



# Town of Danvers

## Conservation Commission

1 Sylan 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, September 24, 2020.

### I. ROLL CALL

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

Robert Glendon – 20 Brentwood Circle  
Mark Spear – 55 Wenham Street  
Attorney Peter Arvanites - 55 Wenham 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 reads the rules of how the meeting would be conducted.

### II. REGULAR AGENDA

#### 1. Request for Certificate of Compliance [310 CMR 10.05 (9)] 20 Brentwood Circle, DEP File No. 14-1343 Applicant: Robert Glendon

The project was filing in a pool and landscape clean-up. Mr. Glendon, the applicant, sent to staff the WPA form along with a letter from Bill Manuel stating that all of the items completed in compliance with the Order of Conditions. The concrete was removed, erosion barriers are still in place, the fill was clean, and lawn was hydro seeded. Pictures of the original and current site were included. An as built plan was not provided because this was a fill, nothing was built.

Staff has conducted a site visit. Lawn is established, receipts were provided for disposal of concrete, and erosion controls are still in place.

The as built would show that the pool was filled and now remains as a lawn.

Ms. Curran wanted to know if all of the concrete needed to be removed or only the portions that were broken up. Is this something that would be disclosed to a seller? Staff responded that it will be included in the Certificate in the Compliance.



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The Commission agreed that an As Built Plan was not required for this project.

No public comments.

**MOTION:** Mr. Splaine makes a motion to waive the requirements of an As Built Plan for 20 Brentwood Circle, DEP File NO. 14-1343; Ms. McGill seconded

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

**MOTION:** Mrs. Curran makes a motion to close the hearing for 20 Brentwood Circle, DEP File No. 14-1343; Ms. McGill seconded

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

**MOTION:** Ms. McGill makes a motion to issue a Certificate of Compliance for 20 Brentwood Circle, DEP File No. 14-1343; Mrs. Curran seconded

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

### 2. Violation Discussion

55 Wenham Street  
Applicant/Owner: Mark Spear

Ms. Pendergast gave an over view of the violation to the Commission. A neighborhood complaint was received operation in the rear of 55 Wenham Street. An aerial from 2019 was displayed showing the Oliver mapping system showing activity within the buffer zone. There is an intermittent stream. Trees were cleared, impervious surface was put down, storage of loose materials which include sand, gravel and parking of cars within the 100-foot buffer.

Normally the Commission would monitor this activity, however this site has not received an Order of Conditions for any of this activity. Also the ZBA is requesting that material be pulled closer to 55 Wenham.

Staff suggested that the Commission request the area be surveyed by a wetlands scientist or an engineer to confirm the extent of the 100-foot buffer. In this case there would be two buffers, the 100-foot buffer off of the green line of vegetated wetland. And if the intermittent stream has bank qualities, then that would also have a 100-foot buffer. And of course there is the existing 25 foot no disturb and 35 foot no build. If going off of this measurement, then there is substantial alteration



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within the 25 no disturb and 35 foot no build. This is what staff observed when asked to look into suspected violation.

The Chairman asked for clarification of activity around intermittent stream. Staff stated that there is a buffer zone with intermittent stream. An addition buffer if there is a bank.

Mr. Spear stated that he has owned the property since 2002. No vegetation or trees have been cleared since his ownership. Since the meeting with ZBA, everything in the southeast corner has been moved away and placed behind the barn, 55 Wenham Street. Nothing has changed since his ownership. The variance for the property is that they are allowed to use 2 ½ size the barn for outside storage.

In 1974 it was a dairy farm owned by Mr. Spear's grandfather. Under the grandfather's ownership, he was granted the variance for outside storage.

The Chairman refers to a video, showing the cutting down of trees within the area. Ms. Pendergast states that this was something from an abutter.

The question was asked what the zoning is in that area. Mr. Spear stated they are in Residential 3, but when owned by the grandfather it was approved for a variance to store outside.

Agway has a rental at #41, a contractor rents for storage of tools and the owner has a small excavation business.

The Commission would also like to schedule a site visit.

Mr. Splaine asked what the Use Variance allows the owner to do. Mr. Spear summarized the variance:

1. the applicant is to keep the area neat and orderly; barn purposes be limited to storage only; no work but loading and unloading of materials take place on the premises
2. the premises not be used for a base of business; the outside storage is to be limited to 2 ½ times the floor area of the cement block building (about 14,000 square feet); all storage is to be behind the building

Mr. Spear is willing to have the delineation done.

Outside storage allows materials and equipment.

Mr. Spear has not increased any of the parking area since 2002. He lives in the home next to the property.

A previous certificate of compliance when his father owned the property was for a house built.



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### Public Comments –

Sue James, 39 Wenham Street, sent a video of cutting down of trees on the property. She stated that there are numerous trucks in and out of the property all day. And the variance is under interpretation now by the Zoning Board. No overnight parking is allowed, but there are always trucks parked on the property. She stated that the owner has laid down cement, rocks, crushed stone.

Ina Drouin, 36 Wenham Street, confirmed everything that Ms. James has stated.

Lisa Rizzo, 37 Wenham Street, has lived there for 28 years and was never able to see the Conservation land from her property until recently due to the cutting of trees by Mr. Spear.

Mr. Chairman asked for the status of the ZBA. Ms. Pendergast stated that Mr. Spear will be before the Board on Monday so the Commission will have an update by the next time he is in front of them.

Mr. Chairman and Mr. Splaine agreed that some of the public comments being discussed are ZBA jurisdiction.

Attorney Arvanites attended the ZBA hearing and stated that the Building Inspector indicated what he would like to see done to be compliant with the Use Variance. He stated that Mr. Spear has not cut down any trees. He did have renter, a tree cutting service, that stored trees behind the barn which may others may have perceived as something cut from his property. Depending upon what is delineated, will determine what the next steps will be. The owner is willing to file a Notice of Intent showed one be required.

Mr. Spear stated that there was a tree cut down but it was on #41. Ms. Pendergast stated that the Commission will determine on a site visit.

Ms. Pendergast suggest that the Commission request a survey be provided for the October 8<sup>th</sup> meeting. If it is done within a few days, she will coordinate a site visit.

**MOTION:** Mr. Splaine makes a motion the discussion of violations for 55 Wenham Street and include the owner has agreed to delineate the wetland to allow the Commission to come onto the property and conduct a site visit; Mrs. Curran seconded

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

### III. MINUTES

July 23, 2020  
August 13, 2020  
August 27, 2020



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Minutes were not ready.

### IV. OLD/NEW BUSINESS

#### - Continued public meeting on proposed General and Zoning Bylaw language changes

Ms. Pendergast reviewed the changes: new date for Special Town Meeting on October 26<sup>th</sup>; jurisdiction and activities; 35 foot no disturb and 50 foot no build; and miscellaneous minor changes.

Ms. McGill requested to change the language from request to requirement of permit application for minor projects. Ms. Pendergast stated that a fee would be implemented for minor projects.

If the bylaws are adopted on the October 26<sup>th</sup> Special Town Meeting, then the regulations would need to be updated and changed by the Commission. Staff would write up the recommendations and present them at the meeting.

Ms. Pendergast presented the Regulations overview

Being added is a section for coastal docks and piers.

In the 35-foot and 50-foot buffer zones, the Commission needs to be able to describe to applicants the specifics of what is allowed in there.

For docks and piers regulations, the Commission should be prepared to implement specific regulations.

A suggestion was to have Marine Fisheries give a presentation. Ms. Pendergast will reach out to them or request information for the Commission to review prior to the Special Town Meeting.

A salt marsh regulation will be included.

The Harbormaster is also reviewing all of these for comments.

Mr. Fields stated that most of the zoning bylaw is not applicable to the Commission, except for a cluster development. This is a clustering of single-family homes that allows for more conservation area.

There are two options – one is a conventional development. A mock-up of a clustering development was shown with 25 feet of buffering around the area and a great deal of green area set aside for



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possible victory gardens, orchards, etc. There is not a size limitation on the homes. And allows for some storm water, but it would be underground.

Viable uses for the open space would require the 50 foot, 33% can be impervious such as tennis courts. But the amount of impervious that can incur to the open space, is limited.

The next mock-up shared was a development without individual lots, just a group of homes, that are governed under an association. At the local level, the Town cannot regulate ownership, it would allow much more flexibility in the design of the development and allow for more open space. The roadway would not be maintained by the Town but fully accessible for emergency apparatus. And would need to meet common engineering practices but allow a lot more flexibility on where things go onsite.

Where the Commission comes in on all of this is there is a provision in the bylaw for the open space. It would need to either be under the protection of some entity, meaning an association that wants to protect it, probably associated with the homes or condominiums. Or it could be a conservation restriction which the Commission jurisdiction over. CRs are conservation restrictions for these properties that will go before the Commission if successful at Town Meeting. An example of this is Choate Farm which is under a conservation restriction.

Another scenario with other public benefits was shared with a different layout to the roadway. This would be added to the bylaw with a broader scope and will probably be narrowed down before it reaches Town Meeting. Just that if it is not included now, then it cannot be added later.

Whipple Hill was shown as a sample. It contains 20 homes, a conventional subdivision that required multiple filings with the Conservation Commission. The buffering requirement is much narrower.

A mock-up was shown based off the Whipple Hill plan with a narrower right of way. Same number of homes, with less impervious, more open/green space.

Mr. Fields explained to the Commission that he shared these examples so that they can see what it looks like if the proposal is successful.

A conventional subdivision, a smaller site with 4 acres was displayed. The following sample showed allotted lots closer together that allowed for more open space. For the developer there are cost saving benefit with utilities, infrastructure, and earthworks. It also saves time and money if they do not have to go through the process with the Commission.

Mr. Fields shared some sites of other town sites that showed large homes closer together that saved a decent amount of open space. Another one shared was within a coastal community which saved the salt marsh by building further away from it. The last was showed the connection to orchards and open space.



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This is not the last opportunity for the Commission to make comments or suggestions. They should be forwarded to Ms. Pendergast to prepare for the Town Meeting.

### - Commission discussion on in-person meetings

Mr. Fields told the Commission that the Town is not technically capable of holding a hybrid meeting style. So the meetings would have to be fully in person or virtually. If it were in person it would be at the middle school unless there were a large amount of attendees, then it would be held at the high school.

The majority of the Commission agreed to continue virtually.

### V. Adjournment

Ms. Curran makes a motion to adjourn the meeting at 8:47pm; Ms. McGill seconded

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