



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, November 14, 2019

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

I. ROLL CALL

Peter Wilson, Chair
Georgia Pendergast, Staff
Aaron Henry, Staff
Chelsea King
Mike Splaine

II. REGULAR AGENDA

A. 69 Liberty Street – Violation

Mr. Erly Souza was present with the property owner. The two own a roofing company together and were storing stock at the residence in the resource area. Mr. Souza told the Commission that the previous homeowner had informed the buyer that the land borders the protected area. And before purchasing the home in March, the buyer had obtained a plot plan from Town Hall. During a previous conversation with Mr. Souza, Ms. Pendergast explained that he had an old survey and the delineation could have changed since then.

Mr. Souza explained to the Commission that he and his partner are not looking to build anything, just to clean up the area close to the fence. They had cut down an oak tree and hanging limbs, caused by the wind storm, of additional trees. There are small children that live in the home and they were afraid one of them would be injured by a falling limb. He was not aware that this would require him to file and appear before the Commission.

Ms. Pendergast explained to Mr. Souza that the plan he used is from the state website, which shows rough wetland lines but it will not show exactly what is on the owner’s property. The newest credited survey dated April 10, 2018, is the one used by staff and the Commission. It shows that someone went onsite, dug the soils and flagged the wetlands. The pink area on the map identifies where the piles of the stone dust and soil are. The location where Mr. Souza was digging is within wetland jurisdiction. And if Mr. Souza wants to work within the buffer zone, he would have to fill out an application and get approval from the Commission. The purpose of this evening’s meeting is to make Mr. Souza aware of the wetlands and buffer zone area, to allow him to explain what he was doing and allow the Commission to decide ways to clean this up.

Mr. Souza had also cut the bushes and was going to spread soil and crushed stone and place pallets on top it to store roofing material for a couple of weeks.

Mr. Splaine asked Ms. Pendergast if the previous owner had come in for a project and that is what triggered a survey. Conservation has no record on project, and the survey may have been done in preparation of selling the property.

Ms. Pendergast circled on the survey where the piles are in relation to the wetlands. She told the Commission that there is a very old sign a distance from the property that reads “No Disturb Zone”.



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

Both Mr. Souza and the Commission agreed that it is best to get another survey to delineate where the wetlands are.

The Commission agreed that all the stock must be pulled back within two weeks and stored behind the garage. Ms. Pendergast will inspect and update the Commission on December 12th.

MOTION: Mr. Splaine makes a motion to continue the action on the violation to December 12th; Ms. King seconded; all in favor

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

Lot 2, 4 Holly Lane, DEP File No. 14-1293

Applicant: DUC Residential, LLC

Scott Cameron, Morin-Cameron Group represented the applicant. The only difference on the plan is the widened driveway as noted on the as built. The drywell installed was bigger than originally designed and the fence installed should have been at an angle and rather than straight leaving a small patch between the fence and driveway, the reasons for extending the driveway. Most of the widening occurred outside of the buffer zone.

Mr. Cameron stated that initial submissions are always oversized to make room for improvements.

MOTION: Ms. King makes motion to issue a Certificate of Compliance for Lot 2, 4 Holly Lane, DEP File No. 14-1293; Mr. Splaine seconded; all in favor

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

Lot 3, 6 Holly Lane, DEP File No. 14-1292

Applicant: DUC Residential, LLC

Scott Cameron of Morin-Cameron Group represented the applicant. There were minor deviations from the approved plan which is typical for single family house construction. Three short retaining walls on the south side of the house were added. Instead of the doing the 3:1 slope down, it was stepped. A small air conditioning condenser in the back was added, and a propane tank. The stairs on the back deck were placed on the opposite side and the driveway was extended a bit, both within the buffer zone. The drywell is also larger than originally planned.

Mr. Wilson wants to be sure that homeowners are aware of standard conditions concerning the restriction of fertilizer and salt. This is a standard condition with an Order of Conditions.

MOTION: Mr. Splaine makes a motion to issue a Certificate of Compliance, Lot 3, 6 Holly Lane, DEP File No. 14-1292; Ms. King seconded; all in favor



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

D. Notice of Intent [310 CMR 10.05(4)]
11 Tibbetts Avenue, DEP File No. 14-1335
Applicant: Michael & Karen Hubbard

Bob Griffin of Griffin Engineering represented the applicants.

The property is 5,600 square feet in the R2 District and was subdivided some time ago. The house currently on the property is a teardown and the applicants are proposing a two-story home that is little bigger than the existing footprint. It would include a one car built in garage with a small driveway space in the front of it. There will also be an additional driveway for visitors. The home will be pushed about 15 feet from the property line, further back from the street. The architect is trying to make the lot as compact as possible.

The home will be up to the 35 foot no build, but the 12x18 wooden deck and pavers are within the 25/35-foot no disturb/no build. The lawn is within the 25-foot no disturb zone. The applicants are also proposing to add a shed.

Mr. Griffin told the Commission that there are two filings for the property, the second filing is a Notice of Intent to fix the depression along the seawall and ad a float.

The home had gone before the Preservation Commission, but they felt it was not salvageable. It is also scheduled to appear before the Zoning Board of Appeals next week.

The project would include removing three trees, one that it is currently dead and the other two are dropping branches on the neighbor's property. The backyard is grass, but applicant is proposing to add an impervious paver walkway. The Commission was concerned with disturbing the back area twice and suggested that the walkway be included in the future filing of the seawall.

The Commission asked how susceptible the home will be to flood. It will include foundation, but not a basement just a crawl space, with flood vents to allow water to pass through.

The current plan needs to go before the Zoning Board of Appeals, and they could possibly require a change in the plan. Mr. Griffin told the Commission that he is fine if they choose to continue until after heard by the ZBA. Less non confirm. 13 from street, going back. 5 feet to the foundation. ½ to 5 feet.

The Commission asked how material will be handled. There will be double dumpsters used and demo material will be hauled off site immediately.

MOTION: Mr. Splaine makes a motion to continue the Notice of Intent for 7 Tibbetts Avenue, DEP File No. 14-1335 to December 12th; Ms. King seconded; all in favor

E. 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

Requesting continuance because currently working with the Planning staff and Planning Board on the runway in that area and not able to reach a conclusion yet.



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

MOTION: Ms. King makes a motion to continue the hearing to December 12th for 305R Maple Street Lot 6, DEP File No. 14-1332; Mr. Splaine seconded; all in favor

**F. 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**

Requesting continuance working with Planning staff and Planning Board on the runway in that area and not able to reach a conclusion yet.

MOTION: Ms. King makes a motion to continue the public hearing to December 12th for 303-309, 305R, 313R Maple Street (Lot 7), DEP File No. 14-1333; Mr. Splaine seconded; all in favor

**G. 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 Morin-Cameron Group was present to represent the applicant. The roadway was reviewed and approved. Resource and buffer zones are on the lot. Not proposing any work on the riverfront area. This is a single-family home application. This project is part of the subdivision design, considers the stormwater impacts to the lot, a house, driveway and 25% rest of the lot were included in the stormwater report to the entire project. There will be a single drywell to handle the roof runoff. The This will then be recharged back into the ground. The elevation slope is from 68 to 56 and then around 52 by the wetlands.

Proposing a short retaining wall reducing the elevation as coming off the road at 56 and slope to 58 and the existing grade.

Drive into a garage with a walk out on the basement side of the property with a ground level walk out with a patio area

There have been no adjustments to the plan because this wasn't previously discussed. The only discussion has been to the road.

What is the distance of the replication to the wall has not been done yet? The Commission has asked that the applicant pull the 25 foot from what is proposed.

The wall is linear, and right on the 25-foot no disturb line and totally within the 35. This is not a building permit wall because it is under the required height of 10 feet. The wall slopes down to lower the grade for the walkout. The other retaining wall is 6 feet.

When the applicant is ready to break ground, they need to satisfy the replication condition. Hoping to receive Order of Conditions for the lots and work out the roadway. After closing on the lot, they will start construction. Preconstruction will include stormwater and erosion control preparation. This requires a meeting and site walk with staff.



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

It was asked if the property will contain a propane tank. The gas company is about a year or two out for connecting new homes to gas lines because they are being much more cautious with connections. The services could be put in, but they may never get a hook up.

Mr. Wilson states that he is a lot of how the Commission can proceed without knowing where the new wetlands area is and how it impacts the 25-foot No Disturb and 35 foot No Build. Mr. Henry tells the Commission that they should condition these lots that a reconciliation is done at the time the building permit is issued. This plan is just a conceptual, but the homeowner will have several additional designs. This will eliminate going from the original plan to what is built 5 years later.

Mr. Wilson asked Mr. Cameron to point out the 1:1 slope raised by Mrs. Curran. Mr. Wilson states that this is draining into the wetlands. Mr. Cameron responds that the driveway is sloped toward the road and the road has a curb so the only thing draining that way would be the yard. Mr. Henry asks if there was any thought of tying that wall with the right of way wall because there is never a 1:1 slope. There is more flexibility with one of the walls and it can go to a 2:1. The reasons for not connecting it is doesn't want a private wall coming into a public wall because it could cause issues of who has ownership, and wants the town to have access for maintenance.

Staff asks if there will be the install of a fence. Mr. Cameron states that there will be one on top of the wall. The town will require a black vinyl with a gate. Wetlands medallions will be placed on the wall which is part of the conditions.

The applicant will need to come back before the Commission for reconciliation of replication area and the design of the home.

Mr. Wilson states that if the Commission were to issue an Order of Conditions, the clock would begin. Mr. Cameron responds that this is not concern because will be done well out of the 3 years. Mr. Wilson would prefer to continue the hearing to the next meeting due to reservations and preference to include the last Commission member.

John Colantoni asks why the Commission would like to continue the hearing. Their response is that they prefer the additional member be present.

MOTION: Mr. Splaine makes a motion to continue the public hearing for 303-309, 313R Maple Street (Lot 8), DEP File No. 14-1331 to December 12th; Ms. King seconded; all in favor

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

Applicant: The Happy K-9

Scott Cameron of Morin Cameron Group represented the applicant. There was a site walk done earlier today with staff. The site plan was amended, adding a silt sock and seeded the slope areas and the grass if fully stabilized. Joe DiRuzza, property owner, provided the Commission with pictures of the grassy area. Also amended was the trench and summery of the soil tests results were provided. It was a gravely sandy loam, a class two soil.

The grass will grow next year and included an erosion control mix of winter rye for stabilization that is a one-time quick growth and an annual rye for future grass growth.



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 site is stabilized but staff did notice that there is mulch that washed out in a small area, but Mr. Cameron will investigate why this happening. It may have happened before it was paved and does not believe it is coming from the parking lot. The water is flowing toward Route 95 and could be coming from roof run off. This could be an as built and will be corrected before applying for a Certificate of Compliance. Ms. Pendergast stated that this is gravel under the mulch that is washing away.

Mr. Cameron discussed the soil tests conducted at the site visit with the Commission. They held the soil to their ears and rubbed it between their fingers. The results were a sandier loam soil determined by the popping noise when rubbed between fingers and held near the ear and sticky remains on the fingers. The other testing consisted of digging a hole in the ground, pouring water into it and timing the drop of water. It was determined to be 1 ½ inches in 20 minutes, a class B soil. This type of testing gives an idea of the hydraulic activity. A 20-minute rate is an ideal design soil because the water moves at a nice steady rate.

Both reports requested were submitted.

MOTION: Mr. Splaine issues an Amended Order of Conditions for 197 Newbury Street, DEP File No. 14-1299; Ms. King seconded; all in favor

III. MINUTES

October 10, 2019

October 24, 2019

MOTION: Ms. King makes motion to approve the minutes from October 10th and October 24th;
Mr. Splaine seconded; all in favor

IV. OLD/NEW BUSINESS

Mr. Wilson informed the Commission that as Chairman he has been invited to attend the Municipal Vulnerability Preparedness workshop.

V. ADJOURNMENT

Mr. Splaine makes a motion to adjourn the meeting at 8:40 pm; Ms. King seconded; all in favor