



ESSEX CONSERVATION COMMISSION

Minutes for the Meeting of February 18, 2020

Commissioners:	*Absent	Staff:
Michael Burke, Chairman	Kevin Cooke	Deborah Cunningham
Cliff Ageloff	Ted Marshall	Administrative Clerk
Thomas Barrieau		Ken Whittaker, Agent

The Commission opened a public hearing on a Request for Determination of Applicability filed by David and Jennifer Virden to install a 1000 gal pump chamber to a leaching system of advance Presby septic pipe with existing 1500 gal septic tank to remain at 43 Belcher Street. Mr. Rick Clarke of EPS Associates, LLC was in attendance on behalf of the applicant. Mr. David Virden was also in attendance. After a review of the proposed plan and questions from the Commission, the Chairman opened the meeting for public comment. There being no further questions, on a motion made and duly seconded, the Commission voted unanimously to close the public hearing. On a motion made and duly seconded, the Commission voted unanimously to issue a positive Determination.

The Commission continued a public hearing on a Request to Amend an Order of Conditions filed by Carol Lloyd of Essex County Trail Association to amend an Order of Conditions issued under DEP #021-0580 to provide a mechanism for routine maintenance of the existing town-wide trail system to extend the Order of Conditions in perpetuity and revise the approved Trail Management Plan for various locations within the Town of Essex. Ms. Carol Lloyd and Ms. Susan Lawrence of ECTA were in attendance with their representative Mr. Michael DeRosa of DeRosa Environmental Consulting. The Commission had continued the meeting to allow the Commissioners time to review the plans submitted for ongoing maintenance of public trails in the Town of Essex. Ms. Lloyd had stated that there were few trails in Essex that were public for which ECTA would provide maintenance. Commissioner Kevin Cooke questioned the need for an ongoing plan for unspecified work. He expressed his opinion that work being done within the Commission's jurisdiction under the Wetlands Protection Act should be submitted to the Commission for review as outlined in the Act. The Commission's Agent expressed his support of the maintenance plan as a tool to allow work to be completed without overburdening either the applicant or the Commission. He also stated that this type of plan was often used in other communities and a similar plan was in place for work done by the DPW. Commissioner Tom Barrieau also expressed his support of the plan. One concerns was that work would be performed on trails that would be private property and not available for public use. Ms. Lloyd explained that ECTA usually did not work on trails that could not be utilized by the public. Their focus was to help towns keep trails

clear for public use. She stated that using their resources for trails on private property was not typically something they did unless the property owner allowed the trail to be used by the public. The Commission also discussed the request to leave the Order of Conditions open in perpetuity and to amend the maintenance plan to include work on culverts. The Commission agreed to vote separately on three items – 1. to amend the plan to include the work on the culverts; 2. to amend the plan to extend the Order of Conditions in perpetuity; and 3. to issue an Extension for three years. On a motion made and duly seconded, the Commission voted unanimously to close the public hearing. On a motion made and duly seconded, the Commission voted three to two to amend the plan to include the work on the culverts. On a motion made and duly seconded, the Commission voted four to one to deny the request to amend the Order of Conditions to extend it in perpetuity. On a motion made and duly seconded, the Commission voted to issue a three year Extension with three yea, one nay and one abstention.

Mr. Brendhan Reilly was in attendance. The Chairman advised Mr. Reilly that the Commission would not be discussing any matters relating to the project at 15 Burnham Court until a report was received from the consultants. Mr. Reilly chose to leave the meeting at this time.

The Commission reviewed proposed bylaw amendment to address the definition of a quorum when there were vacant seats. The amendment would allow for the quorum to be based on the number of Commissioners currently appointed. The language was also to be amended that the Commission could have 3-7 members. On a motion made and duly seconded, the Commission voted unanimously to submit the bylaw amendment for review by the Board of Selectmen and Town Counsel for possible inclusion on the Warrant for the Annual Town meeting.

The Chairman presented the minutes of the meeting of January 21, 2020 for approval. The Commission discussed edits. On a motion made and duly seconded, the Commission voted unanimously to approve the minutes with discussed edits.

There being no further business, on a motion made and duly seconded, the meeting was adjourned.

Approved: Essex Conservation Commission

Prepared by: Deborah Cunningham, Administrative Clerk