



**Minutes of  
Danvers Conservation Commission  
Thursday, August 10, 2017  
Danvers Town Hall**

**The Danvers Conservation Commission held a public meeting on Thursday, August 10, 2017, at Danvers Town Hall, Toomey Room, 1 Sylvan Street.**

**Members present:** Jean Hartnett, Member  
Chelsea King, Member  
Peter Wilson, Member  
Neal Waldman, Alternate Member

**Staff present:** Georgia Wilson, Planner  
Alicia Linehan

Mr. Wilson opened the Conservation Commission meeting at 7:00 p.m. with a reading of the “Commission Statement.”

**1. Request for Certificate of Compliance**  
**• 11 Jacobs Landing; DEP File No. 14-871**

Mel Higgins, Sr. Environmental Scientist of Weston & Sampson represented the applicant. Winthrop Knox, the applicant, filed for a Notice of Intent to construct a dock at his home. An Order of Conditions was issued in 2002 and then amended in 2004. It was recently recognized that it had never been closed out so now he is requesting a Certificate of Compliance for that work. All the work has been done based on the original application and plans. And all the requirements have been met. The one condition was #37 which states that the dock shall not go any further than 5 feet from a certain buoy. This was met, the dock hasn't gone out any further than the condition stated. Mr. Wilson asked if the dock length was 9.7 feet longer than proposed. Mr. Higgins stated that during construction of the dock it was noted that the dock was going to fall onto the salt marsh area so it was decided that it could be extended so not to fall onto the resource area at low tide. It would still be the required 5 feet from the buoy. Mrs. Wilson asked if this change was approved by the Commission or decided between the engineers and the applicant. Mr. Higgins has not found any written documentation one way or the other from the Commission. Mr. Waldman asked if the new parameters were not approved by the Commission and the Harbor Master.

Chris Sanborn, Director of Resource and Harbor Master for the Town of Danvers, then spoke. He stated that there is probably a hand full of projects like this that he was required to address with the Commission. He was opposed to the scale because it intruded upon navigation in the channel. He expressed these concerns to the commission back in 2002. He was surprised to see that the entire construction project was extended given his previous concerns expressed. Instead the construction of the pier was extended 9.7 feet and Mr. Knox never came back before the Commission. This should have been addressed at that time. Mr. Sanborn stated that the reason for extending the dock in Mr. Knox's letter was not accurate and is a hindrance to navigation. He asked that the commission consider this in their decision.

The question was asked if the Harbor Master or Conservation Commission have any legal say in as far as the size of vessels. The answer if no. Mr. Sanborn told the Commission that Mr. Knox once had a 72 foot boat



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and with the extended 9.7 feet dock, it just added to the impact. The question of whether or not there were any incidences as a result of the extended pier and the size of Mr. Knox's vessel. There are none documented.

Mr. Knox stated #37 became a part of the Order of Conditions following a conversation between he and Mr. Sanborn of measuring latitude and longitude from the mooring. The dock would not extend beyond the mooring. When that mooring was put in, it was put in for a 22 foot boat to swing around. With a mooring chain there was approximately 30 feet or 25 feet of swing radius at that morning. The dock presently is 6 feet back from that mooring location. And when you put a boat onto that dock, even if it is 72 foot, it still does not go beyond that radius of the swing of the mooring. If a boat continued straight past Mr. Knox's dock toward Liberty Marina, a boat would run aground. So boaters use Mr. Knox's dock as a point to turn up the river in order to avoid running aground.

Mr. Knox stated that at low tide the dock comes within 3 feet of the mud bank of the river. So if the dock extends out at low tide, it is only extending out beyond where it drops off. At the end of Mr. Knox's dock it is only 11 feet deep and at the back of the dock it is only 4 feet deep. Mr. Knox provided pictures of the dock at low tide, showing how close it is to the flats. Major conditions when issued the Order of Conditions was that large slats had to be constructed in the dock to allow the sun to penetrate and growth to go through it. Mr. Knox didn't want the floating portion of the dock to get into the mud and create a suction and destroy shell fish that were living in that mud base. The dock was constructed by Cashmere in Boston, they used the mooring as latitude and longitude of the mooring as the guide line. Mr. Knox pointed out that it is a little bit confusing because the plan the Commission is referring to shows the dock is 9 feet long, however what looks like dock is actually deck. Mr. Knox stated that the deviation doesn't affect the order of conditions at all. The conditions were clear that the guide line was this mooring location. Mr. Knox believes that all Order of Conditions were met, mainly for the protection of the mud flats and sea grass.

Mr. Higgins emphasized that with the buoys location it was to allow a 25 foot extension from that buoy for a boat. The dock itself or Mr. Knox's boat is 5 feet in from there. The dock ends 30 feet from where a previous boat was allowed to rest in that place.

Mr. Knox told the Commission that he checked with the Coast Guard and core of engineers. Mr. Knox was told that the channel is devised so that it allows 2 barges to pass because this is a commercial channel. Barges are about 40 feet wide and need approximately 20 feet between them which is roughly 100 feet. So 100 feet is an establishment of what the channel has to be. Mr. Knox emphasized that there are many places throughout the Danvers River where that is much narrower than where Mr. Knox's dock is located. He stated that where his dock sits, there is a full 250 feet from edge of dock out to the other channel. This is one of the widest points of the whole Danvers River in deep water.

Mr. Waldman asked if the dock was shortened would the applicant suffer any hardship. Mr. Knox stated that it would interfere with the value of his home. And the dock would be set on the mud flats and would not be able to keep a boat there 24 hours, not without it bottoming out. Mrs. Wilson asked if Mr. Knox knew this when the original plan was approved. Mr. Knox stated that this is why the location of the mooring was chosen. Depth soundings of the water were conducted knowing that the mooring was the limitations of where they could go. Mrs. Wilson asked if Mr. Knox knew he couldn't have his boat there 24 hours when the 200 feet approved by the Commission and Chapter 91 license. Mr. Knox stated the point is "what is 200



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feet?” Where was the 200 feet established? Where did it start from. Mrs. Wilson responded the 200 feet was on the plan. Mr. Knox stated that the plan doesn’t have a definite location from his home. He told the committee that the dock connects to his house. 200 feet was an arbitrarily dimension. Because the dock was brought in, the length then needed to be extended. Mrs. Wilson stated that the extra length is between the floating dock and the gazebo. Mr. Knox stated that this is the “as built” dimension. Mrs. Wilson then read what was approved in 2004, that between the gazebo and the floating dock is supposed to be 8 feet and the as built is 21 feet. Mr. Knox stated that if the commission requested if the dock has to be 200 feet long, he could knock off 9 feet where it connects to his house and it wouldn’t connect to his home. It would be 9 feet away from the home. Mr. Knox stated that the 9 feet is not dock, it is his deck. Mr. Knox provided pictures of the deck/dock to the Commission. The question was asked if the deck was approved by the commission. It was existing. Mr. Knox stated that in the pictures it is obvious that the deck extends past the dock. And that the connection that created the additional distance. The dock was dimensioned to the edge of the deck. It never exceeded the requirements of the order of conditions going beyond the mooring.

Mr. Sanborn stated that Mr. Knox submitted a plan with a pre-existing structure in place. And instead of going by the plan submitted, Mr. Knox chose to go by order #37 which relied on the mooring which is subject to change. Which can be moved, dragged. Mr. Sanborn asked if the mooring was pulled up at high tide.

Mr. Sanborn addressed the Commission stating that this is the second project that has been before the Commission in the last month where the applicant has submitted a plan which was approved by the Commission and DEP and then the applicant deviated from the plan, extending their pier. Mr. Sanborn feels the Commission needs to take a stand and not continue to allow this encroachment into the navigable channel because this is a hindrance to navigation.

The question was asked if this is the mooring on the water and if there is some drift. It is the mooring on the water. Mr. Knox stated that the mooring wasn’t used to measure, it was latitude and longitude. There were GPS coordinates from the end of the dock for dimensions.

Mr. Sanborn stated that measurements would have to be taken at the block under water not at the buoy on the surface because that is subject to change.

Mr. Knox stated that the latitude and longitude and #37 of the order of conditions established where the deck could not go beyond. The length of the dock was not an exact number because it didn’t show it connected to the house.

Mr. Sanborn asked what would DEP’s comments be on the original plan to what was completed, taking the mooring out of the equation. The mooring has nothing to do with the Chapter 91 license. Mr. Knox kept referring to #37 of the Order of Conditions. Mr. Sanborn was again asked to take the Order of Conditions out of this matter. Mr. Sanborn once again addressed the issue that Mr. Knox deviated from the original plan. Mr. Knox stated that they didn’t feel they were deviated from the plan otherwise they would have submitted to the Conservation Commission. In the earlier portion of meeting Mr. Knox stated that they deviated to avoid mud flats and sea grass. Mr. Sanborn would like to stay on point that if the Order of Conditions was taken out.



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Mrs. Hartnett asked if the measurements from the edge of the house to the edge of the pier, would that be the same as in the proposed to what was built. The response was about 2 or 3 feet. She then asked if a part of Mr. Knox's deck was removed to build the dock. The answer was no. If nothing was removed, then how was Mr. Knox not aware where the dock was going to connect to the existing deck? Mr. Knox stated that when the plans were drawn it was from the edge of the deck. When the dock was built that section where the dock ended up went back further connected to the house. The wrong place was measured on the deck.

Mr. Knox stated that he called DEP, the waterways division, and was told that were ok. And if there were an issue he would have been notified long already. Mrs. Wilson stated that Mr. Knox needed to speak to the DEP, wetlands division, because it is under their jurisdiction. Mr. Knox states that he also called the coast guard or anyone that was a part of the order of conditions and none of them had a problem with it, except for the Harbor Master, Chris Sanborn. Mrs. Wilson stated that a couple of neighbors had complaints as well but couldn't speak on their behalf since they weren't present.

Mr. Knox stated that the longitude and latitude was used because the only dimensions on the plan. Mr. Sanborn then responded that initially

Peter Clemens of 9 Jersey Lane who installed the mooring spoke. He said that no one mentioned the latitude and longitude numbers on the plan. He asked how good the GPS readings were back when the dock was built. GPS readings could be off 30 or 40 feet. The only true way to check the measurements is having it surveyed. He suggested that the Commission find out the latitude and longitude and needs to be identified with today's machinery. As it stands now, it is an arbitrial point now because no one knows where that point is.

Mrs. Wilson mentioned that there was discussion of the pier connecting to the deck. The proposed plan shows 8 feet from the gazebo and the float. On the as built plan it shows 21 feet between the gazebo and the float. Now what accounts for that change? It can't be from the house because it is stationary. Why was the 21 feet expanded? At a previous Conservation Commission meeting the original dock was proposed at 7 feet at high water. Mr. Knox was asked to bring it up an additional 3 feet and when it was brought up & get to the ramp, the ramp then has to extend out further to make up for the distance that went up. It modified the plans when the order of conditions was to bring the dock up higher. Plans were changed because of the issued order of conditions. When raised up the angle changes to get the ramp to remain walkable. It's still a very steep ramp. At low tide, one must have both hands on the ladder.

Mr. Wilson said that he is not ready to approve and would like the latitude and longitude verified by an independent source. There wasn't a formal as built required at the time order of conditions was approved.

The commission agreed that they would like to schedule a site visit at low tide. The commission also request that an independent source very latitude and longitude measurements. Mrs. Wilson will also speak to Town Counsel and DEP on this.

**MOTION:** Mrs. Hartnett makes a motion to continue the request for Certificate of Compliance of 11 Jacobs Way, DEP File No. 14-871 until September 14<sup>th</sup> ; Ms. King seconded; all in favor



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**2. Public Hearing [310 CMR 10.05(4)] - RDA**

- **5 Carole Way; DCC File No. 2017-06**

Scott Cameron of Morin Cameron Group represented the applicant. This is property at Whipple Hill, Lot 17 at the end of Carole Way which is the last lot on the right. A Notice of Intent was issued for Lot 15 and 18. A RDA was filed because only a small portion of Lot 17 (5 Carole Way) is in the buffer zone. The only work being done is clearing trees and grading. Limited to grading and utility work. This is the first house being built on that side of the street. The houses on the opposite side of the street have already begun construction. Filings for those homes were not necessary because they are well outside of the buffer zone. The roadway construction has begun and is being inspected weekly. The bridge has been installed over the wetland, and the walls of the bridge are now being built. Restoration is scheduled to begin in the next few weeks. A site walk will be scheduled soon for the Conservation Commission. The ground water controls are all working well. There will be 3 more homes coming before the Commission but each home is customized so Morin Cameron is holding off on filing until final house plans can be submitted.

**MOTION:** Ms. King makes a motion to issue a Negative Determination of Applicability for 5 Carole Way, DCC File No. 2017-06; Mrs. Hartnett seconds; all in favor

**3. Public Hearing [310 CMR 10.05(4)] - NOI**

- **194R Centre Street; DEP File No. 14-1297**

Bill Manual of Wetlands and Land Management represented the applicant. The project is to rebuild a storage barn. The existing home consists of a long driveway, small yard and the rest of the back property is woods. The structure would be outside of 25 no disturb and outside of the 35 no build. The applicant has a party rental business and is currently renting storage space but would like to store on his own lot. His business rents out tables/chairs/tents/large inflatables. Storing on site would allow him to keep inventory and quality control. The applicant will check to be sure that this doesn't have to be approved by ZBA. Zoning would be the one to change the structure if necessary. Erosion control will be a mulch sock on the 25 foot no disturb line. The building is outside of the 35 foot no build line. The question was asked if this would be for storage only. The answer was only being used for storage purposes. All rentals will be delivered to customers. There will be no heavy equipment stored in the building. However the structure will be built on slab so if anything were to leak, it would only go on to the floor. How many trees need to be removed? There is only second growth or 20 year old growth. The property contains Norway maple and crab apple trees. The driveway will extend around the back of the structure to use for inflating & drying out some of the party items. The driveway will be constructed of gravel. The wetlands drains back towards LeBlanc Drive/Route 114 and runs between a few homes in the back of the lot.

**MOTION:** Ms. King makes a motion to issue an Order of Conditions for 194R Centre Street, DEP File No. 14-1297; Mrs. Hartnett seconded; all in favor



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**4. Public Hearing [310 CMR 10.05(4)] - NOI**

- **130 Centre Street; DEP File No. 14-1298**

Tania Hartford of RCG Wadsworth Village, LLC and Mike Novak of Meridian Associates presented the project to the Commission. The site has 7 structures, the Wadsworth Village School, and 6 other historic buildings that were moved to the site. Proposing to build three new 3-story buildings. Each building will include 4 residential units with affordable housing and commercial space on the first level. This was the original intent of the property but previous owners didn't follow through. A major modification to the site plan went before the Planning Board and a favorable approval was received. The proposed project is to remove and replace the existing parking area; create a looped road with additional parking; and 3 proposed buildings. The back half of one building will encroach into the 100 foot buffer. There is an outlaw with a level spreader about 45 feet off of the buffer zone. Will have some associated grading but that is the extent of the work in the buffer zone. This site is compliant with storm water management. The Town Engineer has reviewed it through the Planning Board process. Erosion control will have a filter outlet around the perimeter of the work and silt sacks once the catch basins are in. There will be proposed tracking pads at both the entrance and exit. There will be a one way traffic flow and widening of street to 20 feet for emergency vehicles. Utility work will be within the proposed roadway. There is quite a bit of impervious but captioning all of it. There were 86 parking spaces on the site but decreasing to 67. The net decrease in parking is due to the increase in the travel way. There are snow removal areas and willing to remove if necessary. Hoping to begin construction very soon. The elevation changes are 80 to 72 to 65 which will remain. There will be no tree removal.

**MOTION:** Ms. King makes a motion to issue an Order of Conditions for 130 Centre Street, DEP File No. 14-1298; Mrs. Hartnett seconded; all in favor

**5. Public Hearing [310 CMR 10.05(4)] - NOI**

- **197 Newbury Street; DEP File No. 14-1299**

Bill Manual of Wetlands & Land Management represented the applicant. This site is by the Indoor Sports Arena complex. Mr. Manual flagged the wetlands. The run off collects off of the side of the highway. It comes down a concrete swale and at the base of the swale is a wide wetland area that flows down into a headwall culvert and reappears a short distance away. Only flagged what was closest to the property. That's the bordering wetlands and the associated 25 foot no build zone and 35 foot no disturb zone. The 25 foot buffer zone essentially cuts the property in half. Beaver Brook is the perennial stream in that area. Beaver Brook in this section of town has been culverted and rerouted. But does approach this site from behind the buildings and then takes a right hand turn and enters the culvert that goes under I-95. The perennial stream is before the culvert. The site will be accessed from Ingersoll Street. Mr. Manual was told that a portion of the site use to be tennis courts which may be why it is constructed of gravel. It is currently in pretty poor conditions with lots of shrubs and evasive stuff growing. There is a disturb site in between two developed parcels between I-95 and Route 1. This site is encumbered by to 2 different easements. An access easement that runs across the lower portion of the property. There is a gas line that splits the property in half. It is an acre and a half. But only half of the property is usable. Applicant is proposing to build a 7300 square foot building with his business Sign A Rama, another auto sales and repair and a retail unit in between with associated parking. The building will be outside of the 35 foot no build zone. The limit of work respects the 25 no disturb zone as well. The building and utilities are to the south side of the high pressure gas line. All



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the remaining pavement of 4400 square feet will be removed. The gravel will be scraped, loamed and seeded. There will be 4400 square feet reduction of pavement. The site is being reviewed by the town engineer. Everything will be directed to catch basins, directed to a storm septor unit that will discharge where wetlands go into the headwall. In terms of riverfront, this property is on record prior to 1996 when the land was subdivided in 1982. For lots on record prior to 1996, can alter 10% of the riverfront area on the lot or 5000 square feet. Only altering 600 square feet, much less than allowed which is absolutely compliant. Not going beyond what has already been disturbed. The current state of this site is highly degraded. Commission will schedule a site visit prior to the next meeting.

**MOTION:** Mrs. Hartnett makes a motion to continue 197 Newbury Street, DEP File No. 14-1299 to September 14, 2017; Ms. King seconded; all in favor

**6. Minutes – 6/08/17**

**6/22/17**

**7/20/17** – Mr. Waldman requested to include the length before and after built

**MOTION:** Ms. King makes a motion to approve the minutes for 6/08/17 and 6/22/17 meetings, the 7/20/17 minutes will be continued to the next meeting; Mrs. Hartnett seconded; all in favor

**7. Various Staff Updates**

- MACC membership has been renewed.
- 2 new members are interested, both will speak to the Commission
- This is Jean Hartnett’s last meeting until December. Maybe make Jean Hartnett and Neal Waldman both alternates.

**Adjournment**

**MOTION:** Mr. Wilson makes a motion to adjourn at 8:30 PM; Mrs. Hartnett seconded; motion passed unanimously.

Respectfully submitted,

Alicia Linehan  
Conservation Commission Secretary