



Town of Danvers

Conservation Commission

1 Sylvan Street, Danvers, Massachusetts 01923
p: 978-777-0001 x. 3095 | 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, October 8, 2020.

I. ROLL CALL

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

Mary Iapicca – 6 Twin Echo Lane
Bill Manuel – 41 Belgian Way

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)] 6 Twin Echo Lane, DEP File No. 14-1224 Applicant: Gilmore & Gilmore

Ms. Pendergast explained to the Commission that Mr. & Mrs. Iapicca are requesting a partial Certificate of Compliance for 6 Twin Echo Lane. The Order of Conditions was issued around 2013. It approved the subdivision roadway, known as Twin Echo Lane, and the 4 associated house lots. No work was done on this lot, under this Order. The lot was bought by the Iapiccas a few months ago and came before the Commission to request an Order of Conditions to build the home. At the time of sale, the previous Order was discovered during the title search. The applicant is requesting that the Commission close out the portion of work that was applicable to their lot.

There was a similar situation with 5 Twin Echo Lane, which the applicant appeared before the Commission and was granted a partial Certificate of Compliance to remove their portion of the Order. As in the previous instance, if the Commission is satisfied, they would issue a partial Certificate of Compliance.

Under this Order the roadway was built but the house was not built on the lot. Because the developer has not come before the Commission to close out the roadway and the lots tied to the



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original Order, the Iapiccas now have to come before the Commission to request a partial Certificate of Compliance so they are no longer bound to the Order.

An open Order remains for the roadway and it is the developer's responsibility to come before the Commission to close out this Order. A letter can be sent to him, but there is no regulatory binding to require him to come before the Commission to close it out. Mr. Fields confirmed that the roadway has not been accepted by the Planning Board or Conservation Commission. If the roadway is not accepted, the Town is not responsible for the maintenance of it.

This is the last lot that is bound to the Order of Conditions.

No public comments.

MOTION: Mr. Splaine makes a motion to close the hearing for 6 Twin Echo Lane, DEP File No. 14-1224; Ms. McGill seconded

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

MOTION: Ms. McGill makes a motion to issue a partial Certificate of Compliance for 6 Twin Echo Lane, DEP File No. 14-1224; Mrs. Curran seconded

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

2. Violation Discussion – Continued to October 22, 2020

55 Wenham Street

Applicant/Owner: Mark Spear

3. Request for Determination of Applicability – Continued to October 22, 2020

188 Elliott Street, File No. 2020-05

Applicant: Christ the Redeemer Church

4. Notice of Intent [310 CMR 10.05 (4)]

41 North Belgian Way, DEP File No. 14-1350

Applicant: Sandra Delgado

Bill Manuel of Wetlands and Land Management represented the applicant. This is a typical ranch slab home in the Woodvale subdivision. All the streams in the area coincide with rear and side lot lines so there are quit a few homes in that that neighborhood that are incumbered by the buffer zones to these intermittent and perineal streams.



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The plan shared identifies the existing home, displayed in red. It includes a paved driveway in the front, lawn from the street to the back. There is an existing wire fence around the rear yard. The intermittent stream is just off the rear property line. The bank of the intermittent is stream is shown in blue on the plan. The 25' no disturb line was shown in light blue that is within the applicant's property. The 35' no build line is shown in a dark blue. And the 100-foot buffer is in light blue at the front of the home. All work is incumbered in the 100' buffer zone.

The proposed project includes two additions of living space on each side of the home, and a front porch. The additions will be slab on grade that will require some excavating to install a footing and a froth wall that will be tied into the existing footing and slab to the existing home. When completed with this portion of the project, the home will receive new siding. It will also require some roof work to tie in the additions.

The landscaping around the property includes Japanese hue shrubs that are 12' tall or higher and comes out to a good portion of the backyard. There are no lower branches, until 6' or 7' which offers zero privacy. The owners would like to remove these shrubs and install a vinyl fence along the side and rear. The existing wire fence would be removed and replaced with this fence.

The project also includes an above ground pool. Once the life of the pool is over, it will be removed and replaced with grass. It will include a small deck with 5 or 6 steps.

There is a shed in the middle of the back yard that the applicant would like to relocate to the far corner.

The applicant is asking for a waiver to install the above ground pool, partially in the 25 foot no disturb and 35 foot no build zone. It covers 541 square feet, but the deck is above ground.

Mr. Manuel shared a Google Earth, showing seven pools in similar proximity to the stream. This is prevalent in area without impacts to the resource area.

The erosion controls, mulch sock, will enclose the work area to prevent any excavation from running into the stream. The spot grades are 49, 48 in the far back. The backyard is almost dead flat so there will not be any sediment migration toward the stream.

The Chairman stated that he was not sure when the neighborhood pools were permitted, but it was not during the time of the current Commission. He suggested that pool be shifted a bit to get it out of the 25 foot no disturb zone. Mr. Manuel responded that the only way this could be done is by placing it up against the patio and within a foot of the home. It would also eliminate the deck. Mr. Manuel agrees that if it were a naturally vegetated no disturb zone, then certainly the project should be tightened up. But it is not, it has been a maintained lawn since the 1960's when the house was built. There is no indigenous vegetation on the lot. And the affects of moving the pool are the same, scraping out the grass and laying down bedding sand. The 25' line is measured from the bank.



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All Commission members agreed that they would like the applicant to consider moving the pool, decreasing the size or a different shape to remove it from the 25' no disturb zone. They also suggested another location for the shed, possibly the side of the home next to the new addition in the location where the bushes are being removed.

The applicant responded that she is willing to consider a smaller pool, but not sure a round would remove it from the 25' no disturb zone. And the size of the shed and area suggested would have to be measured. The reason for initially considering the far corner is because this is the most amendable location and abuts her neighbors shed on the other side of the fence.

Ms. McGill inquired about the drop off in the area where the bushes were being removed. From the existing fence to the top of the bank there is 1 to 1 slope.

The Commission wants to see modifications, removing the pool & shed from the 25' no disturb zone.

Mr. Manuel asked for the Commission to continue the hearing to October 22, 2020.

Public comment:

Matthew Duggan, Town Meeting Member, thought that the 25' no disturb zone automatically does not allow the install of the above ground pool. He agrees that the applicant consider a smaller pool or relocations.

MOTION: Mrs. Curran makes a motion to continue the hearing for 41 North Belgian Way, DEP File No. 14-1350 to October 22, 2020; Mr. Splaine seconded

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

III. MINUTES

- September 10, 2020

MOTION: Mrs. Curran makes a motion to accept the minutes for September 10, 2020 with the edit to add Ms. Gill's name to the roll call; Ms. McGill seconded

ROLL CALL VOTE: Vanessa Curran – yes, Ann McGill – yes, and Peter Wilson – yes

Mr. Splaine not included in roll call because minutes were not read

- September 24, 2020 – continued to October 22, 2020



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IV. OLD/NEW BUSINESS

- Continued discussion and close hearing on Wetlands Bylaw updates

Ms. Pendergast did a quick overview of the proposed bylaw changes. The three big changes are the jurisdiction and regulation activities which include vernal pools and isolated wetlands; increasing the buffer to 35' & 50'; and added conditions and requirement for docks and piers. Another big change is to minor projects, not required to go in front of the Commission but does need staff approval such as those outside of the 50' buffer zone. And lastly various changes to fee structures and general purpose, language changes.

The big change for the minor projects is adding a square foot limit. For example, if project is in the Woodvale area, constructing an addition to a home; 50' away from the top of the bank; installing erosion control and looming and seeding at finish. If a plan is presented to staff that shows this proof, then this would get staff approval if it is 500 square feet or less, referring to accumulative square feet. The defined accessory would apply to decks, sheds, patios, and pools.

Comments by Commission:

Mrs. Curran – Under the 50' no build zone definition and characteristics, there are two items not listed as prohibited, but regularly come before the Commission, are fences and retaining walls. Mr. Fields clarified that some retaining walls require a building permit so the Commission would need to specify the differences of those that require a building permit and what does not. Generally, it would be retaining walls that are less than 4 feet. The Commission agrees that fences and retaining walls should be included.

Ms. McGill suggests that under 313 requirements for disturbance zone demarcation it should be required to be marked on the ground. The Chairman suggested that it be included on As Built plans.

Public Comment:

Mathew Duggan, Town Meeting Member, inquired about Appendix A, Section 9 and Subjection 6. It talks about the coordination between Boards and Town Departments. The verbiage is crossed out and only refers to the Conservation Commission. Ms. Pendergast explained that this is done only when it applies. It does not mean that the process is not happening, only the way it is displayed in this Appendix. Mr. Fields added that the Town's divisional staff is seeing everything.

MOTION: Mr. Splaine makes a motion to forward a recommendation as to the changes to the Conservation Commission Bylaw as a favorable recommendation to the changes; Mrs. Curran seconded



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

MOTION: Mrs. Curran makes a motion that the Conservation Commission sends a supportive letter regarding the cluster bylaw to the Planning Board; Mr. Splaine seconded

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

The next discussion was Regulations Overview:

Filing Procedures and Application Requirements. Ms. Pendergast is scaling down the filing procedures and application requirements.

35' & 50' buffer zones – the information was pulled from the active regulations and explains what can happen in the no build/no disturb zones. The biggest change was from 25'/35' to 35'/50'. If one wants to work within 35', it requires a waiver and can only take up 10% of the area. In the 50', structures requiring a building permit & structures not requiring a building permit (pools, decks, patios, driveways, sheds, etc.), would require a waiver and only take up 20% of the area.

The Commission would like to include retaining walls and fences. And would like to be sure whether pools do require a building permit.

Waiver Request Process - The Commission will now require the following:

- Waiver Application
- Alternatives Analysis
- Plans and Calculations
- No Adverse Effects

Models of the new no build/no disturb changes with the percentage area were shared.

The regulations would go into effect, the day they are voted on.

After the bylaw is approved by Town Meeting on October 26, 2020, the Conservation Commission meeting would be November 12, 2020 which is when the Commission would adopt the new set of regulations.

V. Adjournment

Ms. McGill makes a motion to adjourn the meeting at 8:56 pm; Mrs. Curran seconded

ROLL CALL MOTION: Peter Wilson – yes, Vanessa Curran – yes, Ann McGill – yes, and Michael Splaine – yes



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