



# 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, June 18, 2020.

### I. ROLL CALL

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

Bill Manuell  
Bob Griffen

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 will be conducted.

### I. OLD/NEW BUSINESS:

Ms. Pendergast gives an overview of amid the pandemic, the Commission is unable to give wet signatures. But instead can accept the guidance given by the registry of deeds. The Commission would recognize and accept electronic signatures from here on out for the permitting and this would be used at the Registry of Deeds.

Any permits recorded, will also reference a Book and Page Number the vote that the Commission takes this evening to validate the signatures. The Planning Board recently accepted these provisions and Staff recommends that the Commission do so as well. It is not required.

Mr. Splaine asked the question whether this will only be in effect during the pandemic. Mr. Fields responds that so far guidance from the Registry is that this only during Covid 19, but they have amended their acceptance. So, we do not know if it will be returned to wet signatures only following this. They may not roll this back anytime soon given the fact that no one knows how long this will last.

**MOTION:** Ms. McGill makes the motion that the Danvers Conservation Commission recognizes and accepts the provisions of M.G.L. c.110G regarding electronic signatures and that its members will henceforth execute documents either with electronic signatures or with wet ink signatures and that both will carry the same legal weight and effect.; Mr. Splaine seconded



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**ROLL CALL VOTE:** Chelsea King – yes, Ann McGill – yes, Mike Splaine – yes, Vanessa Curran – yes and Peter Wilson – yes

### II. REGULAR AGENDA

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

The applicant has requested a continuation of this hearing to the July 9, 2020.

**MOTION:** Mr. Splaine makes a motion to continue the public hearing for 22 Riverside Street, DEP File No. 14-1340 to July 9, 2020; Ms. McGill seconded

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

**B. Continued Public Hearing – Notice of Intent [310 CMR 10.05 (4)]  
11 Tibbetts Avenue, DEP File No. 14-1342**  
Applicant: Michael and Karen Hubbard

Bob Griffin, Griffin Engineering Group, LLC, presented the applicant. In early April revised plans were submitted, following comments by the Commission at the last hearing. Ms. Pendergast notes that these plans are different than the last plans viewed by the Commission.

The April 3, 2020 plans were displayed. The difference in these plans to the previous version is there was a fixed pier of approximately 60 feet long, a 35-foot gangway resting on two floats parallel to the gangway then there is one perpendicular to two floats use to be 8'x20' in dimension. There was concern with the width of the floats, and the Commission asked if it could be changed to 6 feet wide rather than 8 feet wide. Another discussion was the minimum separation of the float off the mudline at low water. Previously shown was 18 inches, now increased to 22 inches. The changes are narrower floats and greater separation off the mud.

Mr. Wilson apologized on behalf of the Commission for requesting the leg height to be 22 inches rather than 18 inches which has been approved for others. Mr. Griffin would like it noted in the decision that the 22 inches can be changed to 18 inches this will eliminate revising the plans.

Mr. Splaine would like a discussion on this change. He thought that the Commission was proposing to get away from the 18 inches and pushing to increase to the 22 inches, especially during settling. Ms. McGill agreed with having a discussion. She was pleased that Mr. Griffin and the applicant responded right away to the Commission's request of increasing to 22 inches. Mr. Wilson responded that the



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Commission has not agreed to anything just yet. He would like to implement a standardized height. He reminded the members that they had approved a project this past winter at the height of 18 inches. And there are others who are also at this height. Mr. Wilson approves the 18 inches is an adequate height. And if the Commission wants to see it higher, then the applicant will need to adhere to the 22 inches.

Mrs. Curran states that DMF is requesting the height of 30 inches to protect shellfish habitat. The biggest concern is trying to be consistent, and 22 inches is a bit arbitrary. She is willing to agree with the Commission at 22 inches.

Ms. McGill also agrees with the 22 inches. She states that it should be higher than the 18 inches, due to the activity and density.

Mr. Wilson states that most of the floats in the harbor are sitting on the mud so 18 inches would be a start in the right direction. At some point there will be push back and is unsure how doable the 22 or 30 inches are. He would like to take the middle of the road approach because the Commission wants the floats off the mudflats. He then identifies two projects that the Commission previously approved at 18 inches, Mead and Riverside Street.

Ms. Pendergast recommends that the Commission could agree on the 22 inches. But for future filings, if the applicant is unable to achieve this, then the Commission could always discuss the change in raising or decreasing the height.

Mr. Wilson asks if the Commission should vote on a required height. Ms. Pendergast responds that the Commission should vote on a permit by permit basis and the height the Commission applies will be within each Order of Conditions. Because there is no regulation, this number can change. If the Commission requires applicants to have a minimum height requirement, then this would be a change in the bylaw and would require a hearing at Town Meeting. So, for now, what the Commission agrees upon will be identified in the Order of Conditions. Mr. Wilson is requested a consistent consensus by the Commission. Ms. Pendergast declared this is not the time to hold this discussion. But instead an agenda item of a future hearing.

Mr. Griffin stated that there is a concern for safety as the separation off the mudline is increased, particularly with the Commission requesting narrower floats. The structure becomes less stable; therefore, the 18 inches was an adequate number. But because the applicant wants to move the project along, he agreed to change the height to 22 inches. Mr. Griffin pointed out that the applicant is certainly in no way trying to set a precedence to other Danvers pier projects.

Ms. King indicates that DMF is recommending 30 inches, however this may not be possible. She would like to see applicants reaching for something close to the height of 22 inches. But before this project, she did not realize the instability when the floats are narrower. She is willing to agree to the 18 inches, but fears that if setting this at the minimum height, then there is a possibility that applicants will try to go below this set number.



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Mr. Griffin discusses the precast concrete seawall, behind that will be the construction of drainage stone, and a paver walkway that connects the house construction project with the patio and fixed portion of the pier. Ms. McGill expresses her approval of the presented seawall construction.

Mrs. Curran expresses that DMF noted the width of the fixed pier be 4 feet wide, however all the applicants before the Commission are 6 feet wide. Because this is for a fixed pier, not a float, there would not be an instability issue. Mr. Griffin declares that there are not any environmental impacts to having a 6-foot-wide pier to a 4-foot-wide pier and would be safer and useful to its purpose. There is not a salt marsh under the pier, and it is well above the required 1:1 ratio.

The Commission agrees that there needs to be a standard set of required heights and widths for all pier projects. Mr. Griffin stated that as a designer each of these sites are a bit different. And suggests that it may be best for the Commission to use their discretion and judgement, understanding and viewing the site. If the goal is to develop one set of rules that apply to all sites, then some applicants will be treated unfairly and some sites improperly. They may want to continue to use judgement and consider each application on its own merits.

The comments from DMF concerning the difference between a 4-foot-wide versus a 6-foot-wide pier are read. And the fact that it minimizes the impacts to shellfish habitat. Mr. Griffin conveyed these comments as if the applicant is using floats in the fixed portion of the pier. The 8-foot floats have been reduced to 6 feet. And whether it is 4 or 6 feet wide, it will have the same number of piles going down into the shellfish habitat. There just is not any benefit to the environment by reducing the size. Mr. Wilson responds that it will because it due to the amount of shade it minimizes. And this is a shellfish habitat area.

Phone call comment: Pete Clement, Town Meeting Member, Precinct 3 stated that the height of the floats should be determined by what is on the bottom. For instance, if it were soft mud then the float should be higher, 22 inches.

Email comment: Regarding the height of floats, 18 inches is a regulatory requirement under the Corp of Engineers Programmatic General Permit. It would be unfair and arbitrary to establish something other than the required federal permit condition. Thank you. Regards, Bill Manuell.

Mr. Griffin was asked about his thoughts on reducing the pier width from 6 feet to 4 feet. He responded that he has not had an opportunity to discuss this change with his client. The pier is well off the height of the mudline. And does not see a significant difference in shading whether the pier is 4 feet or 6 feet wide, but instead will see a significance in utility if 4 feet wide rather than 6 feet wide.

**MOTION:** Mr. Splaine makes a motion to issue an Order of Conditions for 11 Tibbetts Avenue, DEP File No. with the condition that the pier width be 4 foot rather than 6 foot; the float legs are increased from 18 inches to 22 inches and that the Order of Conditions incorporate the general conditions for pier projects Danvers Conservation Commission, June 2020; Ms. McGill seconded



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Ms. Pendergast also adds a few more conditions as follows:

Inspection criteria will be required when the float is installed for the season and again inspected at the end of the season for a period of 3 years to be sure the 22 inches is maintained. There also provision that if the 22 inches is not met, then staff will work with the applicant to mediate that. If it happens twice, then there is opportunity for the applicant to come back to the board to discuss amending the order to make a more permanent solution.

The Harbormaster also requested that applicant be responsible for removing any part of the said structure that extends into the current or future dredge area that hinders operations.

**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)]**  
**9 Tibbetts Ave, DEP File No. 14-1338**  
Applicant: Brian LeBlanc

Mr. Splaine recuses himself.

Mr. Manuell, Wetlands & Land Management Inc., represented the applicant. There was a prior hearing for this applicant and the Commission requested that a representative from Division of Marine Fisheries would visit the site. At that visit, it was determined that this area did not have prolific clam habitat. The DMF representative went to water line and found 2 clams. Based on that the Commission asked that the floats be elevated off the mud, which was done.

Ms. Pendergast and Mr. Manuell also met with the Harbormaster to agree to a set of standards for pier projects. He requested 6-foot-wide floats, which has been done. He also wanted to eliminate the entire assemblage of pier, ramp, and float to 170 feet off the shore which the shown plan reflects.

The other change in this plan is now a segmental block wall will be used as a continuous wall from another applicant, the Hubbards. All the tuminous would be removed and converted to a section of lawn.

The separation of the floats off the mudflat is 18 inches. And this is a requirement of the Army Corp of Engineers Programmatic Federal Permit. In the Commissions earlier discussion, they wanted it to be higher than 18 inches in case it settles, then there would be a margin of error. But to do something other than 18 inches, when it is a federal permit condition, may be going down the wrong path. Those smarter than Mr. Manuell have decided on this required height. If there needs to be a condition such as the one imposed on the last project, monitor for a few seasons, and then adjust when appropriate. Heights should not be made that are contrary to arbitrary requirements.



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Mr. Wilson stated that the height will be determined by the vote of the Commission. Mr. Manuell responded that this is not the time to set standards. This project has been before the board since the beginning of the year and would be unfair for this decision to be made right now. The Commission should also consider input from the community and set standards for new future pier projects. The Army Corp of Engineers and Chapter 91 permits are required. And this pier has been made consistent with the requirements of those permits.

Mr. Wilson asked if the pier width on the drawings 7 feet is. Mr. Manuell confirmed this to be correct. The previous hearing the width was decreased to 4 feet. Mr. Manuell stated that the applicant agreed to this decrease voluntarily, it was not what the Commission apposed upon him. But it did bring up some valid points. The basis is the requirements of the federal permit which requires a 1:1 height ratio above primarily salt marsh. This mud flat is highly impaired and DMF states that it is a clam flat but is prohibited for harvesting. So, by requesting this to be a 4-foot in width, is creating a very unstable structure when 10 feet off the ground. As a Commission this should be considered on a case by case basis. Mr. Manuell also pointed out that the DMF requirements seem to change each time a new reviewer is assigned. They are an advisory board and will always be conservative. If it were up to them, they would not have any piers, ramps, or floats in the river. The small pier ramp and float guidelines have been used along with the Army Corp of Engineers Programmatic Federal Permit guidelines for years, so not sure why something arbitrary to those are now being pushed for permit requirements.

Mr. Wilson asked if this project is 40 feet longer than the project next door. Mr. Manuell is not sure of the comparison. He stated that each site must go out a different length to the permitted water which depends upon the bottom contours. In this case, it has been pulled in 16 feet because of the Harbormaster comments. Basically, his stipulation is that he wants to see 173 feet. The end float is only 18 inches off the mud, so legs had to be added to keep the floats off the mud. Mr. Wilson stated that it is the same contour of the next door neighbor's and suggested that since there is 500 feet of float space, and all other projects are 300 feet of float space, then there could be less float space. This eliminates keeping shade off the bottom, and the floats keep the shade from the bottom. Mr. Manuell responded that the bottom was surveyed and if they eliminate one float, then the boat is going to be sitting in the mud at low tide. One less float will not allow access to permitted water. The contour changes, the river's been dredged, and some areas fill in quicker than others. The survey was conducted, and this is what achieves the minimum of 18 inches of water at the end of the float.

Ms. King had no questions or comments.

Mrs. Curran commented on the width of the pier of 7 feet and would prefer less width. DMF guide to permitting small docks and piers states that narrow piers provide less adverse shading effects on plant productivity than wider piers. And the U.S. Army Corp of Engineers is listed as 4 feet to minimize impacts on productivity and typically all small docks and piers in MA are 3 feet wide. She is proposing 4 feet width on this as well.

Mr. Wilson requested that if the Commission voted in favor of this project, then these be added to the Order of Conditions.



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Mrs. Curran stated that because this sits adjacent to 11 Tibbetts, then the Commission should request the same of both applicants. The Chairman agrees but this would be added as a condition to the Order of Conditions.

No public comments.

**MOTION:** Mrs. Curran makes the motion to issue an Order of Conditions for 9 Tibbetts Avenue, DEP File No. 14-1338 if the float height is increased to 22 inches and the pier width is reduced from 7 feet to 4 feet. The Harbormaster also requested that applicant be responsible for removing any part of the said structure that extends into the current or future dredge area that hinders operations. And that the Order of Conditions incorporate the general conditions for pier projects Danvers Conservation Commission, June 2020; Ms. King seconded

Inspection criteria will be required when the float is installed for the season and again inspected at the end of the season for a period of 3 years to be sure the 22 inches is maintained. There also provision that if the 22 inches is not met, then staff will work with the applicant to mediate that. If it happens twice, then there is opportunity for the applicant to come back to the board to discuss amending the order to make a more permanent solution.

Mr. Manuell requested that the Commission make the vote and he will concur with client.

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

**D. Notice of Intent [310 CMR 10.05 (4)]**  
**9 Doty Avenue, DEP File No. 14-1341**  
Applicant: George Vernet

Bill Manuell, Wetlands & Land Management Inc. represented the applicant. Applicant is not proposing any work, just to memorialize the work that had already been completed. At the time the work was done, the applicant was relatively a new owner, and this pier, ramp and float were not properly licensed. It does however hold a Chapter 91 license. Because of this license, the applicant thought this allowed work on a section of the pier or pier box. He removed and installed a longer ramp so that it was not as steep as it once was. Two piles and a cross beam were placed to lift the ramp at the end of the season, and the end float was replaced with a new end float which was formerly 4 feet wide and is now 8 feet wide but the same length. The overall length of this was pulled in by 2 feet. What needs to be done is a modification to the Chapter 91 permit.

Mr. Splaine had returned to the hearing.



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This was filed with the Conservation Commission as an after the fact filing to obtain an Order of Conditions so that amendment can be requested on the Chapter 91 License. The Order of Conditions with the approved plan is required to apply for the amended Chapter 91 License.

Mr. Wilson indicated that it does not appear there are any railings on the pier. Mr. Manuell does not believe there are.

Mr. Wilson asked if the floats sit on the mud. Mr. Manuell responded that they do not and are in permanent water. He was not sure how deep it is at low tide. He believes that the float height is 22 inches. They float on water at all tide levels, but not sure that it is at 22 inches at low tide.

Mr. Splaine called attention to the fact that this pier is 4 feet wide, which the Commission agrees with.

Mrs. Curran noted that the end float is 8'x20' and if this were a new project, then the Commission would request it be changed to 6'x20'. But because the work is already completed, the Commission cannot request it be changed. Ms. Pendergast stated that the original approval called for one 4'x10' float and one 4'x20' but the previous owner replaced it with an 8'x20' float. This was not approved, and an increase of 87 square foot float surface area. However, this will not impact the Chapter 91 license.

Mr. Wilson stated that Commission is concerned with the fact this work was done without a hearing, but feels it has less impact on the bottom.

Public comment via telephone – Pete Clement, Town Meeting Member, Precinct 3 told the Commission that this pier does have railings.

**MOTION:** Mr. Splaine makes the motion to issue an Order of Conditions for 9 Doty Avenue, DEP File No. 14-1341 with the special condition that the float be 22 inches off the bottom even at low; and that the Order of Conditions incorporate the general conditions for pier projects Danvers Conservation Commission, June 2020; inspection criteria will be required when the float is installed for the season and again inspected at the end of the season for a period of 3 years to be sure the 22 inches is maintained; Ms. McGill seconded

**ROLL CALL VOTE:** Peter Wilson – yes, Vanessa Curran – yes, Chelsea King – yes, Ann McGill – yes, and Mike Splaine – yes

**E. Notice of Intent [310 CMR 10.05 (4)]  
7 Doty Avenue, DEP File No. 14-1344  
Applicant: Robert & Marilyn Rebal**

Bill Manuell, Wetlands & Land Management, Inc., represented the applicant. The applicant has a Chapter 91 license for a pier, ramp and float which was a bit longer than what is shown on the plan. A couple of piles were pulled over and never replaced. The pier has fallen apart, and a conglomeration of floats is being used which are currently resting on the mud to access the end float. The applicant is



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proposing to rebuild this pier in the footprint of the existing piles, add a new ramp and take the best of the one of the four 6'x20' floats which the ramp will land on and this set up will shift down river a few feet so that it aligns with the new pier.

The site plan was shown. Mr. Manuell pointed out all the floats that currently sit on the mud flats are identified in blue. Taking the 118-foot wood pier, 30-foot-long metal ramp, a 6'x20' access float and the end float which is currently 12'x40'. The end float is in permanent water the entire cycle. North Shore Marine wants to cut the piles off at the mud line and place a new pile directly next to them. A pile driver barge will be floated in at high tide to vibrate the piles in. If this work takes a couple of days, then the barge will be floated out at low tide. Once the piles are set, then it becomes a construction project for the pier. The existing bottom tackle will be used. Chains and concrete disks will hold the float in place. This is a rebuild of what is presently Chapter 91 License.

Mr. Manuell stated that there is 18 inches of water under the float closest to the shore. And if needed, stops can be placed on these two piles.

Mr. Wilson noticed the width is 5 feet. This will need to be reduced to 4 feet as the previous projects.

Mr. Manuell pointed out that a total of 1,000 square feet of float will be removed from the flats.

Ms. King is curious about the comment raised by South Essex Sewerage District who is concerned that the barge will damage the pipes. Mr. Manuell stated that the South Essex Sewerage District pipe is 300 feet down river and it was brought up to make the applicant aware of it. He suggested including in the Order of Conditions, that the South Essex reps be invited to the pre-construction meeting, so the marine contractor can meet with them and identify the location of the pipe in order to remain clear of it.

Public Comment via Telephone – Mr. Rebal has been listening to the entire hearing and has lots of experience with boating. He stated that the width of a pier should be a minimum of 6 feet wide and that anything less than that should be otherwise this is only adequate for a play boat. All floats should be at least 6'x20' otherwise they are not stable enough. All the piers have been 18 inches and there is no advantage to them being higher than that because the floats are only out of the water for a short time.

Ms. McGill's only question concerning the South Essex Sewerage District was answered already.

Mr. Splaine asked the size of the end float, 12'x40'. Mr. Manuell stated that the if the applicant were in front of the Commission, he would tell them that it has been there since the beginning of time. The reason for selecting this size is because Mr. Rebal was a fisherman and had a large boat. It is not the largest float on the river. The mariners are larger. Mr. Splaine asked if the piles get cut at mud flat level and if so, do the remaining portions decompose over time. Mr. Manuell confirmed stated that both are correct. And that it is easier to cut off rather than pulling them, which would cause a greater amount of disturbance.

Mr. Manuell once again emphasized that this is not a new construction, but a replacement. And the Chapter 91 License is permitted for the existing pier. He tells the Commission that they are issuing an



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Order of Conditions for the maintenance of an existing licensed pier. All the applicant wants to do is rebuild the existing pier. If the Commission asks for a change then this affects the existing Chapter 91 License as well. The applicant as well would have an issue with, he has a rather large boat, and anything less is not appropriate. And with the change this would require an amendment to his Chapter 91 License which is not a cheap process.

Ms. McGill asked if the applicant owns a commercial boat. He does not, but it is a large boat.

Mr. Wilson views this as new construction because they are placing a new pier. Mr. Manuell responds that it is not new construction because the applicant is replacing the existing pier. And as stated by Mr. Griffin each pier should be taken on a case by case process.

Mrs. Curran requested guidance from staff. Ms. Pendergast stated that if the Commission were to propose a change in this design, the applicant would have to amend his Chapter 91 License which is not a quick process. What he is proposing is exactly what was approved by the previous Commission and Chapter 91 License.

Mrs. Curran also asked the term of the Chapter 91 license. Mr. Manuell responds that it issued for 30 years. But at the end of the term, the applicant can ask to extend it and be granted another 30-year term. He explains that there are provisions in the license that allow for maintenance in the structure. The applicant does have to file with the Commission to work within their jurisdiction, but he has a legal right to rebuild what is on that lot under the license. And the Commission has no right to take this away from the applicant. The applicant has a Chapter 91 license and the Commission is taking away what is duly licensed.

The jurisdiction of the Commission is the means and methods of construction and how it affects the resource area. But no latitude on the ability for the applicant to rebuild what is properly licensed.

Public Comment via telephone - Pete Clement, Town Meeting Member, Precinct 3 stated that this has been here since the 60's. The applicant is not proposing anything different and thinks that Commission should approve the proposed project because it is not a new construction.

Mrs. Curran brought up that Mr. Manuell had suggested putting float stops on the landward side of the 6'x20' float. She would be willing to go with this if the float stops are added. Mr. Wilson agrees.

**MOTION:** Ms. King makes a motion to issue an Order of Conditions for 7 Doty Avenue, DEP File No. 14-1344 with the additional condition of the float stops on the landward end of the floating pier to make it 22 inches above the mud flat, inspection criteria will be required when the float is installed for the season and again inspected at the end of the season for a period of 3 years to be sure the 22 inches is maintained; Mrs. Curran seconded

**ROLL CALL VOTE:** Peter Wilson – yes, Vanessa Curran – yes, Chelsea King – yes, Ann McGill – yes, and Mike Splaine – yes



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### F. Notice of Intent [310 CMR 10.05 (4)] 130R Water Street, DEP File No. 14-1345

Applicant: Wendy Cheever

Bill Manuell, Wetlands & Land Management, Inc., represented the applicant. This is the site of Liberty Marina, proposing a very simple project. The office building, pier 1 and pier 2 are pile supported and the piles which are rotten. So, the applicant is proposing to remove the floats. A pile driver barge will be brought in at high tide and floated back out at low tide. The piles will be cut off at the mud line, and new ones will be driven in. There will be 16 piles on one pier, and 4 on the other pier. It is a rocky bank underneath, so the most landward piles are going to be bearing on rock.

Ms. King and Ms. McGill had no comments. Mr. Splaine asked Mr. Manuell to review the scope of the work again. Mrs. Curran asked for clarification of how the old piles were being removed. Mr. Manuell stated that they will not be removed, but instead cut off. The new piles will be moved about 12 inches, next to the old piles.

No comments from the public.

**MOTION:** Mr. Splaine makes a motion to issue an Order of Conditions for 130R Water Street, DEP File No. 14-1345; Ms. McGill seconded

**ROLL CALL VOTE:** Peter Wilson – yes, Vanessa Curran – yes, Chelsea King – yes, Ann McGill – yes, and Mike Splaine – yes

### G. Notice of Intent [310 CMR 10.05 (4)] 20 Brentwood Circle, DEP File No. 14-1343

Applicant: Robert Glendon

Bill Manuell, Wetlands & Land Management, represented the applicant. Mr. Glendon purchased the home which was neglected for some time. He is currently doing an interior renovation. The home also requires an external renovation, such as replacing trim rot, replacing windows, power washing the roof, removing overgrown shrubs, replacing the yard fence, and painting the exterior of the home. All of this is not required in the Notice of Intent.

But the real reason for requesting a hearing is because the in-ground pool with a concrete pool deck is dilapidated and Mr. Glendon had begun to fill it in. However, a neighbor noticed, and he was that because it is in the wetlands and in the riverfront as well, this required a hearing by the Conservation Commission.

Mr. Manuell pointed out the flagged area of wetlands. The proposed construction is to break up the concrete around the pool and fill the pool in. A portion of the concrete will be saved for patio use. Japanese hue will be removed, and all disturbed areas will be loomed and seeded. Because this is



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Vanessa Curran  
Chelsea King  
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Ken Walley

within the 25 no disturb zone, the applicant is requesting a waiver. The erosion control will be installed around the back edge of the pool deck and up the side so that everything is contained within the erosion control barrier.

The question was asked the type of pool. It is a concrete pool. They do not intend to rip up the concrete pool, just fill it in. A portion of concrete around the pool would be turned up and buried in the 6- or 7-foot deep end of the pool.

Commission Member Comments/Questions - Ms. King had no questions or comments. Ms. McGill is not in favor of burying the concrete because it does not disintegrate. Mr. Splaine is in favor of the concrete being removed. Ms. Curran asked what the blue on the plan delineates, which is the edge of the wetlands. And pointed out that one of the sheds is well within the 25 no disturb zone. Mrs. Curran does agree that what is being broken up should not be allowed to be buried because this becomes dirty fill. She would prefer any concrete which is broken up, required to be hauled offsite.

Ms. Pendergast asks for clarification whether the applicant is breaking up the bottom concrete of the pool or creating holes to allow for drainage. Mr. Manuell stated that the applicant is proposing drainage.

Mr. Manuell stated that the concrete will be filled with soil 12 inches below grade, 6 inches of backfill and 6 inches of loam which is adequate. All of this is within the 25 no disturb zone. Mr. Wilson requests that the Commission issue a disclosure for future homeowners. Ms. Pendergast stated that there can be a notation in the order which would be tied to the Order of Conditions which is then tied to the Deed.

No comments from public.

Ms. Pendergast requests that Commission condition the homeowner to provide evidence to assure that the concrete is removed such a receipt or have staff visit the site upon removal.

**MOTION:** Ms. McGill makes a motion to issue a waiver to work within the 25 no disturb zone for 20 Brentwood Circle, DEP File No. 14-1343; Mr. Splaine seconded

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

**MOTION:** Mrs. Curran makes a motion to issue an Order of Conditions with the condition that any broken up concrete will be removed offsite and proof shall be provided to the Conservation Agent either through receipt of disposal or a site visit before any concrete can be misplaced and reference that there is concrete within the ground, and the remaining concrete must be at least 12 inches below grade; Mr. Splaine seconded



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

### MINUTES

No Minutes

### III. OLD/NEW BUSINESS

Next meeting – June 25, 2020

- RDA for single family addition on Coolidge Street
- Informal discussion with an applicant about a gas station on Andover Street
- Discussion of general conditions on water projects

Ms. Pendergast thanked the Commission for being flexible with the current format.

### IV. ADJOURNMENT

Mrs. Curran makes a motion to adjourn the meeting at 9:23pm; Ms. McGill seconded; all in favor

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