairman Jones will be unable to attend the meeting on the 26<sup>th</sup>, and all were in favor of keeping this meeting schedule.

Regarding Conomo Point matters, a motion was made, seconded, and unanimously voted to offer a fourth-year Bridge Lease for 11 Beach Circle, Map 19, Lot 95, to Philipp Menges.

A motion was made, seconded, and unanimously voted to execute the Release Deed from the Town of Essex to Robert Oosterman and Cheryl L. Oosterman for 8 Town Farm Road, in Conomo Point, for the purchase price of \$194,000.00, and to delegate to Town Counsel the authority to make non-material changes to the Release Deed to effectuate said disposition in accordance with the Purchase and Sale Agreement between the Town and the purchasers. Chairman Jones and Selectman O'Donnell signed the document. Selectman Gould-Coviello will sign the document tomorrow in the presence of a notary public.

A motion was made, seconded, and unanimously voted to approve the following Licensing Board Renewals for 2015:

All Alcohol Package Store License:

- Chebacco Liquor Mart, Inc., John D. Chisholm, Manager, at 201 Western Avenue

All Alcohol Restaurant License:

- Blue Marlin Grille, Inc., Cory Matthews, Manager, at 63 Eastern Avenue
- BN FARM LLC, d/b/a The Farm, Bradley Atkinson, Manager, at 233 Western Avenue
- Cape Ann Golf Course Corp, d/b/a Fairway Pub, James N. Stavros, Manager, at 99 John Wise Avenue
- Essex Fortune Palace, Inc., d/b/a Fortune Palace, Fang M. Liaw, Manager, at 99 Main Street
- Greenbow Corporation, d/b/a Shea's Riverside Restaurant & Bar, Carol E. Shepard, Manager, at 122 Main Street
- Hog Island Inc., d/b/a C.K. Pearl, Patrick Shea, Manager, at 112 Main Street
- Towne Landing, Inc., d/b/a Periwinkles, Thomas L. Guertner, Manager, at 74 Main Street
- Village Restaurant of Essex, Inc., d/b/a Village Restaurant, Kevin Ricci, Manager, at 55 Main Street
- Windward Grill LLC, d/b/a Windward Grille, Timothy Kennefick, Manager, at 109 Eastern Avenue
- Woodman's, Inc., d/b/a Woodman's Function Hall & Lobster Trap Pub, Stephen B. Woodman, Manager, at 125 Main Street
- Woodman's, Inc., d/b/a Woodman's Lobster Pool, Stephen B. Woodman, Manager, at 119 Main Street

Restaurant Beer & Wine License:

- Eben Creek Corporation, d/b/a J.T. Farnhams, Joseph K. Cellucci, Manager, at 88 Eastern Avenue

Package Store Beer & Wine License:

- Energy North, Inc., d/b/a Energy Liquors, Abdessamad Madkour, Manager, at 156 Main Street

**Automatic Amusement Device License Renewal:**

- Cape Ann Golf Course Corp, d/b/a Fairway Pub, James N. Stavros, Manager, at 99 John Wise Avenue

**Antiques License:**

- Ebb & Flow LLC, Alison Taylor, at 166 Eastern Avenue
- Howard's Flying Dragon Antiques, Edwin M. & Laura B. Howard
- Ellen Neily Antiques, Ellen Neily, at 157 Main Street
- David Neligan Antiques, David Neligan, at 38 Main Street
- AnnTiques, Ann C. Orcutt, at 2 R Martin Street

**Class II License Renewal:**

- Cape Ann Auto Body, Inc., Steven Pascucci, at 19 Grove Street
- Dynamic Auto Brokers, Charles F. Coles, Jr., & Mark Gallagher, at 147 Eastern Avenue
- Foreign Auto Enterprises, Stephen Monell, at 171 Eastern Avenue
- Gullwing Service Co., Inc., d/b/a Paul Russell and Company, Paul Russell, at 106 Western Avenue
- Portside Auto, Eric Holdsworth, at 166 Eastern Avenue
- Wright Industries, Inc., Paul Wright, at 22 Western Avenue

**Common Victualler's License Renewal:**

- Blue Marlin Grille, Inc., Cory Matthews, Manager, at 63 Eastern Avenue
- BN FARM LLC, d/b/a The Farm, Bradley Atkinson, Manager, at 233 Western Avenue
- Cape Ann Golf Course Corp, d/b/a Fairway Pub, James N. Stavros, Manager, at 99 John Wise Avenue
- Chebacco Liquor Mart, Inc., John D. Chisholm, Manager, at 201 Western Avenue
- DVR Corp., d/b/a Cape Ann Pizza and Subs, James Roumeliotis, at 65 Eastern Avenue
- Energy North, Inc., d/b/a Energy Liquors, Abdessamad Madkour, Manager, at 156 Main Street
- Essex Conference & Recreational Center, Stephen Gersh, Manager, at 1 Conomo Point Road
- Eben Creek Corporation, d/b/a J.T. Farnhams, Joseph K. Cellucci, Manager, at 88 Eastern Avenue
- Essex Fortune Palace, Inc., d/b/a Fortune Palace, Fang M. Liaw, Manager, at 99 Main Street
- Essex Seafood, Howard Lane, Manager, at 143 R Eastern Avenue
- Greenbow Corporation, d/b/a Shea's Riverside Restaurant & Bar, Carol E. Shepard, Manager, at 122 Main Street
- Hog Island Inc., d/b/a C.K. Pearl, Patrick Shea, Manager, at 112 Main Street



- Towne Landing, Inc., d/b/a Periwinkles, Thomas L. Guertner, Manager, at 74 Main Street
- Village Market, Madeline M. Emmons, Manager, at 1 Martin Street
- Village Restaurant of Essex, Inc., d/b/a Village Restaurant, Kevin Ricci, Manager, at 55 Main Street
- Windward Grill LLC, d/b/a Windward Grille, Timothy Kennefick, Manager, at 109 Eastern Avenue
- Woodman's, Inc., d/b/a Woodman's Function Hall & Lobster Trap Pub, Stephen B. Woodman, Manager, at 125 Main Street
- Woodman's, Inc., d/b/a Woodman's Lobster Pool, Stephen B. Woodman, Manager, at 119 Main Street

**Innholder's Renewal License:**

- Essex Conference & Recreational Center, Stephen Gersh, Manager, at 1 Conomo Point Road

**Sunday Entertainment License Renewal:**

- Hog Island Inc., d/b/a C.K. Pearl, Patrick Shea, Manager, at 112 Main Street
- Woodman's, Inc., d/b/a Woodman's Function Hall & Lobster Trap Pub, Stephen B. Woodman, Manager, at 125 Main Street

**Weekday Entertainment License Renewal:**

- Blue Marlin Grille, Inc., Cory Matthews, Manager, at 63 Eastern Avenue
- BN FARM LLC, d/b/a The Farm, Bradley Atkinson, Manager, at 233 Western Avenue
- Cape Ann Golf Course Corp, d/b/a Fairway Pub, James N. Stavros, Manager, at 99 John Wise Avenue
- Greenbow Corporation, d/b/a Shea's Riverside Restaurant & Bar, Carol E. Shepard, Manager, at 122 Main Street
- Hog Island Inc., d/b/a C.K. Pearl, Patrick Shea, Manager, at 112 Main Street
- Towne Landing, Inc., d/b/a Periwinkles, Thomas L. Guertner, Manager, at 74 Main Street
- Woodman's, Inc., d/b/a Woodman's Function Hall & Lobster Trap Pub, Stephen B. Woodman, Manager, at 125 Main Street
- Woodman's, Inc., d/b/a Woodman's Lobster Pool, Stephen B. Woodman, Manager, at 119 Main Street

**Licensing Board Possible Renewals for 2015 (if received by meeting time):**

**Antiques License Renewal:**

- Essex Antiquarians, Richard Bevilacqua, at 165 Main Street
- L.A. Landry Antiques, Robert Landry, at 164 Main Street
- Alexander Westerhoff at 18 Eastern Avenue

Class II License Renewal:

- GBG Crowley Inc., d/b/a Gaybrook Garage, Michael Crowley, at 152 Western Avenue

Common Victualler's Renewal License:

- Down River Ice Cream Corp, Amy Ahearn, at 241 John Wise Avenue
- Essex Pizza & Restaurant, Dimitrios Tegos, at 235 Western Avenue
- Essex River Cruises & Charters, Clifford Amero, at 35 Dodge Street
- Essex River Dogs, Eric Vennerbeck, at 162 Main Street

The Selectmen were reminded that their next regular Board of Selectmen's meeting will take place on Monday, January 12, 2015, at 7:00 p.m. in the Library on Martin Street.

Documents used during this meeting include the following:

*Mrs. Ryan's Letter*  
*Resignation of Shirley Singleton*  
*Chief Silva's Recommendation*

Prepared by: \_\_\_\_\_  
Pamela J. Witham

Attested by: \_\_\_\_\_  
Lisa J. O'Donnell

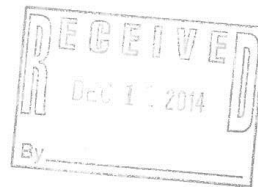
December 15, 2014

67 Baker Bridge Road  
Lincoln, MA 01773  
(434) 466-8838

December 8, 2014

Jeffrey Jones, Chair  
Board of Selectmen  
Essex Town Hall  
30 Martin Street, 2<sup>nd</sup> Floor  
Essex, MA 01929

Re: Robbins Island Subdivision



Dear Mr. Jones:

I am the current president of the Robbins Island Association and am writing on behalf of leaseholders of land on Robbins Island in Essex, MA. Based on a recent conversation with Brendhan Zubricki, it is my understanding that the Board of Selectmen plans to have a consultant develop a subdivision plan for Robbins Island in anticipation of the sale of land. I explained to Mr. Zubricki that leaseholders on Robbins Island are interested in having input in the development of this subdivision plan, and he advised me to contact the Board of Selectmen about our concerns.

Below, I have identified a variety of concerns of leaseholders, both general and specific. I, and others on Robbins Island, would welcome an opportunity to speak with the Selectmen and the Board's consultant further about these concerns.

Review of a draft subdivision plan circulated around Robbins Island last summer raised the concerns identified below.

- 1) Many of the lot lines are different from those currently understood to be in place, with some lots gaining substantial amounts of square footage and others losing substantial amounts. There is no obvious rhyme or reason to the changes made from our perspective. They do not seem to reflect the current understanding of lot lines which have been in place for decades in most instances and which are based on obvious markers such as rock walls, driveways, and garage ownership. Leaseholders are concerned about the implications of these changes and would like more information about the criteria the consultant and Board of Selectman will use when proposing lot line changes.
- 2) Proposed "No Parking" signs will block traffic flow in some instances.

3) The proposed lot line for house #34 is at the very edge of the building, presumably due to proposed road widening, which would eliminate the yard for that house and potentially place the road unacceptably close to the corner of the house.

4) The garage for house #42 and the garage for house #44 are on the same, separate lot. This "new" lot also contains the well for house #42.

5) There is no plan for a fire hydrant on Robbins Island.

In addition, it has come to our attention that the Board of Selectman is considering the creation of a public parking lot on Robbins Island. Current residents of Robbins Island are extremely concerned about any potential parking lot for the reasons outlined below.

1) The road to Robbins Island, through the marsh, is not suited to increased traffic flow. It is one lane with the only pull out option being private driveways on either side of the marsh. Drivers will not know if the lot on Robbins Island has open spaces without driving through the marsh and onto the island to check. The traffic flow increase will be significant. In addition, the road floods on a regular basis at high tides and with storm surges and has the potential to strand cars left in the lot at some high tides and prevent emergency vehicles from accessing the island. Finally, when the road is flooded, it becomes undistinguishable from the surrounding marsh, and there is a history of wayward vehicles ending up in the marsh.

2) The building of a parking lot would raise significant environmental concerns, given that the construction would abut marshland. Run off from the lot into the marsh raises additional environmental concerns. We understand that a climate-change assessment of the Conomo Point region predicts that a substantial amount of Robbins Island may be under water in the not-too-distant future, which militates against adding a large impervious surface to the island.

3) The building of the parking lot will necessitate tearing down buildings, likely garages, at least one of which is #43 and of potential historical significance. Tearing down buildings so close to marshland would also necessitate additional environmental mitigation costs.

4) There is no public access to the water from Robbins Island. The only wharf on the island is owned, used, and maintained by members of the Robbins Island Association and accessed by permission/agreement with Mr. Hsia across his land. The Association's liability policy does not permit open public access. Moreover, experience suggests that access to the water from Robbins Island should be limited to people who understand the tide and its flow because it has the potential to strand individuals out on the sandbar with an incoming tide. The tidal mud flats (extending to the water from the marsh owned by Mr. Hsia) also pose a significant hazard to the inexperienced visitor. Without proper footwear, a number of visitors have experienced severe foot lacerations, requiring stitches, from clamshells hidden in the mud. It is also not unusual for people to become trapped knee deep in the mud requiring assistance to extricate themselves. This is a particularly hazardous condition for children or the unwitting individual trapped in the dark on an incoming tide. In short, the conditions of the water,

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mud flats, and sand bar at Robbins Island create very significant and complicated safety and liability concerns.

5) A parking lot in place of the garage for house #42 would impact the well now located on that land, which provides water in the off season to that year-round home.

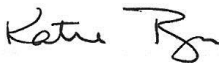
6) The island is very small, and young children often ride bikes/trikes and play in the current driveways and road. In addition, residents use the road to walk from one house to another. A parking lot, increased traffic, and an influx of drivers unfamiliar with the nature of the road use will make the island especially unsafe for children.

7) A parking lot will also generally make the island less attractive, private, and peaceful. This will decrease the appeal of the homes and so decrease their market value as well as their assessed value, resulting in losses to the town.

On a final note, leaseholders on Robbins Island remain interested in updated information from the Town about its plan and time line for the future sale of land to home owners on Robbins Island. The subdivision plan is just one step in that process. There is also a question about whether a right of first refusal will be granted to current leaseholders and more. Leaseholders have recently signed yet another bridge lease for their properties without fully understanding the status of the planning process or why another bridge lease became necessary. We hope to receive clarification from the Board of Selectmen about the Town's intention as soon as possible.

Thank you for considering our concerns and sharing them with the consultant you have hired to plan the subdivision of Robbins Island. We will plan to attend an upcoming meeting of the Board of Selectman to air these concerns so that they can become part of the public record and discussion. We would also welcome an opportunity to meet with you, other Selectmen, and your consultant to discuss the proposed subdivision plan. I will be in touch to identify a convenient time.

Sincerely,



Katie Ryan

Cc: Mr. Brendhan Zubricki

Ms. Kimberly Drake,  
Chair, Conservation Commission

Mr. Wallace Bruce  
Chair, Planning Board

Dr. David Driscoll  
Chair, Health Department