

Essex Conservation Commission

February 15, 1994 - Minutes

Present: David Folsom, Chairman, Canan Hewson, Arthur Hodges,
Edwin Perkins, Peter Perrigo, Thomas Prentiss.

Meeting called to order at 8:00 p.m.

A continuation of a public hearing was held at 8:00 p.m. under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Charles Filias covering maintenance and the extension of an existing floating pier, to include the driving of 8 piles and dredging of the area near the pier at 138 Main Street.

John Dick, Hancock Survey Associates, represented Filias. Dick submitted a letter to the Board stating that due to inclement weather, which has denied their survey crews access to control points on the marsh, they are unable to provide the requested mathematical ties to the Town's dredging baseline. On behalf of their client, Charles Filias, they are requesting a continuation of the hearing until the additional information can be obtained.

Perkins moved to continue the hearing for Charles Filias, 138 Main Street, to March 15, 1994, at 8:00 p.m., seconded by Hodges, with the Board voting unanimously in favor.

A public hearing was held at 8:15 p.m. under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, Section 40, on a Notice of Intent filed by Fang M. Liaw covering renovation of the existing structure, including raising of structure 3'-4', placement of open foundation beneath structure and addition of raised walkway for access at 99 Main Street. Perkins removed himself from any discussion on the project.

Steven Poole, Tso Architects, represented Liaw. Poole told the Board, "The Notice of Intent and plan were submitted for the restoration of the former Ship Ahoy Restaurant into a Chinese Restaurant to be named the Essex Fortune Palace. The actual work with potential impact on the resource area and floodplain involves the raising of the building 3'-4' and the placement of an open foundation area for the raised structure, and raising the parking lot 1' and paving. The project also includes the upgrading of the sewage disposal

system. The existing building is in Zone B, which is the 500 year floodplain, as delineated by FEMA on the local flood maps. We do know that it floods more frequently than that. That's why we are planning on raising the building above the FEMA line. There are drainage swales in the area. We plan to pull back the parking lot a bit, and are proposing an infiltration trench for run-off." The Board was then told by the structural engineer that they are proposing to have the foundation open so that the flood water will flow under the building and flow out. Folsom asked him if they were moving the building laterally. Poole told him that that was one of the things they planned, and that it would just be a temporary thing. He added that the entire site is within the buffer zone. Perkins, as a member of the public, asked if it would be in the same footprint when it was completed. Poole - "Yes. Needless to say all of the interior will be renovated. Details of the foundation are shown on the plan accompanying the Notice of Intent. The proposed short-term protection of the wetlands will be haybales. Long-term protection will be a trench." Perkins asked when the project would be commencing. Poole - "As soon as possible. We've got to go out and take borings, etc." Robert Dawe, 6 Coral Hill - "The building has been there and caused a lot of problems. I am in favor of the project if it complies with all the regulations."

Prentiss moved to close the public hearing for Essex Fortune Palace, 99 Main Street, seconded by Hodges, with Hewson, Hodges, Perrigo and Prentiss voting in favor; Perkins abstained.

A public hearing was held at 8:30 p.m. under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, Section 40, to consider an amendment to a Notice of Intent filed by Scott W. Woodward (Pike Marina), Edward C. Perkins (Perkins Marina), and George Lufkin (Essex Marina), to allow for land disposal of approximately 3000+/- cubic yards of dredged material to be deposited at Essex Marina, Dodge Street, for dewatering.

Perkins removed himself from the Board because of a conflict of interest. Andrew Messersmith representing Brand Marine, the Company who is dredging the Essex Channel and Marinas, told the Board, "One Marina has been completed, Pike Marine, but Essex Marina and Perkins Marina has yet to be done. We would request an amendment to the Notice of Intent/Order of Conditions for the land disposal of 3000+/- cubic yards of dredged material, offering the material after dewatering to

the Essex Shipbuilders Athletic Association for their "Field of Dreams" or other baseball field projects. If they do not want it I have out-of-town people who have shown interest in it." Robert Brophy, Western Avenue, told the Board he was in favor of the dredging project prior to it being barged. Robert Dawe, Coral Hill, said he is in favor of it and would like to see the project completed. He would like to see the Marinas cleaned out to ensure that the river stays at its depth. The Board reviewed the plan submitted with the Letter of Amendment.

Hodges moved to close the hearing, seconded by Prentiss, with Hewson, Hodges, Perrigo and Prentiss voting in favor; Perkins abstained.

August Meyer, Lufkin Street, submitted a letter to the Board requesting they review their files for any outstanding Orders of Conditions as part of the Chapter 91 Amnesty filing. A letter will be sent to him stating that there are no outstanding Orders of Conditions on file.

Amendment to the Order of Conditions for Marinas, D.E.P. File Number 21-224. Hodges moved to amend the Order of Conditions D.E.P. File Number 21-224, to allow for land disposal of approximately 3000 cubic yards +/- of dredged material to be deposited at the Essex Marina for de-watering. After de-watering it will be offered to the Essex Shipbuilders Athletic Association for their baseball "Field of Dreams" and if they cannot accept it, it will be trucked away for disposal at an out-of-town site. The motion was seconded by Perrigo, with Hewson, Hodges, Perrigo and Prentiss voting in favor; Perkins abstained.

The following will be added to the amendment: A protection barrier must be maintained around the gravel lot storage area to prevent siltation into the buffer zone.

Folsom submitted to the Board the Commission's report for the Annual Town Report. Hodges moved to accept the Commission's report for the Annual Town Report, seconded Perkins, with the Board voting unanimously in favor.

The Board reviewed a letter from Gulf of Maine regarding the property at the corner of Essex Park Road and Western Avenue, property of Gloucester Bank and Trust. A letter will be sent to D.E.P. stating that the Commission feels it would setting a highly undesirable precedence if the project, D.E.P. file Number 21-233, is allowed.

The Order of Conditions for the Essex Fortune Palace, 99 Main Street, was written.

Perrigo moved to approve the project of the Essex Fortune Palace, 99 Main Street, as submitted in the Notice of Intent, seconded by Prentiss, with Hewson, Hodges, Perrigo and Prentiss voting in favor; Perkins abstained.

The Board felt a letter should be sent to the Board of Selectmen requesting the results of the meeting with Ray Marino of D.E.P. regarding the Chapter 91 licensing.

Hewson moved to adjourn the meeting, seconded by Perkins, with the Board voting unanimously in favor.

Meeting adjourned at 9:45 p.m.

Prepared by:



Gillian B. Palumbo
Administrative Clerk

Attest:

Essex Conservation Commission

February 15, 1994

A G E N D A

Appointments:

- 7:50 p.m. ... Building Permit Applplication
review - Timothy Cain - property
on Western aAvenue
- 8:00 p.m. ... Public hearing - Filias Realty,
138 Main Street
- 8:15 p.m. ... Public hearing - Fang M. Liaw,
99 Main Street
- 8:30 p.m. ... Public hearing - Essex River
dredging - Marinas - amendment to
Order of Conditions
- 8:45 p.m. ... August Meyer - Amnesty procedure
for pier

Business:

- Review corresspondence
- Sign Bills Payable Voucher
- Conservation Commission report - Annual Town report