



Town of Danvers Conservation Commission

TOWN HALL, 1 SYLVAN STREET ♦ DANVERS, MASSACHUSETTS 01923
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Commission Members:

Michael Splaine, Chair
Peter Wilson, Vice-Chair
Vanessa Curran
Chelsea King
Richard Souza

The Danvers Conservation Commission held a public meeting on Thursday, June 27, 2019 in the Toomey Room at Town Hall, 1 Sylvan Street, Danvers, MA 01923

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

I. ROLL CALL

Mike Splaine, Chair
Vanessa Curran
Chelsea King
Richard Souza
Aaron Henry, Staff

II. REGULAR AGENDA

A. Notice of Intent [310 CMR 10.05 (4)] – Public Hearing 99 Andover Street, DEP File No. 14-1325

Applicants: Group 1 Automotive

Kurt Young, Wetlands Scientist of Wetlands Preservation Inc and Neal Sander, Engineer of Independence Engineering were present for the applicant. This is hearing was continued from the May 9th. The project was approved by the Planning Board earlier in the week.

There were three major concerns that needed to be addressed were drainage, landscaping and trash. The drainage has been reworked so that the 12-inch pipe does not need to be replaced. That pipe and the mtd that is connected to it will also remain. They have redirected the front inventory lot into the wetland rather than running it out into the abatement. In making this work, 2 parking spots were lost but gained 400 square feet of pervious, with a total reduction of 1500 square feet, 800 square feet within the buffer area. The fire department stated that the fire lanes adjacent to the building were not necessary. The pervious will consist of New England wildlife mix, native planting. As far as landscaping, there is an existing 25-foot filter strip (a narrow flat grass area that serves as a water quality feature), where deciduous trees will be removed and replaced with 36 arbor vidas. The third issue was trash which surfaced during the Planning Board meeting. There will be regular maintenance schedule to remove all trash. Engineering and staff are satisfied with the project.

There will construction first, then demolish. This will always allow the tenants of the dealership a location. Erosion control will be straw waddles around the perimeter of the limit of disturbance. For the removal of the 3 discharge points, more detail construction sequence which can be shown on the sheet 2 of plans.

Rerouting of run off to the pond on Andover Street. Rather than have 3 individual points of discharge from the parts of the 3 different dealerships, they have been removed and water drains back away from the wetland to the storm system and back to the wet pond. Model was run to be sure it doesn't overflow during the 100-year storm and it does not. It will get 280 percent of treated discharge. No construction equipment will be at the wetlands except for removal of discharge points. The vortex already exists. The flow will be redirected away from the wetlands during the demolition.

There was an area with brick and concrete pieces which will be cleaned up and still part of the project.

On the original plan, the 12-inch pipe was to be replaced with a 30-inch pipe but there was opposition from the neighbors to move water away from that point of discharge to another location. In the current scenario the 12-inch pipe is undersized but increase of pervious will improve this.

Donald Thomson, 107 Village Post Road, opposes the proposed expansion because the nascence will double from the existing building. The building will be twice the size and half the distance to the resident's home.

Mr. Henry stated that the Planning Board did approve the special permit and the site plan that accompanies it. The condition of the special permit of noise and lights will be turned off at night and dimmed. The location of the building was discussed. The buildings location is within the required property lines.

Mr. Thomson continued by stating that this is the first he heard of the removal of half a dozen deciduous trees.

Ann Buchanan, 97 Village Post Road, stated that the homes affected by this are higher than those trees being planted. Even when they grow to full height, they will not block out the building from site of the Salem Village residents.

Currently there is no blocking of noise and sight of lights. The residents will instead be at the back side of a building with the proposed project. The proposed project is adding 32 trees to the site.

Mr. Thomson addressed the issues related to drainage. His concern is the impact to the wetlands with the install of impervious pavers in the walking train area. Mr. Sander responded that the pavers are porous and were approved by the Commission because there was a zero increase in run off. Mr. Thomson asked if there is any change to the grade. Mr. Sanders confirmed there will be. A special condition was placed on the Order of Conditions which was issued by the Commission earlier this year. Some of the native and stony material in the corner will be removed and replaced with better soil and plantings and the banks will be stabilized.

Mr. Henry told Mr. Thomson that the Town Engineer has approved both sets of revised plans provided to both the Planning Board and the Conservation Commission.

Mr. Thomson mentioned the bad behavior of the applicant such as panic buttons, loudspeakers, security system and lights. Mr. Splaine reminded him that these are not under this Commissions jurisdiction. Mr. Thomson requested that the Commission set conditions that the permit can be revoked if applicant does not abide by the conditions. Mr. Henry stated that the special permit request that the applicant return to the Planning Board in 6 months to be sure that all special conditions are being addressed. And in between that time, there can be enforcement. Mr. Thomson asked for a continuance because there was no time to review the revised plans. Mr. Thomson continued by reading the Wetland Bylaws. Mr. Splaine stated that Mr. Thomson was reading the bylaws to the Commission which they are very much aware of and have in front of them. Mr. Splaine explained that Mr. Thomson could file an appeal.

Leonard DeCoste, 84 Village Post Road, asked if there has been an onsite review in the last 10 years. No one has ever asked the water conditions or any improvements. Mr. DeCoste told the Commission that he currently has water in his yard. He also has trees that lean over his deck from the applicant's property that haven't been trimmed in years because of this he loses his sunlight in the early afternoon.

It was recommended that the residents contact the new maintenance manager at IRA Group who will address any concerns of the residents. The residents will be provided the contact information by staff.

MOTION: Mr. Souza makes a motion to issue an Order of Conditions for 99 Andover Street, DEP File No. 14-1325; Mrs. Curran seconded; all in favor

- B. Notice of Intent [310 CMR 10.05 (4)] – Public Hearing**
15 Mead Street, DEP File No. 14-1327
Applicant: William & Maryann Bartlett

The applicant has requested a continuation of the public hearing to the next regularly scheduled meeting on July 25th, 2019 to allow for more time for plan revisions and response to Harbormaster's comments.

MOTION: makes a motion to continue the public hearing for 15 Mead Street, DEP File No. 14-1327 to July 25th; seconded; all in favor

C. Notice of Intent [310 CMR 10.05 (4)] – Public Hearing

10 Wenham Street, DEP File No. 14-1328

Applicant: Michael Bean

John Dick was present for the applicant. Mr. Bean received a variance 3 years ago but never did the work and it is now expired. His property directly abuts the Rail Trail. The project includes tearing down two rundown buildings and the construction of a bigger garage. The two pieces are about 70% of the proposed footprint of the garage. The applicant is increasing by 30% which a variance was issued. It's not an area variance but a sideline encroachment variance. The demolition and proposed project are within the 100-foot buffer zone but outside the no disturb and no build zone. The questions were asked if herbicides and control of invasive will be used. The answer is no. As mentioned in the narrative, debris will be removed. Mr. Dick stated that the material will be gone but the gout weed will not be. A couple of Norway maples will be cut but not the swamp white oak.

He will not be adding any pavement. He does mow the wetlands but will continue, because he's been doing it since he's been there. There are open fields on each side and a ditch. There is a lot of dirt habitat back there. There is a hole in the back yard with a ditch that runs parallel to it. The water runs through the ditch but not into the hole. Mr. Dick believes that it is a constructed ditch.

The proposed project will be an improvement to the property.

Mrs. Curran asks where the lot line is. Mr. Dick stated that it goes way back. He will mark the limit of work lines and staff will ensure the phases and lines be established.

Mrs. Curran stated that this one-time removal of invasive will not completely get rid of them. Mr. Dick is aware, but the debris will be removed permanently.

The construction equipment will remain out of the wetlands.

MOTION: Mrs. Curran makes a motion to issue an Order of Conditions with special conditions that debris shall be removed permanently and there are staff site visits for each or the two project phases; Mr. Souza seconded; all in favor

D. Discussion of Peer Review Regulations

Mr. Henry distributed the Peer Review Regulations for the Commission to review by next meeting. The staff has been on board for less than 12 months. They would like to use the services of peer review for complicated projects. This was adopted by the Planning Board and adopted by the regulations not the bylaws.

There are times when there are times when there are more troublesome spots. Example there may be a regulation that states a requirement of feet, but the applicant states otherwise, then this would require an independent third party to get involved. The Commission would hire the third party at the applicant's expense.

There may be future projects down the pipeline that would require Peer Review Regulations.

III. Minutes

- a. May 23, 2019
- b. June 13, 2019

Minutes will be motioned on at the next meeting because Commission did not have time to review prior to the hearing.

IV. OLD/NEW BUSINESS

V. ADJOURNMENT

Mrs. Curran makes a motion to adjourn at 8:20pm; Ms. King seconded; all in favor