

Essex Conservation Commission

June 7, 1994

Present: David Folsom, Chairman; Canan Hewson; Arthur Hodges;
Edith Messersmith; Edwin Perkins; Peter Perrigo.

Meeting called to order at 7:59 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 the maintenance and extension of an existing floating pier, to include driving of eight piles and dredging of the area near pier at 138 Main Street.

John Dick, of Hancock Survey Associates, representing Charles Filias, submitted a letter to the Board requesting a continuation of the hearing.

Perkins moved to continue the public hearing of Charles Filias, 138 Main Street, to Tuesday, July 12, 1994, at 8:00 p.m. The motion was seconded by Perrigo, with the Board voting unanimously in favor.

A Request for a Determination of Applicability, submitted by George Benoit for property at Patriots Lane, was reviewed. The Request was not accepted by the Board because of lack of information. The Request was submitted as part of an Enforcement Order by the Department of Environmental Protection. The Board requested that the delineation of the wetlands boundary be shown on a plan. A letter will be sent to Benoit so stating.

An invoice was received from the Essex County Newspapers for the legal notice for the public hearing of the cleaning of the Brook. Although this Notice of Intent was submitted by the Board of Selectmen, because of budget constraints on their part, the Board felt they could pay it out of the Commission's budget. Perkins moved to pay the Essex County Newspaper invoice for the legal notice of the Alewife Brook cleaning from the Conservation Commission budget. The motion was seconded by Perrigo, 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 the Board of Selectmen for the Town of Essex covering the cleaning and restoration of the Alewife

Brook so as to improve the natural capacity of the resource area.

Betsy Fawcett, Apple Street, said she wanted to point out that the Alewife Brook was an anadromous/catadromous stream and great care should be taken when cleaning it. Elizabeth Frye, Apple Street, said, "When you cut alders under water, they will grow up again. I received a call from Sam Hopkins who mentioned the wetlands flowers that used to grow there." Folsom - "The purpose of this is to promote the fish run. This just allows an area in the center to be cleaned."

Frye - "Who will be supervising this?" Folsom - "This was generated by the report submitted by the Division of Marine Fisheries." Frye - "Rocks are mentioned at the small falls - is that the area behind Bragdon's?" George Bragdon, Apple Street, - "I assume so." Frye - "You will not be digging up the large rocks?" Folsom - "If it cannot be picked up by hand it will not be moved." Hodges - "If you don't do anything it will just silt over. When it was done before it seemed that there was an improvement." Maria Van Dusen, Riverways Program Coordinator - "I feel the Chairman's answers indicate that he understands the project. This project is not to make a swathe four feet wide. It is to go very slowly by the year. I feel it is a very good project. You must think if there will be more sediment created prior to cutting or removing vegetation." Peter Van Wyck - "Reading the project narrative, it appears that yes we have to do this, but we will have to do it a year at a time. I wonder if we shouldn't be thinking of it long term. I feel snipping a few branches won't do." Folsom - "My concept is that after four to five years, we note that there are a few trees here, remove a rock there." Van Wyck - "Not enough is being done, instead of too much being done." Folsom - "An important part of this is caution to see how the brook flows, to see later what further needs to be done, and then to see what needs to be done on an annual basis." Maria Van Dusen - "The point is, they do not want to expose the whole stream, they want to keep the temperature the same, they want to enhance the stream. Because the Conservation Commission has approved the project it does not allow all homeowners to do what they want."

Hodges moved to close the hearing, seconded by Perkins, with the Board voting unanimously in favor.

Brian Loebelentz met with the Board to discuss a proposal to build a garage on his property on Pond Street. He stated he had had an engineer look at an area he thought might be wetlands but the engineer had felt it was a small depression

that filled with water. The Board said they would view the area.

Edward McInerny, Lakeshore Drive, met with the Board to discuss the Cease and Desist Order that was placed on his property. McInerny stated that he has an addition to his dwelling on the street side of the property. Water has been running down the hill and eating away at the foundation, so he decided to apply for a building permit to rebuild the addition. While he was away his children decided to surprise him by having the addition constructed. The Board told him that the problem was the work was being done within 100 feet of Chebacco Lake. McInerny was given an Abbreviated Notice of Intent to file.

John Coughlin, Quinn Bros, Western Avenue, met with the Board to discuss the issuance of a Cease and Desist Order to his property on Western Avenue. Coughlin told the Board, "We had crews in restoring the area for three days. Trees were knocked down and we replanted them." Coughlin was asked why they were there? Coughlin said, "Atlantic Engineering had been contracted to do percolation tests. Parts of the land had been flagged two years ago, and had been reflagged so everyone would know where the wetlands were. On Friday afternoon they cut across the wetlands. It shouldn't have happened. After we were informed everything stopped. We had people over at the site on Saturday, Sunday, and Monday to try to mitigate the problem. Ultimately, Atlantic was there with their people, but it is our land and therefore, we are at fault. Neighbors were extremely upset because we were doing perc tests without notifying them. I should have done that. We feel we have taken care of the problem." Perrigo said he went back on Saturday and felt things had been done, but he also felt that more could be done. He will meet with Coughlin again on Wednesday at 5:30 p.m. Nancy Marculewicz said, "You all realize that John Coughlin has violated wetland by-laws before and he may have done it again. He's been doing perc tests on Eastern Avenue and I feel you should be aware of what is going on." Betsy Fawcett noted that Eben Creek is a most critical area. Karen Gertsch said she has a complete file on Coughlin's property on Eastern Avenue and offered it to the Board for their records.

Fred DiScenza, Conomo Point, met with the Board to discuss a proposed project to restore Clammer's Beach at Conomo Point. He told the Board that the proposal is to cut the beach in half by placing picnic benches there, creating more parking, and then having sand brought in to be placed on what is now a sandless beach. He added that at one time it was a beautiful

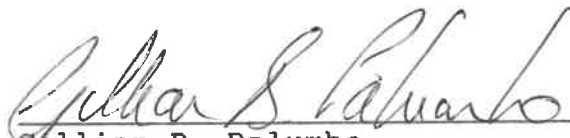
beach but is now in deplorable condition. DiScenza was given an Abbreviated Notice of Intent to file for this project.

Donald Reed, 40 Southern Avenue, met with the Board to review a plan he has submitted to the Board of Health for an upgrade of his septic system. Reed was given a REquest for a Determination of Applicability to file.

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

Meeting adjourned at 9:40 p.m.

Prepared by:



Gillian B. Palumbo
Administrative Clerk

Attest

Essex Conservation Commission

June 7, 1994

A G E N D A

Appointments:

- 7:50 p.m. ... Edward McInerny, Lakeshore Drive -
Cease and Desist Order
- 8:00 p.m. ... Continuation of public hearing -
Charles Filias, 138 Main Street
- 8:15 p.m. ... Continuation of public hearing -
Town of Essex - cleaning of Alewife
Brook
- 8:30 p.m. ... Brian Loebelenz, Pond Street -
submittal of Request for a Determination of Applicability
- 8:35 p.m. ... John Coughlin - Cease and Desist
Order - Western Avenue

Business:

Review correspondence

Submittal of Request for a Determination of
Applicability

Complete form from Community Development Committee

Centennial Grove Clean-up Day - June 11

Sign Bills Payable Voucher

Review plan of Dan Reed, 40 Southern Avenue -
installation of new septic system