



# 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  
Ann McGill  
Joseph O'Donnell  
Michael Splaine  
Ken Walley

The Danvers Conservation Commission held a public meeting on Thursday, March 26, 2020.

### I. ROLL CALL

Peter Wilson, Chair  
Vanessa Curran  
Chelsea King  
Ann McGill  
Michael Splaine  
Ken Walley  
Georgia Pendergast, Staff  
David Fields, Staff

Kevin Koufos – 35 Putnam Lane  
Bill Manuell - 22 Riverside Street  
Bob Griffin – 11 Tibbetts Avenue  
Michael & Karen Hubbard – 11 Tibbetts Avenue

Mr. Wilson opened the Conservation Commission meeting at 7:00pm with a roll call as stated in the Open Meeting Law, G.L. c. 30A, sec. 20 by Governor Charles Baker signed on March 12, 2020 on Remote Participation and Remote Conduct for Open Meetings.

Mr. Wilson read the rules of how the meeting would be conducted.

### II. REGULAR AGENDA

#### A. Request for a Certificate of Compliance [310 CMR 10.05 (9)] 35 Putnam Lane, DEP File No. 14-794 Applicant: Kevin Koufos

Ms. Pendergast briefed the Commission on this filing of a request for a Certificate of Compliance. An Order of Conditions was granted by the Commission in August of 2000 for the construction of an in-ground pool. The pool was never built and the applicant wants to close out this order.

Kevin Koufos explained to the Commission that his parents owned the house under this order. He bought the home from them in 2019. The original plan was to install an in-ground pool, but the project never happened. He is now looking to do a different type of project and would like to close out this order. Both the survey and plans for the applicant's next project confirms that this project was ceased.

No questions or comments from all polled members or audience.

**MOTION:** Mr. Splaine makes a motion to issue a Certificate of Certificate for 35 Putnam Lane, DEP File No. 14-794; Ms. McGill seconded;



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**Roll Call Vote:** Peter Wilson - yes, Vanessa Curran - yes, Chelsea King - yes, Ann McGill - yes, Michael Splaine - yes

### **B. Request for Determination of Applicability [310 CMR 10.05 (3)]**

#### **35 Putnam Lane, Lot 3, RDA 2020-03**

Applicant: Kevin Koufos

A brief description of the project was provided by Ms. Pendergast. The applicant is looking to install an above ground 16'x24' pool with decking. And similar to a previous project that came before the Commission. It is a minor, solely within the buffer zone, 50 feet away from the resource area, erosion controls will be implemented and all disturbed areas will be seeded after the work is completed. The above ground pool is considered a minor project thus making it appropriate for an RDA application.

The plan was displayed on the screen, and Mr. Koufos explained that the green line on this plan from the side all the way around the house is the approximate grass line for the yard. It is roughly on the 35 foot, no construction zone. Below the green line is where the applicant is proposing to install the silt sock for any run off. The pitching of the yard is relatively flat, very mild sloping. Identified in purple on the plan is where the silt sock would be placed in the back. This project consists of an above ground pool which will be applied to an existing deck with the construction of additional deck around the pool. It is in the same relative area as the previous approved in-ground pool.

Mr. Wilson asked why the erosion control was not included on the right side of the property since there seems to be more of a pitch. Mr. Koufos explained that it was placed in the back where the stream runs, and agreed to extend the line of the erosion control.

Mr. Koufos was asked how much construction debris there will be for this project. He stated that it will be minimal because nothing to demolish. The only debris will be the cut off from the added deck. All debris will be disposed of at Mello Transfer Station in Georgetown. And any pool debris will be taking by the pool installation company.

The applicant was told that any excavated soil, which should be minimal for the above ground pool, cannot go with that 50-foot limit. Mr. Koufos stated that any extra dirt would be added to his garden area near the shed.

Mrs. Curran asked where stock piling of materials would be stored. Mr. Koufos responded that machinery and stock piling would be stored on the left side of the house, within the vicinity of the shed or before it. The applicant was asked that the stock piling be kept outside of the 100-foot buffer zone.

The applicant was asked by Ms. King if there will be any filling or leveling at all. Mr. Koufos responded that there will be no disturbance to any grass, except for the area required for the pool. Any leveling will be under the pool towards the deck.



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Ms. McGill had no comments or questions.

Mr. Wilson asked that any excavated material for the footing of the deck be stored properly. Mr. Koufos stated that the footings are being minimized.

Mr. Splaine supported no change in the grading, and any stock piling be covered and remain outside of the 100-foot buffer zone. He also asked the applicants plans for draining the pool. Mr. Koufos told the Commission that the pool company stated that this particular pool does not require emptying or lowering the pool at the end of the season. It uses very minimal chlorine and contains a mineral system. However, should it require any draining, he would naturalize the water by eliminating chlorine for a few days. The applicant was asked where he would drain this water. Mr. Koufos stated that he would drain it onto his grass on the left side of the pool.

Staff confirmed that the only resource areas are the bank and the intermittent stream.

Mr. Walley had no questions or comments.

Mr. Fields and Ms. Linehan stated no questions or comments received from the public for this project.

Ms. Pendergast suggested the Commission add to the conditions that the applicant discharge the pool water to the street after waiting 3 days to dissipate any chemicals.

**MOTION:** Mr. Splaine makes a motion to issue a Negative Determination of Applicability for 35 Putnam Lane, RDA 2020-03 with the conditions that erosion control be extended between the garage & shed, all building materials be covered and stored outside of the 100-foot buffer zone, debris hauled offsite to be disposed of, 3 days to dissipate chemicals before discharge of pool water; Ms. Curran seconded;

**Roll Call Vote:** Peter Wilson – yes, Vanessa Curran – yes, Chelsea King – yes, Ann McGill – yes, Michael Splaine - yes

**C. Continued Public Hearing – Notice of Intent [310 CMR 10.05 (4)]**  
**22 Riverside Street, DEP File No. 14-1340**  
Applicant: Anthony Valente

Ms. Pendergast gave a brief overview. This is a continued hearing, there has been one previous hearing. The Commission had conducted a site visit. This is a pier proposal of a total span of 112 feet with 8 timber piles, a gangway and one 10'x20' float. She does want to note that a majority of what the Commission covered last meeting, there were some concerns in addressing the viable work area because it does seem very tight in the rear of the home for the seawall work. Also there were concerns about the boat bottoming out in the shellfish area because there is shellfish habitat on the whole site.

Bill Manual of Wetlands & Lands Management, Inc. stated that this is a two-part project. There is a small segment of pier connected to the land by a short prefabricated gain way which leads to the pier.



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The pier is 33 feet long. Then there is a second prefabricated aluminum ramp leading down to the float which is 10'x20'. The float is held off of the mudflats by means of float stops at the land ward side of the float and 18-inch wood standoffs on the seaward side of at least two pairs. The slope stabilization work, the lowest wall is 45 linear feet, extending across entire width of the lot. There is a rock toe with succession of terraces that would work their way up in height to the elevation of the rear yard.

On the site visit, the Commission saw that this is a fairly tight area to work in. The work will be done from the land side. There is enough room to get something like a skid steer between the neighbors fence and the house. All materials would be delivered to the driveway at the front and side of the house. Everything excavated or removed will have to be taken out and loaded into a waiting truck and removed from the site immediately. And any material brought in must be as needed.

Each terrace would be vegetated with a mix of native vegetation. A planting schedule was included with the plan. It consists of low shrubs, bearberry, sweet fern, bayberry and Virginia rose.

DMF had a comment that anything below the mean high water line, all work should be done at the low tide cycle. The Commission will place a condition that all work be done in low tide. Erosion control should be installed along the toe of the slope. This would be a straw waddle along the rock toe which would hold anything back.

With respect to the pier ramps and float. A barge will be used coming in from offshore. It will be floated in at high tide and will work during high tide cycle, driving as many piles as possible. It will then be floated out to eliminate the barge from bottoming out at low tide. If the installation of more piles is required, they will return at the next high tide. Once the piles are installed, essentially it is just building a long elevated deck which is considered carpentry work.

Mr. Manuell addressed the concern of the applicant's boat bottoming out which will occur at low tide. The original boat, an inboard motor, is being sold. The applicant has purchased another boat, an outboard motor, which is shorter and lighter. There are some shellfish in that location but this boat will be much lighter and smaller when it bottoms out. Mr. Manual suggested to staff, that to mitigate for the boat landing on the mud at low tide, at the beginning of each boating season, the applicant can dig in the float foot print where it would land on the mud and find any mature clams and relocate them to an area outside of the boat footprint. Once clams are beyond the larval stage they're fixed in place. If the mature ones are moved, then there will be none remaining for boat to land on. In the off season larva could return that's why it is suggested this be done at the beginning of every boat season.

Mr. Wilson is pleased with the project except for the boat sitting in the mud flats. He asked if there is any way to prevent this.

Mrs. Curran read the Harbormaster's comment that he wants to see the float 6'x20' rather than 10'x20'. She asked if this is possible. Mr. Manual responded that he has had several conversations with the Harbormaster on several projects and he seems to prefer a 6-foot width float. And he cites the examples that they seem to work well at the Town's Marina at the end of the Porter River. Mr. Manual



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has asked several experienced people and they state that 6 foot floats are not safe, they are not wide or stable enough for people to feel comfortable on them especially when used on a single pier. They might be adequate when they are part of an entire assemblage in a marina. Six feet is the width of a conference table and unstable when off shore.

Mrs. Curran asked if the tide goes through this bend as quickly as the straighter areas of the river. Mr. Manual doesn't have any other information to comment on this. He did state that it is like having a canoe vs a flat bottom row boat. The canoe is narrower and has a tendency to roll, a flat bottom boat is wider and more stable. The 6-foot width just doesn't have the width and stability people prefer when offshore. Mrs. Curran asked if it was possible for an 8-foot width. Mr. Manual then asked the applicant for his approval. Mr. Valente, a member of the marina, is alright with 8 feet as long as it is stable and safe for him and his family.

Mr. Walley made a comment that he has years of experience around boats and a 6-foot width dock could be made very stable. And agrees with the Harbormaster that a 6'x20' dock can be made very stable.

Mrs. Curran also commented on the shellfish habitat and the height of the float at low tide over the mud. There has been ongoing discrepancy between DEP and Department of Marine Fisheries with 30 inches versus 18 inches. She would like to see projects going more toward thirty inches and realizes it is difficult with the float stops because there is a lot of sinking. Is it possible for this particular project rather than doing the float legs on the seaward side of the float, maybe two more pilings and doing float stops on all four pilings? The float would then be attached to four pilings with float stops rather than float legs which have an impact on shellfish and the mud so this will mitigate for the boat, yes there is an impact when you put in the boat piling but once they are installed, they are installed. And then the float would never go on the mud and set the height for 30 inches so that it would never be in the mud. Mr. Manual stated that this would require 4 more piles which is a cost issue, each pile is around \$1,500 and this would add \$6,000 to the entire project. And for an area that is not open to shellfish harvesting, float legs are an entirely acceptable for suspending the float off the flats. So considering the quality of the shellfish habitat in that area, it's close to harvesting and will never be open to harvesting due to the bottom sediment and the proposed pilings are a reasonable plan, balancing the cost vs protecting the type of habitat there. If it were a harvestable clam flat, then Mr. Manual agrees that all precautions should be taken. Mrs. Curran made the comment that whether clams can be eaten or not, they are still being protected.

Ms. King would like to see the size of the float decreased and raised higher as stated in the Harbormaster's comments. She also stated there is more value to the clams whether or not they can be harvest.

Ann McGill is unable to comment on this project.

Michael Splaine stated that he is not voting in favor of this if the applicant chooses to go against the recommendation of the Harbormaster, 6'x20' dock. Comments received have confirmed that floats can



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be safe at the Harbormasters recommendation. Mr. Splaine would also like to increase the legs to 22 inches because there is always sinking involved, even at 18 inches. And he too is concerned with the protection of the shellfish.

Mr. Wilson cannot support this project as such with the boat grounding out. He does not have a problem with the float and likes the fact that it is being supported on one end with the piles. He would like to see piles on the end of the float to get the boat off of the water in low tide.

Mr. Valente told the Commission that the boat purchased is much smaller and 37% lighter than the boat in the driveway. Mr. Wilson stated that he understands, but the Commission is trying to get away from boats resting on the mud flats.

Mr. Manuell stated that from the comments, the Commission is looking for something from the float side that is consistent with the Harbormasters position. Several members mentioned they would like to see more clearance. Instead of 18 inch legs, something more than that. Mr. Manual asked for a continuation of the hearing to hold a discussion with the applicant and to revise the plans.

Mr. Fields and Ms. Linehan stated no comments from the public.

**MOTION:** Mrs. Curran makes a motion to continue the hearing for 22 Riverside Street, DEP File No. 14-1340 to April 9, 2020; Ms. King seconded

**ROLL CALL VOTE:** Peter Wilson – yes, Vanessa Curran – yes, Chelsea King – yes, Michael Splaine - yes

**D. Notice of Intent [310 CMR 10.05 (4)]**  
**11 Tibbets Avenue, DEP File No. 14-13\_\_**  
Applicant: Michael and Karen Hubbard

Ms. Pendergast gave an overview. She stated that the new members were not present at the last hearing this project was discussed. This is a demolition of a small house and reconstruction. It is a two phase project. Phase I received an Order of Conditions for the house work. The Commission had asked that the walkway paver work be held off until the applicant comes back for the pier work. The Hubbards are now back before the Commission to propose the pier. She does suggest that the Commission conduct a site visit but follow the orders during the pandemic.

Bob Griffin, Griffin Engineering Group, LLC, represented the applicant. Photos were displayed onscreen of the home from last year. The old home has been torn down and the concrete foundation cast was installed this week. Construction has been ongoing. Concerning site visits, Mr. Hubbard is always at the site overseeing his construction crew and would be willing to bring Commission members one at a time to view the seawall.



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A photo was shown of the existing timber seawall which is not in great condition. The lawn behind the wall is sinking downward because there are holes in the bottom of the seawall. As the tide comes in and out, soil moves out into the waters and there is subsidence behind the wall. A view from the opposite side showed the poor condition of the seawall and the subsidence. The soil substrate drops off reasonably quickly but the elevation at the edge of the wall is approximately elevation zero on the NAVD88 data.

On the next drawing, the Commission viewed the fixed portion of the pier similar gain way to last time, going to some floats out on the water. The fixed portion of the pier is four 15 foot sections that sticks out about 60 feet. The whole thing is about 62 ½ feet to the beginning of the gain way. Then is a 35-foot gain way and a pair of piles to allowing the gain way to be raised in extreme weather.

The applicant is proposing to use concrete blocks to make up the seawall. They will be in the same location of the existing wooden seawall. The top of the concrete wall is an elevation of eight, the existing wall is seven and a half, about six inches higher. The area behind the wall will be filled in with gravel. And the lawn area will be leveled out. In the construction of the wall, crushed stone and filter fabrics will be included behind it for drainage to avoid any a subsidence issue.

At low tide the floats will be supported by legs sticking down in the mud. This pier and float combination is about 40 feet shorter than the recent discussion of float and pier at 9 Tibbetts Avenue. One hundred flood elevation is elevation 10, a foot below the elevation of the deck so that during 100-year storm that deck is above the elevation.

Also proposing is a paver walkway connecting the steps that go out onto the fixed portion of the pier with paver terrace already approved in the construction. This is about 100 square feet of pavers.

Prosing 8'x20' floats and would echo the previous Wetland Scientist's comments about the unsteadiness of a 6-foot-wide versus an 8-foot-wide float. This location is much more exposed than inside of a marina.

The construction of the concrete wall does not have to go very deep into the mud. A crushed stone sub-base is used and each layer is 16 inches tall with six total and a capping block bringing it up to elevation eight. Combination of the gravel and filter fabric keeps the soils from migrating toward the ocean.

Mr. Griffin discussed the details on the float stops. As the float stops drop down, timbers were placed along the pier on the most landward set of piles it can be stopped at that location. But the rest of the float depends on legs.

Mr. Griffin shared a picture of a seawall in Beverly similar to the proposed project. In this picture, a poured in place concrete base was used because there is exposed ledge in that area. At low tide it shows that it is easy to work within that area, the same as the Hubbard's property. The applicants' seawall calls for a layer of crushed stone under the concrete blocks because there isn't any ledge under the seawall.



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Mr. Wilson asked if the applicants will be tying a boat up. Mr. Griffin responded that they don't own a boat at this time and want this access for kayaks and such for the family. Mr. Griffin is pleased with the project.

The construction of the project will consist of a barge being brought in at high tide. The 8 piles for the fixed pier will go in in one day, and the other 5 would go in another day. Two days of pile driving work, vibrated into place. Once the piles are in the construction of the pier is carpentry. The floats would be constructed offsite and floated down the river, installed. The gain way would then be installed. For the seawall, the applicants are in the construction business and have built many retaining walls. An excavator will be positioned on their land in this area. The excavator will pull materials which are then trucked away. Gravel will be brought in and placed by the excavator. Once first layer of gravel is set, the blocks will be stacked. Will be a relatively fast process, one to two weeks of work.

The planned erosion control will be a silt curtain placed in the outside of the work area during wall construction. There will also be straw waddles.

Mrs. Curran asked for clarification if this is mapped for shell fish habitat. Mr. Griffin confirmed it is. The wetland resources are land subject to coastal storm flowage, coastal beach and coastal bank, land containing shellfish and riverfront. The little paver walkway is in the riverfront area. It is impossible to do this project without getting into this zone. Mrs. Curran stated that the Commission is trying to increase the height over the mudflats, greater than 18 inches based on recommendation from Dept. of Marine Fisheries. Mr. Griffin responded that he has heard this on other projects but is reluctant because it poses a safety issue. Once there is 30 inches of separation and then a deck is placed there, this creates a safety issue when stepping from a kayak. Mrs. Curran stated that maybe not 30 inches but higher than 18 especially since DMF continues to comment on this. She also asked if there are going to be floats docked on the piles. Mr. Griffin responded no, there will be float stops, a loose connection between the floats and piles. The reason is if the connection is tight then the float mechanisms will jam as the tide is going up and down. The floats or piles would then potentially become damaged. The proposal is for legs rather than skids. This would require stud piles that would create a greater cost and safety issue when floats are removed.

Ms. King agreed that there should be a compromised between the 18 and 30-inch height over the mud flats.

Ms. McGill did not have any questions or comments.

Mr. Splaine reiterated that he did not want to run counter against the recommendation of the Harbormaster, who made a recommendation that the floats be at six feet and for that reason would want the floats to be 6'x20', no larger. And also in agreement with the other members with regard to the legs. Not having the piles stick out and or the skids taking up too much area, can see the logic of this. But the legs should be in the order of 22 inches, not 18 inches, because they must accommodate for some settling.



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Mr. Wilson recalled that a previous project stated that these legs are adjustable. Mr. Griffin stated that there probably is a way to adjust them. There are probably ways to make adjustments.

The Commission wanted to schedule a site visit. Ms. Pendergast stated that she and David Fields would coordinate the site visit to follow the COVID guidelines.

No public comments.

**MOTION:** Mrs. Curran makes a motion to continue the hearing for 11 Tibbetts Avenue, no DEP File number assigned yet to the April 9, 2020, Ms. Chelsea seconded; all in favor

**ROLL CALL VOTE:** Peter Wilson – yes, Vanessa Curran – yes, Chelsea King – yes, Ann McGill – yes, Michael Splaine – no

### Minutes

February 13, 2020 & February 27, 2020

Mrs. Curran makes a comment on the February 13, 2020. Under 9 Tibbetts – change the word pier before review to peer review.

**MOTION:** Ms. McGill makes a motion to accept the February 13, 2020 minutes with the revision; Mr. Splaine seconded; all in favor

**ROLL CALL MOTION:** Peter Wilson – yes, Vanessa Curran – yes, Chelsea King – yes, Ann McGill – yes, Michael Splaine – yes

Mrs. Curran makes comments on the February 27, 2020 minutes. In the first paragraph for the NOI for 22 Riverside Street, there is word missing after bank. And the word mead needs to be changed to mean high tide.

**MOTION:** Mr. Splaine makes a motion to accept with revisions; Ms. McGill seconded; all in favor

**ROLL CALL MOTION:** Peter Wilson – yes, Vanessa Curran – yes, Chelsea King – yes, Ann McGill – yes, Michael Splaine – yes

### III. OLD/NEW BUSINESS

### IV. Adjournment

Mr. Splaine makes a motion to adjourn the meeting at 8:30pm; Ms. Curran seconded; all in favor



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**ROLL CALL MOTION:** Peter Wilson – yes, Vanessa Curran – yes, Chelsea King – yes, Ann McGill – yes, Michael Splaine – yes

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