

**Danvers River Committee**  
**Thursday June 20, 2019**  
**Meeting Minutes**

The Danvers River Committee held a public meeting on Thursday June 20, 2019 in the Town Manager's Conference Room, Danvers Town Hall, at 6:00pm.

**Member(s) present:** Aileen L'Abbe, Chairwoman  
Bill Fouhey  
Joan George  
Dan DeLorenzo  
Bob Moore  
Matthew Byrne  
Louie George  
Bill Nicholson  
Gardner Trask, Selectman Liaison

**Member(s) absent:** none

**Staff Present:** Christopher Sanborn, Harbormaster  
Dave Arathuzik, Deputy Harbormaster  
Carolann Powers, Secretary

**Media Present:** None

**Other:** Andrea Daley, Town Meeting Member Precinct 3.  
Pete Clement

Aileen L'Abbe called meeting called to order at 6:02 pm.

**Secretary's Report:**

The committee was asked to accept the minutes of the April 18, 2019 meeting.

**Motion:** Made by Bill Fouhey, seconded by Bill Nicholson to accept the minutes of the April 18, 2019; All in favor 8:0.

**New Business:**

Mr. Bartlett & Bill Manuel submitted application to install a pier, gangway and float in the Porter River at Mr. Bartlett's 15 Mead St. property. Chris Sanborn & Erin Schaeffer (Dept of Land Use and Community Services) conducted a site visit with them at the property. Chris sent comments to the Conservation Commission stating his concerns with navigation and the overall scope of the project. Chris S. said Mr. Bartlett and Mr.

Manuel were invited to meeting tonight but did not feel they needed to attend as they were currently in the process of amending their plans. They did correct Chris on some statements he made in his comments to the Conservation Commission. Chris has since clarified those statements. A Notice of Intent was filed for a residential pier not a commercial pier. It was noted that Mr. Bartlett has certain rights to construct a pier, but those rights are not exclusive.

Louie George said the plan seems to go beyond their rights in regard to mean high and mean low tides. Chris said yes. Louie G. asked details about his current pier. Chris stated some of the existing structure is not properly permitted.

Andrea Daley, Town Meeting Member, Precinct 3, presented her concerns to the River Committee regarding the proposed plan to install a pier 15 Mead St. She distributed information supporting her concerns to the committee and delivered a short presentation to the committee as well. She opposes the project for many reasons. One of her main concerns is the potential for the pier to impede navigation in the river.

Mrs. Daley objected to this project several years ago and researched it with the Commonwealth of Massachusetts and the Registry of Deeds in Salem MA (she obtained a copy of the chapter 91 license) and she feels Mr. Bartlett has clearly violated the terms of this license as there is a structure on the float that is considered to be a summer living room, complete with furniture and electricity. The chapter 91 license validates this. Mrs. Daley submitted her concerns to Ben Lynch with the state to pursue this violation and is waiting to hear back from him. He has stated to her that they are in receipt of her inquiry and are working on it, but Andrea said they are backlogged years. She stated that if the state does issue the license to Mr. Bartlett for the project it will be valid for 99 years.

Andrea Daley noted that Chris Sanborn was very thorough in his notes to the River Committee regarding the details of this project. She stated he hit on every point and was pleased with what he shared with the River Committee and commended him for his work.

Andrea shared a map and aerial image, that shows the river and it clearly shows that Mr. Bartlett's project is at one of the narrowest areas in the river. She stated that she feels this project does not benefit the town. She is concerned that this is clearly too big a project for an individual and clearly enters the mooring field. Mrs. Daley feels the River Committee is powerful group and feels their opinion sent to the Conservation Commission will make a difference for all residents who are concerned about the well-being of River. She said that what this committee recommends will be highly valuable to the Con Comm and felt the notes submitted to them were complete & exact. She re-stated to the committee what Chris Sanborn's recommendations were in his letter to the Con Com regarding this project at 15 Mead Street.

Andrea Daley also said if living room house on Mr. Bartlett's current pier has to go, she is concerned about where it will go. She stated she has confidence in this board (the River Committee) and recommends they assert the power they have regarding this project.

Louie George asked if the applicant is going back to the drawing board, is this or is it not going to vote at the next Conservation Commission Meeting. Chris S. said he is meeting with the applicant next week and will learn more but doesn't think it will go to Con. Comm. For their next meeting. Louie G. asked what is next for us as the River Committee regarding this matter. Chris S. said he represents the committee in his comments to Con Comm, but a vote of support from the committee stating they want to minimize encroachment into river from this project would be appropriate.

Matt Byrne asked Chris what he recommends. Chris S. re-iterated what he had suggested in his original comments to the Con Comm.

Aileen L. asked if anyone was allowed to put a house on the end of a pier (if it is permitted) and asked if one can get a permit to put house on/in the mooring field. Chris S. said yes. Aileen L. asked if Mr. Bartlett had any trouble in the Bass River with his other boats. Committee members said no and state he doesn't want to bring his commercial fleet up the river to Danvers.

Bill F. asked where the existing floats sit in tide flats? Chris S said yes, the floats are in the flats, but the proposed project would keep the floats at 18" above MLW as required.

**Motion:** Motion made by: Louie George, seconded by Bill Fouhey, to endorse the June 18, 2019 letter & recommendations contained therein from Chris Sanborn to the Conservation Commission. All in favor 8:0

It was noted that the DEP enforces chapter 91 violations. Andrea Daley has concerns with the existing structure and if not found to be legal would the DEP take action. The Town has no jurisdiction regarding this structure and the building code, electricity etc.... The committee asked where this issue would go to next if project found to not be legal. Gardner Trask said where it goes is not a matter for River Committee. If found to be illegal the owner will have to get structure off the River and this matter would not be in the jurisdiction of the River Committee

Chris S. agreed with Andrea D. that the River Committee should be more involved with these projects proposals. The committee, as an advisory and advocacy group provides a valuable opinion and he appreciates their support and involvement.

Gardner T. asked if Mr. Bartlett's permit for this project is solely thru state. Chris S. said no, he does go through the town's Conservation Commission before DEP and then the Army Corp. of Engineers. It was asked if there are any opportunities to change some zoning for this and similar projects moving forward.

It was suggested that the River Committee sends a letter to the Conservation Commission stating that the River Committee wants to be kept in the loop regarding all river related projects that they see so they are aware. In addition, they would like to send this letter to the Zoning Board of Appeals and the Planning Board and in this letter, they would like to

offer an invitation to those boards to send a representative or the applicant to the River Committee to inform them of such projects.

**Motion:** Motion made by Matt Byrne, seconded by Bill Fouhey. The River Committee requests that the chairman of the River Committee send a letter to the Zoning Board of Appeals, the Planning Board & the Conservation Commission respectfully requesting that any waterway building, construction projects or any project effecting the navigable waterways it be recommended the applicant attend a meeting of the River Committee to present their project as part of their application process. All in favor 8:0.

Aileen L. (River Committee Chairwoman) nominated Matt Byrne, Bill Fouhey & Louie George to work as a sub committee to draft the letter along with the chair and bring it to next River Committee meeting to present to the committee for approval.

Dan DeLorenzo commented on the specifics of Chris' letter to the Conservation Committee and asked if this would be a regular thing moving forward as he found this letter to be detailed and thorough. He asked if we can consider making these guidelines stated in this letter, a policy that can be used moving forward as a guideline on other river related projects. Chris said we can't regulate it but can comment and use it as a template moving forward for other projects. We can see how DEP responds to these recommendations and perhaps adjust the comments moving forward.

Chris reminded the committee that they have no statutory authority and that they are an advisory Committee. Chris read the River Committee's mission statement as a reminder of what the scope of the committee was.

Chris Sanborn informed the committee that the Popes Landing area has been cleaned up and is in great condition for the season. Dave A., Deputy Harbormaster has been working with prisoners from the jail cleaning up the park and painting the building. DPW has also been down there breaking up the old docks and pouring concrete bases for new picnic tables, which should arrive soon. Chris told the committee that Dave A. is doing a great job managing the staff and all daily harbor operations.

### **Old Business:**

Chris S. updated the group on the Crane River bank stabilization project. He said it is moving forward. The permitting process had been started. A site visit will be scheduled soon. The project moving forward

Chris told the committee that his office has processed 550 waterways permits to date. That is a good number for this time in the season. The Online Mooring online payment system for processing Waterways Permits & renewals has contributed greatly to boaters processing their payments timely.

Chris updated the committee regarding the repairs to the M25 patrol boat. Fortunately, thanks to our great mechanics at the DPW garage, the repair was done in-house for only

\$385 as opposed to the \$14k estimated cost (which included labor) from an outside vendor. It was phenomenal job done by DPW.

Chris noted a follow up to the Danversport foot bridge will be forth coming. This will be a bridge between function facility side and Parker Island boat area. Chris will send information out to the committee and discuss at 7/18<sup>th</sup> meeting.

**Motion:** Motion made by Bill Nicholson, seconded by Matt Byrne, to adjourn the meeting of June 20, 2019. All in favor: 8:0

cc: Steve Bartha, Town Manager  
David Mountain, Recreation Director