



# Town of Danvers

## Conservation Commission

1 Sylvan Street, Danvers, Massachusetts 01923  
p: 978-777-0001 x. 3095 | [www.danversma.gov](http://www.danversma.gov)

Commission Members  
Peter Wilson, Chair  
Vanessa Curran  
Chelsea King  
Michael Splaine

The Danvers Conservation Commission held a public meeting on Thursday, September 26, 2019

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

### I. ROLL CALL

Peter Wilson, Chair  
Vanessa Curran  
Chelsea King  
Mike Splaine

### II. REGULAR AGENDA

#### A. Emergency Certification 16 Brentwood Circle

An emergency order was issued by the Board of Health to trap beavers and unmechanized breaching of the damn because it was causing flooding of the residential neighborhood and animal haybarns at Endicott Park.

**MOTION:** Mr. Splaine makes a motion to issue the Emergency Certificate; Mrs. Curran seconded; all in favor

#### B. Request for a Certificate of Compliance [310 CMR 10.05 (9)] 34 Purchase Street, DEP File No. 14-1315 Applicant: Michael Panzero (MJP Properties)

Bob Griffin of Griffin Engineering Group, LLC represented the applicant. January 2019 the commission issued an Order of Conditions to the applicant for the building of an addition to the back of an existing home. The drywells, fence, and six (6) wetland protection markers were installed; driveway was paved; and lawn has been seeded. Improvements were between the 100-foot buffer and 200-foot line, the cleanup of trash. The project has been inspected by Staff and Mr. Griffin.

**MOTION:** Mr. Splaine makes a motion to issue a Certificate of Compliance for 34 Purchase Street, DEP File No. 14-1315; Ms. King seconded; all in favor

#### C. Request for Certificate of Compliance [310 CMR 10.05 (9)] 3 Holly Lane, DEP File No. 14-1289 Applicant: DUC Residential, LLC

Mike Laham of Morin-Cameron Group represented the applicant. This is a single family constructed with the approved plan with a few modifications, a small landscape wall and an air condition pad were added to the east side of the dwelling; the deck size was increased slightly and stairs were added to access the backyard from the deck; an underground propane tank was installed and the driveway was slightly modified.



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Mr. Wilson inquired if the drain in the driveway goes to the drywell. Mr. Laham stated that it does. Mr. Wilson asked if the new owner was aware to limit any use of pesticides, herbicides, fungicides and fertilizers shall not be used within 100 feet of the resource area as stated in the Order of Conditions. It also states no use of rock salt on paved surfaces. This documentation goes with the property and is part of the general conditions.

Mrs. Curran stated that according to the photos it appears that there is a lot of sand in the driveway. The as built plans are in August. Mr. Laham states that this was probably swept in by residual. Staff did inspect the property and not how it currently appears.

Mentioned during the hearing was the neighbor who came before the Commission to inform them of the flooding caused to his land by this project. Mr. Henry told the Commission that once the site was stabilized, the silt sacks were removed from the stormwater system and resolved the problem.

The slope has been stabilized and staff is satisfied with the existing grade and seed growth.

There was concern for the installation into the ground of the propane tank. Mr. Henry stated that this is permitted through the Building Department, and they would not issue the permit if not allowed.

Bill Bradstreet, 18 Essex Street, raised the concern of burying a propane tank. He inquired as to whether it is contained in a chamber so that if there were an explosion, this may contain it, causing the gas to go up rather than out. Mr. Wilson stated that this really isn't the Commission's jurisdiction.

**MOTION:** Mrs. Curran makes a motion to issue a Certificate of Compliance for 3 Holly Lane (Lot #6), DEP File No. 14-1289; Ms. King seconded; all in favor

### **D. Request for a Certificate of Compliance [310 CMR 10.05 (9)]**

#### **5 Holly Lane (Lot #5), DEP File No. 14-1290**

Applicant: DUC Residential, LLC

Mike Laham of Morin Cameron Group represented the applicant. This is essentially the same request of 3 Holly Lane but the only notable thing is that when the survey was performed there wasn't a slope. At time of staff inspection, it was discovered that a white vinyl fence was installed on the existing wall hugging the slope outside of the buffer zone. A drain was installed in the driveway to catch the run off of the roof. The property line extends way back.

**MOTION:** Ms. King makes a motion to issue a Certificate of Compliance to 5 Holly Lane (Lot #5), DEP File No. 14-1290; Mr. Splaine seconded; all in favor

### **E. Request for a Certificate of Compliance [310 CMR 10.05 (9)]**

7 Sandpiper Circle, DEP File No. 14-1270

Applicant: Brittany Warden

Bobby Warden, the applicant's husband was present. They moved into the home on October 17<sup>th</sup>. This lot is not jurisdictional at all and part of the Whipple Hill project. Mr. Fields explains to the Commission that there is no stormwater on this lot. But part of the deed restrictions is on the applicant's property from



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the creation of the road. The applicant is requesting a partial Certificate of Compliance to release from the subdivision.

**MOTION:** Mr. Splaine makes a motion to issue a Partial Certificate of Compliance for 7 Sandpiper Circle, DEP File No. 14-1270, Ms. King seconded; all in favor

### F. Notice of Intent [310 CMR 10.05(4)]-Public Hearing NOI

4 Yale Street, DEP File No. 14-1334

Applicant: Ronald Mercier

Bob Griffin of Griffin Engineering Group, LLC represented the applicant. There is an intermittent stream with a bank along it and the 25- and 35-foot buffers run through the applicant's yard. The proposed project is a two-story addition with a garage on first floor and living space on the second, which will consist of poured concrete and a wood frame. It will include adding a porch and widening the driveway. The lot is flat. Erosion controls will be placed in the back of the property and stock piling will be on the side of the house during construction. A 500-gallon drywell will be added to the south side. The size of the drywell is determined by the new impervious surfaces, about 1400 square feet, and multiplied by 1 inch of volume. And with the addition of crushed stone with will hold more than 1-inch volume. This does not have to pass approval of the Engineering department because it is a small addition to a single-family home, it is exempt from stormwater standards. The location of the drywell was chosen to catch the runoff from the roof because if it is moved forward, there is no advantage to recharge to the stream.

Mr. Wilson inquires if this is Frost Fish Brook. Mr. Henry states that it is not Frost Fish Brook but tributary to. It flows from right to left, appears to be culverted and maybe connects to Frost Fish Brook under the Burley Street ballfield.

The question was asked why the erosion control is along the edge of the bank. Mr. Griffin explains so that it doesn't interfere with the use of the yard. Ms. Curran states that the erosion control is only temporary during construction so it wouldn't interfere with the use of the yard upon completion. The Commission prefers the erosion control at the 35-foot line.

**MOTION:** Mrs. Curran makes a motion to issue an Order of Conditions to 4 Yale Street, DEP File No. 14-1334 with the special conditions that a pre-construction meeting be scheduled with the Planning Division to review the sediment & erosion controls in the field, any changes to the proposed drywell requested by Engineering staff be incorporated into the plan, erosion controls are established at the 35 foot no disturb buffer zone and wrap around any intersecting structures; Ms. King seconded; all in favor.

Mr. Fields states to the Commission that earlier today per written request of Scott Cameron of Morin-Cameron Group, Inc. on behalf of the applicant, he would like to continue on agenda items G. H. and I. which are the house lots at 303 Maple Street and a request to waive the 21 day time period to issue an Order of Conditions for the roadway from the date of the public hearing approval to the October 10, 2019. The purpose of this extension is to allow all the ongoing right of way easement discussion, adjust the plans to reflect 2 ½ to 1 mitigation ration requested by the Commission and to provide a formal response to MA DEP comments for the road.



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### **G. Notice of Intent [310 CMR 10.05(4)]- Public Hearing NOI 305R Maple Street (Lot 6), DEP File No. 14-1332**

Applicant: Beaver Brook Woods, LLC

**MOTION:** Mr. Splaine makes a motion to continue 305R Maple Street (Lot 6), DEP File No. 14-1332 to October 10, 2019; Ms. King seconded; all in favor

### **H. Notice of Intent [310 CMR 10.05(4)]- Public Hearing NOI 303-309, 305R, 313R Maple Street (Lot 7), DEP File No. 14-1333**

Applicant: Beaver Brook Woods, LLC

**MOTION:** Mrs. Curran makes a motion to continue 303-309, 305R, 313R Maple Street (Lot 7), DEP File No. 14-1333 to October 10, 2019; Ms. King seconded; all in favor

### **I. Notice of Intent [310 CMR 10.05(4)]- Public Hearing NOI 303-309, 313R Maple Street (Lot 8), DEP File No. 14-1331**

Applicant: Beaver Brook Woods, LLC

**MOTION:** Ms. King makes a motion to continue 303-309, 313R Maple Street (Lot 8), DEP File No. 14-1331 to October 10, 2019; Mrs. Curran seconded; all in favor

### **J. DEP File No. 14-1330 303-309, 305R, 313R, 315, 317, 325, 327, 333 & 333R Maple Street (Roadway)**

Applicant: Beaver Brook Woods, LLC

**MOTION:** Mr. Wilson makes the motion to authorize an extension to the 21-day time period for the Order of Conditions already issued in the waiver until October 10, 2019; Mrs. Curran seconded; all in favor

## **III. MINUTES**

September 12, 2019 minutes will be continued to October 10, 2019

## **IV. OLD/NEW BUSINESS**

Mr. Wilson would like to confirm from Town Counsel and verify the Commissions voting. If it is a simple majority of the members present or most of the total members of the Commission in order to issue a variance.

Mrs. Curran was not able to attend the September 12, 2019 meeting but watched the video and was surprised that this project was voted on at all. She felt there was a lot more information that should have been asked for. There are a couple of that stood out that were opportunities to get more information. For example, Mr. Henry was very clear that this is a very complex involved project perhaps outside the ability of the current staff to handle in addition to being short staffed also meaning strong wetlands protection act placed on it. He also mentioned the opportunity for a peer review, however no one acted upon it. Mr. Henry stated that there was discussion of peer review of the roadway under the Planning Board process from Meridian and they noted that the stormwater should be reviewed. Mrs. Curran also mentioned that



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she spent a lot of time reviewing the project and submitting comments, which were read aloud but the applicant was never requested to respond. The comments were to get more information from the applicant, one was about the stormwater system because there is not enough on this topic. Her other comment was were the replication area was being proposed, adjusted buffers are not being shown, they left it the same 25/35 foot. The new road that is going to be within the 25 foot is not even accounted for. There were missed opportunities to get more information and didn't feel it was ready for a vote.

Mr. Splaine suggests that in the future on such important projects that the Chair make a motion to continue when all members are present for the hearing.

Staff will investigate whether this hearing can be reopened.

Mr. Henry tells the Commission that comments were received from DEP for the Roadway and NOIs on the lots, the day after the hearing. Staff is trying to decide how to deal with all this information because DEP is not satisfied.

Mr. Henry discussed the status of conditions from the Planning Board. The applicant's attorney and Town Counsel met. The town does have rights on the original paper way so two of the lots will need to be modified. Due to the comments from DEP and the modification to the lots are the reasons for continuing these NOIs to the next hearing.

### V. ADJOURNMENT

Mr. Splaine makes a motion to adjourn the meeting at 8:25pm; Ms. King seconded; all in favor