



Town of Danvers Conservation Commission

TOWN HALL, 1 SYLVAN STREET ♦ DANVERS, MASSACHUSETTS 01923
TELEPHONE (978) 777-0001 ♦ FAX (978) 762-0215

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, July 25, 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
Peter Wilson, Vice Chair
Vanessa Curran
Richard Souza
Aaron Henry, Staff

II. REGULAR AGENDA

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

Bill Manuel of Wetlands Management & Land Management, Inc. represented the applicants. A meeting was held between Mr. Manuel, Mr. Sanborn - the Harbormaster, David Fields – Planning Director and the applicants - Mr. & Mrs. Bartlett to agree upon some plan revisions based on comments from the Harbormaster. The revised plan of July 10, 2019 shows a significant reduction in the size of the floats. An additional survey was conducted since the initial presentation, and the mooring balls up and down the river at the edge of the channel were located. An existing float in front of the Bartlett’s property will need to be relocated. The Harbormaster’s concern is where this float assemblage is in relation to the other floats. He was also concerned that this work be confined within the applicants’ water sheet. The recent meeting allowed all parties to work through the Harbormaster’s comments within his June 18, 2019 letter. The July 10th revised plan is 99% of what was discussed. The last 1% is the -6-foot contour line which represents 18 inches of water under the inboard corner of the 10x10 float. This is preferred under all floats by the Army Corp of Engineers and DEP. When the revised plans were drafted it came to about -7 contour, so the Harbormaster and Mr. Manuel had a conversation this afternoon, and Mr. Sanborn was adamant that the contour line be at a -6. In order to confirm with this, the entire assemblage was shortened by 3 feet. There is now a minimum of 18 inches under all the floats at all tide cycles so nothing will bottom out. It will be constructed of prefab spans of 45 feet between pier sections, compared to timber which will reduce the piles by threefold. Everything is consistent with DEP guidelines for small piers, ramps and floats. Mr. Manuel will submit a second revised plan that is consistent with the discussion and include the -6-foot contour line.

Mr. Henry confirmed that what Mr. Manuel presented is consistent with those discussion with the Harbormaster. He stated that moving the pier back three (3) feet alleviates the only outstanding item of the -6 contour.

Mr. Splaine addressed the issue that the recommendation of the dock exceeds four (4) feet, regulation of small docks. Mr. Manuel states that .42 are the railings on the side. The height ratio is much less than the required ratio. This is adequate to allow kayakers to go under the pier even at high tide. The 20x16 structure and the 20x8 float has been eliminated. This is reduced by 480 square feet, from 900 to 420 square feet.

Mrs. Curran asked about two of the Harbormaster's concerns. One was that the length not to exceed 30 feet and the width of 6 feet, but it is currently 40x8 feet. Mr. Manual confirmed that Mr. Sanborn has approved this. Mrs. Curran also mentioned Mr. Sanborn's comment of shortening the pier and having a longer gangway. Mr. Fields, Planning Director, read the email from Mr. Sanborn requesting to adhere to the -6 foot contour line; keep the floats back 3 feet including moving the floats back a foot and reducing the float width to 6 and suggesting moving the whole pier back toward the property 3 feet, shortening the length of the pier to maintain the -6 foot contour line. If the -6-foot contour line is met and all is consistent with what was discussed at the meeting, then he is fine with this project moving forward. The applicant would like to reuse the existing 25-foot gangway. This is the only piece that will come over to the new one.

Mr. Splaine asked how that moving of the float, permitted to another individual, will be handled. In order to accommodate this project, the Harbormaster has suggested to the permitted individual relocating the float 40 feet down river. This was suggested because otherwise the applicants would be required to cross property lines and have a longer pier. All moorings are assigned by the Harbormaster.

Mr. Wilson asks the question what the Commissions' jurisdiction is. Mr. Henry responds that the Conservation Commission has jurisdiction in the territorial waters in Danvers to a depth of 80 feet. Which means the Commission has jurisdiction to the entire river in the Town of Danvers. There are other entities that have jurisdiction as well. Overlapping jurisdictions are Waterways at the State level and Army Corp of Engineers at the Federal level. Waterways has commented on the plan and suggested two conditions if the Commissions issues an Order of Conditions. The Army Corp of Engineers has some documents on-line for maximum length, width of a pier system, and how much of the channel a private individual can occupy. This project does appear to satisfy Waterways and Army Corp of Engineers requirements.

Mr. Manual stated that the next step will be to file with the Army Corp of Engineers and is confident that they will approve this because it far exceeds their criteria.

Andrea Daley, Town Meeting Member of Precinct 3, spoke of her concerns about this filing. She stated that this is an extension of use. She told the Commission that everything being discussed is here say because there is no written proof from the Harbormaster. She also noted that she provided documentation to Erin Schaeffer that was never distributed to the Commission. No one has considered the width of the channel and the Bartletts had not adhered to a Chapter 91 license. They placed a building on a float, and this is not allowed. Mr. Splaine stated that the Commission recognized this structure was not allowed and, in the plan, it has been removed. Mrs. Daley told the Commission that she spoke before the River Committee on this matter and they prepared a lengthy letter that should have been distributed to them. She stated that the Commission is alluding to things that should be in front of them in order to decide, instead everything is here say. Mr. Splaine stated that Mr. Fields read the email from Mr. Sanborn, the Harbormaster.

Mrs. Daley then shared with the Commission a map of the original placement of the pier. The aim was going out to the flotation system which would bump right into this flotation system. At the Bartlett's juncture, the channel is at its least width. Mr. Bartlett then pointed to another area on the map with the least width. She stated that those within that narrower portion of the channel do have their Chapter 91 License. Mrs. Daley once again mentioned that the 3-page letter of the River Committee was never distributed to the Commission. She is also concerned with Mr. Bartlett being within his property lines and that the floating house be removed. She told the Commission; the River Committee's concerns were the narrowness of the channel and the amount of boats on the river. Mr. Souza stated that the River Committee's concerns were included in Mr. Sanborn's letter.

Mr. Splaine asks if Mr. Bartlett's frontage is projected out to the channel, does the pier lie within those boundaries. The answer is yes. Mr. Souza states there is a 10-foot setback. Mr. Splaine stated that the applicant is adhering to the -6-foot contour, inside repairing lines, the pier is being pulled back 3 feet, down to 2 floats, and a much smaller float with removal of house.

Marine and Fisheries had a few comments on this project. For construction, they prefer that it be pile driven and be done later in the year; and the storage of floats be upland.

Pete Clemmons, Town Meeting Member Precinct 3, told the Commission that his wife is the one who owns the float being moved. He stated that it is the Harbormaster's right to move it, but she has a right to contest this. Mr. Clemmons is in favor of moving the float, but his wife needs to approve.

Mr. Fields stated that the applicants, Mr. Manual Mr. Sanborn and himself met on July 9th, and the River Committee met on June 20th. However, a letter from the River Committee was never submitted to staff or the Conservation Commission.

Mr. Bartlett stated to the Commission between the parties named took place to respond to the Harbormaster's comments and revise accordingly prior to this evening's meeting. Mr. Fields confirmed that Mr. Bartlett represented that meeting factually, except the only other thing addressed outside of that meeting was to hold the -6-foot contour line.

Mrs. Curran stated that navigation and moving of the floats are not the Conservation Commission's jurisdiction. Their jurisdiction is the Wetlands Protection Act, under water, and land containing shellfish are the things weighing merits on.

MOTION: Mr. Souza makes a motion to issue an Order of Conditions with special conditions – 1. that the storage of floats be on the upland, 2. the method and timing of construction be during any regulatory conditions as specified in Army Corp. of Engineers, 3. Harbormaster must be considered, 4. must stay within -6 line, 5. removal of boat house and all those stated on the revised July 31, 2019 Plan for 15 Mead Street, DEP File No. 14-1327; Mr. Wilson seconded; all in favor

IV. Minutes

a. June 11, 2019

Mrs. Curran requests edit to the minutes – Agenda Item B. Frost Fish Brook 5th paragraph, stabilization for civilization. And coir logs as replacement.

MOTION: Mrs. Curran makes a motion to approve the minutes with revisions; Mr. Wilson seconded; all in favor

V. OLD/NEW BUSINESS

A. Peer Review Regulations

Mrs. Curran raised the issue under the notice section of the document that it is unclear to the applicant that such notice shall be deemed to have been given on the date it is mailed or delivered. It is agreed there (3) days from the mailing date.

MOTION: Mr. Souza makes a motion to adopt the Conservation Commission Regulation and Procedure – Special Municipal Account as amended; Mr. Wilson seconded; all in favor

B. Conservation Commission Chair

At the last meeting Mr. Splaine raised that the Chair be rotated. He is suggesting Mr. Wilson as Chair and Mr. Souza as Vice Chair. The Conservation Commission would like to nominate each fiscal year.

MOTION: Mr. Splaine makes a motion to nominate Mr. Wilson as Chair and Mr. Souza as Vice Chair for 1 fiscal year; Mrs. Curran seconded; all in favor

VI. ADJOURNMENT

Mrs. Curran makes a motion to adjourn the meeting at 8:25pm; Mr. Wilson seconded; all in favor