



# Town of Danvers

## Conservation Commission

1 Sylvan Street, Danvers, Massachusetts 01923  
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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, July 9, 2020.

### I. ROLL CALL

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

Bill Manuell - 22 Riverside Street  
Maria Firstenberg - 83 Andover Street  
Annie Raferty - 3 Carole Way  
Giovanni Fodera - 28 Harbor Street  
Brian Levey - 160 Andover Street

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

#### 1. Continued Public Hearing - NOI 22 Riverside Street, DEP File No. 14-1340

Applicant: Anthony Valente

Bill Manuell, Wetlands & Lands Management, Inc., represented the applicant. The project began as a pier, ramp and float and repair of an eroding coastal bank. Originally it was a fixed pier and ramp and float. It then morphed into a boat lift at the end of the ramp and float. And now the owner has decided to scale it back because he couldn't see the expense of going half way out just to get a little more tide.

Now it will be a prefabricated ramp, a 6x20 float, with two piles at the inboard side and two helical anchors on the outboard side. This float will be suspended off of the mud by 22 inches. It will have a float stop constructed on the piles on the inboard side. And it will have legs on the outboard side so that it remains 22 inches off of the mud flat. This is a fairly dramatic improvement. It eliminates ten piles. Overall length has been reduced from 117 feet. And keeping it 22 inches off of the bottom.



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The wall, the stabilization of the bank, has changed as well. Proposing a segmental block wall. There will be an initial wall that comes up about 6 1/2 or 7 feet. There will be a short terrace in-between and then an upper wall. This is consistent with two projects the Commission approved a few meetings ago. A stone leveling pad is created at the base and then stack the blocks, adequate drainage stone is placed behind it. The wall and filter fabric behind it will keep the stone and sediment in place and maintain the integrity of the slope.

Mr. Wilson asked why the substitution of helical for conventional anchors. And are they needed on the end of the float if they are anchored to piles already. Mr. Manuell thinks it is good practice because it takes a lot of stress off the connectors to the piles.

Ms. King is appreciative for scaling this back. Also likes the use of helical anchors. The comments from the Harbormaster is that if helical anchors are used then they require an inspection. This may not be a standard yet, but seems he would like this to become one if helical anchors are used.

Mr. Wilson asked about the inspection protocol and can it be added to the Order of Conditions. Ms. Pendergast updated the general residential pier conditions, added helical anchor standard conditions. She spoke with the Harbormaster and David Fields, Staff, similar to the packets of changing the bylaw. If the Commission looks at the regulations of conditions that she and Chris Sanborn worked on, conditions 2, 3 and 4 are repetitive and point to specific language in the bylaw. Instead, she is suggesting to keep number 1 which states that the applicant is required to meet the Harbormaster license requirements. This will cover what the Harbormaster requires. Then conditions 5 and 6 are relative to the inspection. If the commission were to make that proposal this evening, then remove conditions 2, 3 and 4.

Ms. McGill is not eligible to speak on this.

Mr. Splaine is appreciative for scaling down on this. He asked if the inspection of helical anchors is once every 3 years. Ms. Pendergast confirmed this is correct. This is a much better wall and since the expense is not being spent on the pier, it can now be place on the wall. The size of the blocks varies. The base stones are bigger. Usually 18 or 20 inches in length, they are all stacked or interlocked.

Mrs. Curran agrees with everything that has been stated by the previous commission members. She likes that the plantings were maintained.

No public comments for this project.

**MOTION:** Mr. Splaine makes a motion to issue an Order of Conditions for 22 Riverside Street, DEP File No. 14-1340 with the following conditions:

the inspection on the helical anchors to be conforming with every 3 years and the standard condition previously mentioned that would be incorporated by Ms. Pendergast, the general



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standard residential pier conditions, and the general conditions 1. the applicant agrees to comply with the provision of the Town of Danvers Bylaw Chapter 28 and any regulations set forth by the Harbormaster and accordance set bylaws. The applicant shall be required to have a helical anchor equipment inspected once every 3 years starting from the date the helical anchors are installed. A written report inspection shall be provided to the Harbormaster within 7 working days of an inspection on forms provided by his office. The report shall include the date of inspection, the name of the person conducting the inspection and the condition of the equipment. Whenever the helical anchor equipment is scheduled to be serviced by the owner, his representative notification shall be made to the Harbormaster and the Conservation Agent within 7 working days listing in detail what components are being inspected, replaced and or repaired;  
Mrs. Curran seconded the motion

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

### 2. Continued Public Hearing – ANRAD [310 CMR 10.05(3)] 83 Andover Street, 69 & 71 Collins Street Applicant: Ira Acquisition Corp.

Maria Firstenberg, Project Manager/Wetland Scientist, TRC represented the applicant. This is an ANRAD that came before the Commission in the late fall, early winter. At that time the Commission had motioned for a peer review of the wetlands that TRC had delineated. Bill Manuell of Wetlands & Land Management, Inc., conducted the peer review and his edits have been incorporated. The applicant is hoping the Commission will issue an ORAD.

Mr. Wilson asked if both Ms. Firstenberg and Mr. Manuell are both in agreement of these boundaries. Ms. Firstenberg responded they are, but the only question they have is how to appropriately note bordering land subject to flooding because the FEMA flood plain map has a flood elevation that they don't have a contour for. So on the current figure, they have kept the FEMA flood plain on because in their experience, not having any graphical representation of regs on the plan makes it really easy to forget that there is something there. Based on the contour elevations that they do have, the borderline subject to flooding is contained within wetland 3. This has been labeled as approximate and noted that specifically states that the FEMA flood zone has based with an elevation of 29 feet and that the graphical representation may differ from field conditions, the regulated flood zone is based on the field conditions. Mr. Manuell suggested just including the note and eliminate the FEMA flood zone. The ANRAD just requested delineation of wetlands and streams on site which both Ms. Firstenberg and Mr. Manuell are in agreement on those resources and how they are represented on the plan.

Bill Manuell stated that they are in agreement with the limit of the bordered vegetated wetland and riverfront area. Also confirmed there are 2 intermittent streams on the site that did not have riverfront area. In reality, the border land subject to flooding it looks like the 29 contour is going to be fully contained within the wetlands. If that's the case, then the resource area is not even



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bordering land subject to flooding. Bordering land subject to flooding is only that area that extends beyond the bordering vegetated wetland. The bottom line is the peer review is in agreement with the wetlands and riverfront lines.

Ms. King had no comments or questions. Ms. McGill could not comment on this delineation. Mr. Splaine asked what it means by the 29-foot flood plain with FEMA and how did they arrive at that. Was it through a site visit or is through maps? Mr. Manuell explains that elevation 29 contour is the base flood elevation called out by FEMA. The source of flooding is Crane Brook. FEMA has modeled the streams in the middle and the water shed, and have come up with a prediction that in this reach of stream in a 100-year storm event it's going to flood to elevation 29 on the NAV88 data. In layman's terms, elevation 29 is 29 feet above the sea level. Mr. Splaine asks what does the seal level, other than a measurement too, have to do how far 29 is above Crane Brook? Mr. Manuell responds that it all depends up which datum you are using. The NAV88 data is not directly related to sea level, it's measured slightly different. But it happens to be the datum that everyone uses now, including FEMA. It is 29 feet above the zero measurement of that datum. There is about a foot difference. Mr. Splaine asked if there was any significant difference that came out of the peer review. Mr. Manuell responded that there was not anything significant.

Ms. Firstenberg showed the locations where there were slight difference and where flags were moved. The orange lines represented the original flag locations. There is a bit of a deviation in some places. And the red are the current flags that are on the final plan. Such as flag 16 and 17 were moved a little bit. On the west side there were flags that moved out slightly. But many of the flags were did not move.

The peer review took a couple of days. The Commission and Staff is welcome to join the peer review but this one did take a whole day.

Mrs. Curran wanted more clarification on the flood plain. She understands that FEMA set it 29 but trying find the discrepancy. The wetland in that area is pretty wet so ultimately when the surveyors were surveying their contour lines, they didn't go past the wetland flag edge unless there was a flag they needed to pick up. They don't have data for where the 29-foot elevation is. On the plan the wetland follows pretty closely elevation 30. This just shows that the 29 contour is a little further down the slope than graphically shown. The flood zone would be set at elevation 29.

No public comments.

**MOTION:** Mr. Splaine makes a motion to issue an Order of Resource Area Delineation in accordance with the applicant's current submission and peer review by William Manuell to 83 Andover/69 and 71 Collins Street ANRAD for plan dated 7/6/2020; Ms. King seconded

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



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### 3. Amendment Request – Public Hearing 3 Carole Way (Lot 18), DEP File No. 14-1278 Applicant: Whipple Hill, LLC

Mrs. Curran recuses herself because she received an abutter notification.

Annie Raferty of Morin Cameron Group represented the applicant. This lot had received an Order of Conditions in 2016 and an extension in 2019. One of the conditions of the extension is to come before the Commission if there were any plan modifications. The changes from the previous approved plan are minor. The building footprint is slightly smaller. And the location of the house is shifted slightly so there are a couple of adjustments to the driveway. There is a decrease in impervious cover and still outside of all the no build zones. Some of the work approved on the Order of Conditions has already been done. The lot is cleared, a rough grading of the driveway is laid out, the rip rap slope rock wall closest to the wetland is already built.

Mr. Wilson asked if all of the work within the Commission jurisdictional area has been completed. Ms. Raferty states that the work within the 35 foot no build zone is already complete. But the work within the 100-foot buffer zone still needs to be completed, the house and driveway are within this zone.

The replicated wetlands are associated with the roadway construction filing but not related to this lot.

Under this Order, the applicant has until October 27, 2020 to complete this project. The foundation, construction and grading will be completed by the then. The interior may not be completed by that date.

Ms. King and Ms. McGill had no questions/comments. Mr. Splaine asked if the extension could have been longer than the 1 year. Ms. Pendergast stated that the Commission only allows a one time, one-year extension.

No public comments.

**MOTION:** Ms. King makes a motion to grant the request for an Amendment to the Order of Conditions for 3 Carole Way (Lot 18), DEP File No. 14-1278; Ms. McGill seconded

**ROLL CALL VOTE:** Chelsea King – yes, Mike Splaine – yes, Ms. McGill – yes and Peter Wilson – yes

### 4. Public Hearing – NOI 28 Harbor Street, DEP File No. 14-1346 Applicant: Giuseppe & Ciro Fodera



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Giovanni Fodera, Fodera Engineering previously noted as PD Engineering, was present for the applicant. The project is at 28 Harbor Street, along the Porter River in an industrial zone. Surrounded by residential on the East and South side. Also industrial on the West side. Right now is an existing building with pavement and no known storm water mitigation on site. Everything flows the back of the Porter River without any treatment of storm water.

The proposed project is a warehouse building and will increase 9,000 square feet of impervious area. In the riverfront area, it is just the building and a little bit of pavement. The only resource areas onsite are the riverfront. There is no drinking water, no endangered species of wildlife, no vernal pools, no inland bordering vegetated wetlands, no coastal resource areas within the project limits. In accordance to the riverfront protection act, they are able to disturb up to 10% of the riverfront area onsite or 5,000 square feet. The riverfront area onsite is about 56,800 square feet so it is over an acre, a pretty significant portion of the lot. They are disturbing about 5600 square feet, right at the 10% threshold which meets the criteria Environmental Protection Act.

The building will not contain any underground storage tanks. There will be a storage tank which will collect any type of drainage from the buildings, into the oil/water separator outside of the riverfront. There will be no storage of hazardous liquids. There will not be any facilities that generate waste. There will not be any uncovered or uncontained fertilizers. No snow storage. Anything used within the riverfront will not be a use of any pollutant loading. Just a warehouse a use.

The proposed storm water on site meets the standards set forth in the MA standards. It will collect all storm water on site and go through a cleaning system, recharge back into the ground and discharged at a few points. This discharge will be clean water and protect the coastal areas along the Porter River.

All site proposals are similar. And once developed, the contractors yard will be outside the resource area and enclosed by a fence. There will be no access from the rear which doesn't allow access to the resource area. It will also include a retaining wall. The riverfront area was delineated in accordance to DEP regulations and done with the mean high water table at an elevation of 4 ½ feet. The project will not be encroaching within the 100-foot buffer zone. The contractors yard is outside of the resource area. Erosion control will be a silt fence.

Mr. Wilson asks for clarification on the 10% rule. Mr. Fodera states that there are 56,880 square feet, over an acre. The regulations state that disturbance can be 5,000 square feet within the riverfront of 10% of the riverfront area on site, whichever is greater. The elevation of the proposed building will be at 17, and the parking lot will be at 16. The building will be a bit higher so that drainage can flow away into a specified catch basin.

The Town Engineer reviewed and approved the storm water calculations, they had very minimal comments and request for more communication between Engineering and Applicant. In accordance with the DEP regulations, when you discharge to a coastal region, you can waive



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standard 2 which would be the 100-year storm and the 25-year storm. The peak flow rate does increase a little more but meets the standards because discharging to a coastal area. For discharge points, there will be rip rap around that which will decrease some of the energy of the flow.

The question was asked what type of materials will be stored at the site. Landscaping, granite, metal fabrication. They will ensure that nothing hazardous will be stored.

Ms. King had no comments. Ms. McGill asked about the dormant period referred to in table 4.82 in the storm water report. Mr. Fedora if dormant, then it would need to be controlled. If stock piles, it would be controlled by barriers. And would be seeded and protected by sediment barriers. Mr. Splaine asked if the applicant is using all of the allowable 10% and whether it applies to previously and degraded area. Ms. Pendergast responds that the applicant does have to meet the new redevelopment riverfront standards. What he has to meet is identical, doesn't matter if previously disturbed because in this case all of this is taken outside of the 100-foot buffer.

The storm water system being proposed is that the storm water will be directed into the isolator wrapped in geofabric. It will be cleaned at 89% rate. And they are accessible for maintenance.

Mrs. Curran asked if they have determined the depth to ground water ratios for infiltration capacity in those locations. The elevation was at 10 and it was designed 2 feet above this.

According to Ms. Pendergast, the applicant does meet the requirements for the riverfront standards.

The Commission agreed to a site visit which will be coordinated through the applicant and Ms. Pendergast. A request that the Engineer be onsite as well.

Public comments via email – From Andrea Daley submitted by Peter and Kathy Swift, 27 Harbor Street, asked about the cutting of trees on the property by the applicant. Some of the trees cut were so called weed trees. If removal of these items commissioned by the wetland guidelines, aren't they critical components of permitting erosion of the river bank? The bank of the Porter River has eroded considerably over the years. Are the lines a distance used by this applicant current condition and position of this bank. And if not should they be.

Also attached are comments from DEP for previous application of this property. The comments will be passed to the Commission after the meeting.

Another email received from Peter and Kathy Swift that says despite the claim that there of no storm water management, there is a catch basin and a drop at the loading dock in front of the building. Also is the public welcome to attend the site visit?

Mr. Fedora responds that the existing catch basin but it does not treat the storm water in accordance to DEP standards so it is recharging dirty water. Erosion of the Porter River bank, this



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was surveyed in November 2017 and it still is within 3 years of the delineation of the riverfront so that is still valid. And removal of the trees, this may be something the applicant could respond to. Ms. Pendergast spoke to this. She and Giuseppe Fedora met onsite after a couple of storms to discuss fallen and damaged trees. Please state how many trees will be removed for this project. There were trees that were cut, the new tree cutting will be for the paved area.

Public comment email from Peter and Kathy Swift, 27 Harbor Street, asked if the public is allowed on the site visit. It is up to the applicant whether to allow the public on the site visit. Those residents that are interested in a site visit will be required to email Ms. Pendergast will coordinate should the applicant be in agreement.

Public comment via email from Jane Fuller, Town Meeting Member, Precinct 3 asks how high the retaining wall will be and what kind of lighting will be on site and will the board request the applicant to replace removed trees in other places of the Town.

The retaining wall will be 3 feet tall and the lighting will be contained on site and meets the regulations by the zoning bylaw. None of the lighting will be shining onto abutters. Mr. Wilson stated that whatever trees are removed would be replaced.

Public comments via phone – Andrea Daley, Town Meeting Member, Precinct 3 is concerned with the areas designated for snow, doesn't feel the two designated areas are large enough since this is a 48 car lot. She also wants to know if the current system is adequate for the overflow of the melting of the snow. Is there a possibility that residents could be flooded? And is there a contingency plan?

There are two designated areas for snow storage and this should be enough. The new storm water will be adequate for any snow melting and parking lot will be graded to prevent any flooding to the neighbors. As of right now there is not a contingency plan, but will look into it further.

Pete Clemens, Town Meeting Member, Precinct 3, is concerned with the condition of the riverbank and if this will be addressed. Also concerned with any chemicals or construction debris brought back to the site. Mr. Fedora stated that there wouldn't be any hazardous liquids. They are allowed to contained fertilizers as permitted by DEP.

**MOTION:** Mrs. Curran makes a motion to continue the hearing for 28 Harbor Street, DEP File No. 14-1346 to July 23, 2020; Ms. McGill seconded

**ROLL CALL VOTE:** Chelsea King – yes, Mike Splaine – yes, Ms. McGill – yes, Mrs. Curran – yes and Peter Wilson – yes

### 5. Informal Discussion 160 Andover Street Applicant: Brian Levey



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Mr. Wilson, Mr. Splaine and Ms. McGill visited the site.

Brian Levey stated that the project location is 160 Andover Street, near the junctions of Route 95 and Route 114 and Route 1. It is currently a gas station with convenience store and a Dunkin Donuts. The client is looking to add a drive thru which will need approval from the Zoning Board of Appeals. But because the site is in the riverfront, thought it best to check in with the Conservation Commission to see what the likelihood of the approval they are seeking.

This is the third time this site has been developed. In 1962 as a gas station, then again in 1984 as a gas station, then redeveloped again as a gas station and convenience store in 2006 by Cumberland Farms under an Order of Conditions and several variances under the Zoning Board of Appeals. In 2016 Blue Hill Fuels purchased from Cumberland Farms and his client PMG leased the site. PMG then bought it in 2020. Not all of the work that was supposed to be done under the 2006 Order of Conditions was done by Cumberland Farms.

PMG is looking to install a drive thru. The work area is about 7,000 square feet. The work in 2006 left about 8,000 square feet of degraded area to be developed. Not looking to increase any of the numbers.

They are eager to hear how the Commission feels about this project.

Mr. Wilson visited the site and asked if the area where the driveway is being proposed on is all improved from the previous degraded area? And the area proposed for the drive thru is that where the previous applicant did not plant as they originally proposed that they would? The answer is yes.

Mr. Wilson asked if there is any work being proposed beyond the slope toward the wetlands. Jesse Cokeley, the engineer, stated that no work is proposed for the slope area.

He also asked where the storm water management facilities would be located. The applicant is proposing essentially to put them on the downhill side of the driveway, a vegetated swale on the downhill side of the drive thru so that the runoff could go to into the water quality swale and piped toward Avalon Bay Drive, proposing another mitigation area in the lawn area and then connect to the existing storm water so not to disturb the area in the slope.

The plan is displayed on screen and Mr. Cokeley describes what is being viewed. Mr. Cokeley explains that the blue area is where the water quality swales would be placed at grade. The beginning of the drive aisle is about 8 feet off the back of the building, and about 15 foot wide. This could be made narrower to lessen the footprints of the proposed improvements in the disturbance. A faint gray line is where the edge of the surveyed vegetation.

Mr. Wilson asks if the applicant is looking to improve any square footage that was not improved previously? Mr. Cokeley responds that it is within the same area that was previously degraded. On



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the next plan shared, the blue area identifies the degraded area from the previous application. The proposed disturbance area is identified in purple which is within the other area. It just so happens that number is about 7,500 square feet and it matches the left over area that could still be disturbed under the prior application.

Mr. Wilson states that if there were improvements proposed under the previous application and were never done, as a Commission we want to enhance the quality of our wetlands so this is an opportunity for further improvements in the lower area. He asked if the applicant would consider removing some of the invasive plants and replace with Commission recommendations for the wetland environment. Mr. Cokeley responds that the invasive species have really taken over this area. And even if they were to remove some of them in the specified area, they would probably end up taking over whatever was removed and replaced. He proposed some other plantings to help supplement what was never done before, maybe some of the leftover grass areas. As someone suggested at the last meeting, maybe adding some shrubs on the perimeter of the drive aisle to help with maintenance and aesthetics for the water quality swale. Mr. Wilson would like to some sort of net improvement other than just the storm water improvement.

Member Comments/Questions - Ms. King agreed to the idea of planting native shrubbery. Ms. McGill asked if the open exit from Avalon Bay Road will remain with the drive thru. Mr. Cokeley stated that this will remain and vehicles could enter or exit this way if using the site. But if using the drive thru, they would exit in front of the gas station. She also asked for the storm area on the exterior facing the invasive plants because it is a slope going down facing the invaders. Mr. Cokeley stated that one key components will be a strong maintenance plan to ensure the longevity of whatever water quality swale will have their mitigation measures is installed. That edge of vegetation has been pretty well held. She asked how deep the slope was. There is about a 10 or so feet drop. That area needs some thought in terms of vegetation improvement for the storm water improvement.

Mr. Splaine visited the site, met with the owner and walked around back. He admits there is big drop off, at least 10 feet from the edge. He asked from the back of the building going toward the vegetation where does the wetland begin? The wetland line is flagged and identified with a blue line on the plan. The drop off is a good 50 feet from the wetland line. This was flagged earlier this year. Mr. Splaine is concerned about any issues of gasoline or oil from vehicles due to the area sloping into the wetlands. Mr. Cokeley explained that is why they are providing the water quality treatment areas to capture and treat it. It will actually be connected to the existing discharge point which is over on the left side of the plan. Mr. Splaine asks for clarification on the 8,000 square foot number of previously undeveloped area, were they suggestioning that the pervious project had anticipated some type of project within there? The response was in 2006 when Cumberland Farms was permitted, the Order of Conditions provided that the riverfront area was roughly 45, 000 square feet and it allowed for 37000 of the degraded area to be altered. That is where the 8,000 square feet of degraded area that wasn't redeveloped in 2006. Mr. Splaine stated that this doesn't seem like degraded area any more. The applicant's representative agreed. This may or may not be considered degraded area. One thing that was pointed out is that Cumberland Farms was supposed



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to install plantings behind the building. This is an opportunity to get these improvements done. But as Mr. Splaine points out where the drive thru will be placed, it would have been plantings instead rather than a driveway. On the right of the plan, there are items that need to be removed. Mr. Cokeley identified the trash enclosure which will be moved to allow for the drive thru. Along the back of the building there are existing drywells underground to handle the roof run off and will remain. The applicant will confirm if these are utilized.

Mr. Wilson asked if where identified on the plan as the previous owner's planting is where the applicant is proposing a driveway? The representatives confirm this to be true. All of the area south of that was proposed to be vegetated under the previous proposal but now it is overgrown. The Commission would like to see this area improved. There is still an area that allows for enhancement.

Mr. Wilson asked about the water supply well in the vicinity of the first car coming in to the drive thru. Mr. Cokeley responded that this is for irrigation and have to be relocated or a casing or covering added. The owner told Mr. Wilson that he does not use it.

Mrs. Curran asked if there is still opportunity for her to visit the site. The owner is there quite a bit and recommended she reach out to him. What is present on site for invasives? Ms. Pendergast saw Japanese knotweed more near the Avalon Bay area which was definitely taking over. Any remediation or removal, there is possibility of it returning. There is some room for mitigation. Mrs. Curran asked about the planting schedule from the previous owner, was it that they weren't able to maintain it? It is really tough to tell, haven't been able to find anything other than the plans submitted with the 2006 application. Mr. Splaine took pictures while on his site visit. These pictures will be emailed to Ms. Pendergast and she will distribute to the Commission.

Mr. Splaine told the Commission that he met with the owner and pointed out that there was old bike in the wetlands which was removed. He also noticed that someone is throwing grass clippings in that area and this should be addressed. He took pictures while on his site visit. These pictures will be emailed to Ms. Pendergast and she will distribute to the Commission.

Mr. Splaine asked how the Commission addresses the previous Order of Conditions, especially the lack of building what was approved. Ms. Pendergast states that this discussion would happen when the applicant files a Request for a Certificate of Compliance to close out the existing Order or Conditions. The Commission's new standing regulation is that they would like to see applicants close out the orders before filing for a new one. The drive way work will require a new Notice of Intent. Mr. Levey was told that the Order will need to be closed. When the hearing is in front of the Commission to close out that order that's when they would convey how they feel about that project. But then again take into account that when the owner purchased the property he was not aware of what was on that plan and that he would be liable. The Commission needs to take into account what is in front of them now and what is being offered.

No comments from the public.



## Town of Danvers Conservation Commission

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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

Mr. Wilson confirmed that the Commission would close out the previous Order of Conditions and then the applicant would file a Notice of Intent for the projected project. Ms. Pendergast confirmed, however in order to provide a paper trail, the owner would first amend the previous Order of Conditions and request the Commission to exclude the condition that the riverfront is can no longer be developed. If granted this would be amended and then close out the order. They would then file a Notice of Intent for the projected project. This was Staff's recommendation; however, the applicant take any direction they wish.

Mrs. Curran asked if there will be a new snow storage area since the current one is within the proposed drive thru. This is something that hasn't been relocated on a plan yet. But they will take into consideration with their filing.

Mr. Levey thanks the Commission for hearing them on an informal basis. They have received a great deal of information to guide them in the right the direction on this project.

### III. MINUTES

Will be provided for next hearing

### IV. OLD/NEW BUSINESS

Nothing to discuss

### V. Adjournment

Ms. McGill makes a motion to adjourn the meeting at 8:55pm; Mrs. Curran seconded

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