



# 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, February 13, 2020

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  
Georgia Pendergast, Staff  
Mike Splaine

### II. REGULAR AGENDA

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

**30 Water Street, DEP File No. 14-1326**

Applicant: Anthony Ciruolo Trustee

The applicant has requested in writing to continue the public hearing to February 27th.

**MOTION:** Ms. King makes a motion to continue the public hearing for 30 Water Street, DEP File No. 14-1326 to February 27<sup>th</sup>; Mrs. Curran seconded; all in favor

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

**495 Newbury Street, DEP File No. 14-731**

Applicant: Francis A. DiLuna

Francis DiLuna of Smolak and Vaughn, High Street, North Andover is representing the Cavanaugh Trust. The Order of Conditions is expired and was extended once. Mr. Cavanaugh sold the property to an individual for development, Buhr industry property. This property is about to be sold and during the title search the expired Order of Conditions discovered. A site walk was done with staff. Mr. Cavanaugh’s property is not part of the project, so the applicant is requesting a partial Certificate of Compliance to release Mr. Cavanaugh’s property from the Order of Conditions. A narrative was submitted to the Commission explaining the occurrence of events.

When the Order of Conditions was issued, it was all one lot but two of the lots have since been sold. The Order of Conditions refers to the work on the Zahr property. Staff states that the Order of Conditions for the Zahr project is still open because it never received a Certificate of Compliance. So, by releasing a partial Certificate of Compliance for the Cavanaugh Trust, it still holds the other two lots liable for closing out their project.

Mr. Wilson states that usually a subdivided lot cannot be done with an open Order of Conditions governing the entire parcel. Since there was no bank involved, there wasn’t a title search, not requiring title insurance, at the time of the sale. The division of the three lots was approved by the Planning Board.

**MOTION:** Mr. Splaine makes a motion to issue a partial Certificate of Compliance, releasing only Lot C from the Order of Conditions for 495 Newbury Street, DEP File No. 14-731; Ms. King seconded; all in favor



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### C. Continued Public Hearing – Notice of Intent [310 CMR 10.05 (4)] 9 Tibbetts Avenue, DEP File No. 14-1338 Applicant: Brian LeBlanc

Neither the applicant nor his representative can attend this evening's public hearing. They requested in writing that the Commission suspend the peer review until the next hearing. Because this is a long process to find someone for peer review, the Commission asks that staff have a consultant lined up should it be needed.

**MOTION:** Mrs. Curran makes a motion that staff continue searching for a peer review consultant and continue the public hearing for 9 Tibbetts Avenue, DEP File No. 14-1338 to February 27th; Ms. King seconded; all in favor

### III. Minutes

The January 23<sup>rd</sup> minutes were not ready and will be added to the January 27<sup>th</sup> agenda.

### IV. OLD/NEW BUSINESS

Staff explains the new member process. The Town Manager will give his recommendations to the Board of Selectmen for their endorsement, next Tuesday. The candidates will start with the Commission on March 12<sup>th</sup>.

### V. Adjournment

Ms. King makes a motion to adjourn the meeting at 7:15pm; Mrs. Curran seconded; all in favor