



Town of Danvers

Conservation Commission

1 Sylvan Street, Danvers, Massachusetts 01923
p: 978-777-0001 x. 3095 | www.danversma.gov

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

The Danvers Conservation Commission held a public meeting on Thursday, October 10, 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
David Fields, Staff
Aaron Henry, Staff
Chelsea King
Mike Splaine

II. REGULAR AGENDA

A. 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

Scott Cameron of the Morin-Cameron Group, Inc. was present and requested on behalf of the applicant a continuance of the public hearing to October 24th due to title issues.

MOTION: Mr. Splaine makes a motion to continue the hearing to October 24th for 305R Maple Street Lot 6, DEP File No. 14-1332; Ms. King seconded; all in favor

B. 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

Scott Cameron of the Morin-Cameron Group, Inc. was present and requested on behalf of the applicant a continuance of the public hearing to October 24th due to title issues.

MOTION: Mr. Splaine makes a motion to continue the public hearing to October 24th for 303-309, 305R, 313R Maple Street (Lot 7), DEP File No. 14-1333; Ms. King seconded; all in favor

C. 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

Scott Cameron of the Morin-Cameron Group, Inc. was present and requested on behalf of the applicant a continuance of the public hearing to October 24th due to title issues.

MOTION: Mr. Splaine makes a motion to continue the public hearing to October 24th for 303-309, 313R Maple Street (Lot 8), DEP File No. 14-1331; Ms. King seconded; all in favor



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D. 197 Newbury Street, DEP File No. 14-1299

Applicant: The Happy K-9

Scott Cameron of Morin-Cameron Group, Inc. was present along with Joe DiRuzza, the owner, as well as Nelson Mendoza, the applicant. Before proceeding to request a modification to the Order of Conditions, Mr. Cameron acknowledged receipt of the enforcement letter from Georgia Pendergast, Staff Planner, which was forwarded to the owner. Mr. Cameron was involved with the project during the planning process. The Commission had approved the building and parking with a lawn area for retail development. The property was a formerly degraded asphalt unused area. Happy K-9, a dog training and care facility, is moving their business to this location. They are proposing an enclosed outdoor play area. Mr. Cameron's involvement was during the design of the play area. He has been involved in quite a few dog parks designs and came up with a technique which was cost effective and palpable for the dogs' paws that consist of pea stone. This enclosed area surface will be forged pea stone over crushed stone on top of sand. The pea stone is palpable, the crushed stone is a compact surface which is the structural surface and the sand which is a filter. These are the same principles and techniques as a septic system approach. There will be an infiltrator trench that will capture any run-off on the slope toward the highway. In the lower area will be a plastic barrier. Regarding maintenance, the solid waste will be picked up regularly and the surface will be hosed down to lessen any bacteria in the stone off the surface area. There is also the addition of a shed that is just outside of the buffer zones. The parking and play area will also contain landscaping. Another modification is the addition of a dumpster pad.

Nelson Mendoza, applicant of the Happy K-9, addressed the enforcement letter. He explained to the Commission that as a first-time business owner, he was under the assumption that the Planning Board approved the plans but told nothing structural could be built. He thought this referred to anything above the ground, not any other construction on the property. Mr. Mendoza did approve the construction crew to begin grading and installing the pea stone.

Mr. Wilson asked if the Town Engineer has been involved with the storm management. Mr. Cameron responded that the report was submitted with the application. The surface material was adjusted so that there are more permeable conditions than what was originally approved by the Commission. Mr. Fields stated that nothing was inspected prior to construction. There isn't any water or electricity, other than the water to the previously installed spicket.

Mr. Henry explained that this site plan was reviewed and approved by the Planning Board. Then there was supposed to be follow up with coming before the Conservation Commission to approve the disturbance in the buffer area. What failed to happen is, improvements were done, and largely completed and an enforcement order was issued. Mr. Fields stated that he's not sure how many of those things were installed correctly but they may not be jurisdictional to the Conservation Commission.

The original Order of Conditions approved for just a grassy lawn area. However, lawn would not be desirable for dog use because it would become too muddy and contain bacteria.

The work approved by the applicant was within the 100-foot buffer. The only erosion control was the existing straw waddles.

The question was asked if there were any tests conducted to be sure that pea stone is the best choice. Mr. Cameron explained that this is crushed stone, same as patio pavers. The area is flat so any run-off would



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seep through. The request for a test hole was requested and is a special condition. The Commission wants to be sure that contaminants are not running into the brook.

Mrs. Curran mentions that the Town regulations states that a request for a modification will not be granted unless the wetlands are reflagged, or the original flags exist. This project was flagged on May 16, 2017. Has some questions about delineation conducted during such a dry period. Mr. Cameron states that because the Order of Conditions was issued, the wetland boundaries were already approved which are still valid.

The Commission would like to conduct a site visit on Monday, 10/14/19 at 5:00pm.

MOTION: Mrs. Curran makes a motion to continue 197 Newbury Street, DEP File No. 14-1299 to October 24, 2019; Ms. King seconded all in favor

E. Request for Determination of Applicability [310 CMR 10.05(3)]

West Street, RDA 2019-3

Applicant: Town of Danvers

Eric Richard, Danvers Engineering, explained to the Commission that this is maintenance work from the sewer pumping station. Within the past 5 or 6 years there have been multiple breaks in the pipes. This is due to the piping used in the 80's tends to break caused by the friction of rocks to the pipe. Silt socks and haybales will be used for erosion control. The scope of the work would be within the street and estimated to take two 2 weeks. The work will be put out to bid and hoping to be done before the winter.

The question was asked if the pump station is involved. Mr. Richard responded that the pump station will be shut down for one day but there will not be any disruption in anyone's sewer service.

There was concern from an abutter if the work would take place in the wetlands. The work will be contained to the street and will only include tearing up the asphalt and replacing the piping.

MOTION: Mr. Splaine makes a motion for a Negative Determination of Applicability, RDA 2019-3 for West Street; Mrs. Curran seconded; all in favor

F. Request for Certificate of Compliance [310 CMR 10.05 (9)]

6 Overlook Drive, DEP File No. 14-280

Applicant: Gilmore & Gilmore

Because the applicant or a representative was not present at the hearing, it will be continued until October 26th.

MOTION: Mr. Splaine makes a motion to continue the hearing for a Request for a Certificate of Compliance for 6 Overlook Drive, DEP File No. 14-280 to October 24th, Ms. King seconded; all in favor

G. Certificate of Compliance [310 CMR 10.05 (9)]

Lot 9 Bridle Spur Road, DEP File No. 14-1148

Applicant: Sandra Hafiz, Inc. c/o The Morin Cameron Group, Inc.



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Scott Cameron of Morin Cameron Group, Inc. was present. The work included the installation of an underground propane tank for fuel; a portion of a retaining wall in the buffer zone; a concrete pad for the patio in the buffer; and a concrete pad for the condenser on the side of the house. All are within the 100-foot buffer zone but outside of the 25/35 foot no build/no disturb. The house and driveway are in the same location as stated on the plan. Photos were submitted and depict the side of the home and yard.

Bill Bradstreet of 18 Essex Street expressed his concern for burying propane tanks. He stated that if there is a leak the gas will continue to travel until it finds a point of ignition. However, this is not the Commission's jurisdiction, but something to address with the Building Department.

Mr. Wilson is concerned that at the past few hearings, applicants or representatives have come before the Commission with several iterations to their projects. Order of Conditions are issued but not followed. Mr. Henry responded to Mr. Wilson, explaining that he and Mr. Fields are also concerned with and now that the Planning Department is fully staffed, there will be better controls in place.

Mrs. Curran pointed out that according to the amended order, the conditions requires an operation plan must be submitted, but there was not. The Commission agrees that this hearing be continued until this plan is submitted.

MOTION: Mrs. Curran makes a motion to continue the hearing for a Certificate of Compliance for Lot 9 Bridle Spur Road, DEP File No. 14-1148 to October 24th, Ms. King seconded; all in favor

III. MINUTES

September 24, 2018

MOTION: Mr. Splaine makes a motion to approve the September 26, 2019 minutes; Mrs. Curran seconded; all in favor

IV. OLD/NEW BUSINESS

Staff had reached out to DEP following the NOI application filing for Beaver Brook Subdivision, however they had not returned the call. At the Conservation Commission public hearing on September 12th, the Commission approved an Order of Conditions for Beaver Brook Subdivision. Following that meeting, staff received comments from DEP. There are two options, the hearing can be re-opened, or the Commission can sign off on the approved Order of Conditions.

Mr. Cameron and Ann Marton, LEC Environmental, requested to speak with and submit literature to the Commission. However, they were denied because this would violate the open meeting law.

The Order of Conditions was signed off by three of the four Commission members.

V. ADJOURNMENT

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