

**Danvers River Committee**  
**Thursday December 16, 2021**  
**Meeting Minutes**

The Danvers River Committee held a public meeting on Thursday December 16, 2021 at the Danvers Senior Center, at 6:00pm.

**Member(s) present:** Dan DeLorenzo, Chair  
Matthew Byrne  
Louie George  
Robert Hemeon  
Tom Perry  
Gardner Trask, Selectman Liaison

**Member(s) absent:** Bill Fouhey  
Bob Moore  
Mike McCarthy  
Matt Duggan, Selectman Liaison

**Staff Present:** Christopher Sanborn, Director of Natural Resources  
Carolann Powers, Secretary

**Media Present:** None

**Other:** Aaron Henry, Director of Land Use and Community Services  
Georgia Pendergast, Staff Planner, Town of Danvers

Dan DeLorenzo, chair, called meeting to order at 6:02pm.

**Secretary's Report:**

The committee was asked to accept the minutes of the November 18, 2021 meeting.

**Motion:** Made by Louie George, seconded by Matt Byrne, to accept the minutes of the November 18, 2021 meeting; All in favor 5:0.

Chris Sanborn said in the essence of time and to accommodate the public in attendance the committee would hear new business first this evening. The Waterfront Access Sites were the agenda item to be presented and discussed.

Chris said concerns regarding waterfront public access had been brought forward the Board of Selectmen in late 2019. This meeting is intended to share the research they found and give the community an opportunity to ask questions and have concerns addressed regarding the findings.

Aaron Henry, Director of Land Use and Community Service and Georgia Pendergast, Staff Planner were in attendance along with Chris Sanborn, Director of Natural Resources, to present an update on the Waterfront Public Access Point status at Eden Glen Ave, Hussey Ave & Hardy St.

**New Business:**

Chris gave the floor to Georgia Pendergast. She told the group that tonight they would be discussing three public waterfront access points, Eden Glen Ave, Hussey Ave & Hardy St. It was noted that the other Waterfront Public Access Points: Bradstreet Ave., Choate Ave., and Mead St., were [presented](#) and discussed at the September River Committee meeting.

It was noted that the Board of Selectmen had tasked the River Committee with addressing various community concerns regarding the Towns Public Access Points.

In February of 2021, the Town of Danvers received grant funding from the MA Division of Marine Fisheries to improve and explore existing waterfront sites, with the intent to provide updated signage and subsequent access.

A key component of the program was enlisting Hancock Associates to survey, research and memorialize the limits of the right-of-way in these areas.

In early August, Hancock completed the survey work for six access areas in Town (Eden Glen Ave, Hussey Ave, Hardy St, Bradstreet Ave, Choate Ave, and Mead St.). The next and final stage in the grant project will be to install updated “Public Access” signs where appropriate. Before moving forward, the Town would like to give neighbors an opportunity to provide any comments, questions, or thoughts.

Georgia P. noted that the Massachusetts Division of Machine Fisheries were not in attendance but were instrumental in this process. She said the \$15K grant they provided allowed the town to perform the work on the project they are discussing tonight.

Georgia Pendergast, Staff Planner, continued to give the group a brief history of what has occurred in this process to date. Please refer to the Waterfront Access Sites [Presentation](#) for details.

Aaron Henry, Director of Land Use and Community Service spoke to the group regarding details of what the research found, what it means and what is currently happening at these Waterfront Access Sites. He also presented a comparison of the three different types of Rights of Way (Public Right of Way (accepted public ways by the town), Right of Way with Interest (private way not yet accepted by the town, but the town has interest in or right of access to that land) and Right of Way with No Interest). He noted that each location studied fell into one of these three categories which determined how each location was classified. Please refer to the Waterfront Access Sites [Presentation](#) for details.

Hardy St.: Details of the Hardy Street location were discussed. Maps and photos of this location were presented. Georgia P. said Hardy Street is a public road, a Public Right of Way, owned by town with access to the water at the mean high-water line. The plan is to keep the access as is. The town does not intend to change this access. However, the town could always revisit this site for some plan development to determine how they would provide improved public access.

Louie G. said he understands that there are no plans currently to improve this right of way but asked what the possibility would be in the future.

Chris Sanborn said it's more of a passive viewing location, it is not an ideal setting to launch a kayak or other watercraft given the tidal restrictions.

Aaron Henry said signage may be placed at this location to identify private vs. public property.

Gardner Trask noted for those in attendance that these proposed updates are only current thoughts, nothing is in perpetuity.

Georgia P. noted any changes to these areas would require Conservation Commission approval with abutter notifications.

Mr. Bradstreet, town resident, asked if the town was interested in selling or giving up their rights to any of these access areas. Aaron H. said as far as they know, no, the town is not looking to sell these properties.

Janet Morose, her husband Jim, Danvers residents, said they do use the public access area on Hardy St. and encourage other people to use it as well, but noted it is not often utilized and most people say they are not aware the access exists for launching kayaks or canoes or for viewing. She also noted there is a little bench for sitting in this area.

Matt B. asked the Moroses about mud in that area. Mr. Morose said if at high tide the mud is not bad, but would only have access to launch at high tide

Hussey Ave.: Details of the Hussey Avenue location were discussed. Maps and photos of this location were presented. Georgia P. stated that Hussey Avenue is a Private Way, however the town owns a vacant lot on the street, in agreement with all other interest holders, the access can be improved/signed. The public can't use for access without a long process to allow it. The Town, as a landowner, can keep any eye on encroachments in the area and minimize that. The town tried to take a reasonable approach to what improvement residents/owners have made within reason and ensure it is not causing major encroachment. There are easement rights to other owners in the subdivision that allow those to pass and repass as not to exclude them from access. The town does not feel they have the right to sign it as a Public Access Way but rather intend to preserve the open space and access that is afforded.

Lou G. said if you do not plan on signing it, how will you communicate this to property owners and future owners to manage what owners can and can not do as far as private property projects and encroachment on the access way. Georgia P. said new owners will get a letter from the town to inform them of what they need to be aware of when purchasing property on a private way and the town will maintain open conversation with and existing new owners.

Marilyn Rebal, Danvers resident, had a concern regarding the Bradstreet Ave. Public Access Point. She noted this Public Access Point is only 50 feet wide and she is concerned a nearby property that is encroaching on the way. She said this area used to be a place for neighbors to enjoy and access the river area and now it is just a narrow path. She felt these areas should all be delineated and made obvious.

Chris S. said the encroachment she was speaking of was a fence installed by a neighbor, this fence has since been taken down. The Town required him to remove the fence that was encroaching on the access point and town representatives confirmed that this fence has been removed by the homeowner. Chris noted the post and rail fence on other side of the access point is the town's fence and is on the town property.

Aaron H. said part of this grant work includes surveyors placing monuments (granite or iron rods) at all of these areas with survey pins and bounds to mark the actual measurements. The longevity of these markers will assist those in the future to know where these locations are and what the measurements are without having to repeat the process we are currently performing. This document will benefit generations to come.

Frances Kenny, resident at 1 Hussey Ave, said that 13 years ago he went through the permitting process for improvements on his property. He said he maintains the public access point near his property as he likes to keep it nice. He noted the signage draws people to things and felt "if it ain't busted don't fix it" he said people still use the access point since the signage was removed a few years ago, it has been working fine.

Mr. Kenny said at times he replaces/relocates the survey marker/stake if/when knocked over by lawnmower/landscapers, but it may not be in exact spot. Georgia P. said that is ok, they know where exact markings are now.

Eden Glen Ave.: Details of the Eden Glen Avenue location were discussed. Maps and photos of this location were presented. Georgia P. stated that Eden Glen Avenue is a Private Road, but the town hold a utility easement on the roadway. The town does not own a lot on this roadway. The town does not have interest in inviting public down to this area as an access point.

Matt B. asked if this street is on the list to be accepted at Town Meeting as a public way? Aaron H. said yes, it is, and that could change the status, but we don't know the timeline on this particular street. The town's Engineering Department has prioritized streets to be accepted that they thought were public that we learned are not. Those that are private are

not higher on the list. Eventually Eden Glen may become an accepted Street but not likely to happen in near term.

Gardner T. asked what could happens if a private way, what rights do homeowners have. Aaron H. said casual encroachments are owner's responsibility to be aware, for example and encroachment that frustrate access. If you have rights to the way, you have rights to improve the way. You can improve access, but you cannot build on the access and you can't obstruct or frustrate the access.

Dan D. said he lives at end of Eden Glen Ave and he said initially when it went on town list as a Public Way it attracted a lot of interest but that has since subsided and access use has been more appropriate.

Gardner T. asked if Eden Glen Ave. is resident access only. Georgia P. said each Private Way is different depending on how it was defined, noting that access to paper streets and access to water are two very different things.

Aaron H. said the town doesn't have authority on private ways.

Matt B. asked, regarding private ways that need to be accepted as public, if not yet a public way then how does the town maintain them, are funds expended on these ways.

Mr. Bradstreet if the town has a list of all unaccepted ways? Gardner T. said yes. Mr. Bradstreet asked if they only review so many a year because of the cost involved.

Georgia P. said the Engineering Department has an interactive tool that can be accessed that shows if streets are public/private/and when projects are planned.

Jim Morose asked what time would be posted for access on the signs to be posted at accepted Public Access Points. It was noted that access would be posted from dawn to dusk. A picture of the updated signage was shown to the group.

Mr. Bradstreet liked the sign asked if the state of Massachusetts had to approve the sign and its design. Gardner T. said no, the town can design signs for their property. Mr. Bradstreet's only concern with the signage would be that it may disappear from time to time.

Dan D. asked if town has a right of way can they put restrictions on access times? Aaron H. said if a publicly accepted way.

Chris S. noted that residents/abutters will be updated/informed if any changes are to be made in regard to this project.

### **Old Business:**

Chris Sanborn gave the committee a waterfront update.

Chris said it has been relatively quiet since the last meeting. They are now fully winterized for the season.

He updated the committee on the status for the required Harbormaster/Police training for all of his staff. He reminded the group that this required training is part of Police Reform enacted in 2020. The training presents a burden on the department, with the time commitment and the financial component associated with the training.

He will leave the required Harbormaster/Police training on agenda for next months meeting. He will have more to update at that time regarding employment status in his department and budgetary impacts.

Bob P. asked about the pump out boat and the pump out program. Chris S. said they received an additional \$10k grant to refurbish pump out boat. That process is currently ongoing. Louie G. asked if \$10k will cover the refurbishing cost. Chris S. said yes.

Louie G. inquired about the phases for the required Harbormaster/Police training and the time constraints regarding start of the training. Chris said there is an extensive process that needs to be completed prior to the start of the training and in addition they need to find them availability in reasonably located classes. Chris S. said initial indications is they will lose staff because of this required training.

Mr. Bradstreet asked if a firm number of member is set/required for the River Committee. Chris S. said there has never been a set number but with the Town Manager they have agreed to keep it a manageable group. He asked if they currently needed to add members. It was noted that at this time the committee has 8 members.

Carolann P. asked for confirmation of 2022 River Committee meeting calendar. Dan D. deferred to Chris. Chris S. said feels the committee should meet monthly. He asked that committee submit agenda items to him prior to each meeting. Louie G. agreed that having monthly meeting makes sense. If the committee was unable to meet for any reason, they can cancel the meeting. The Committee agreed to continue to hold River Committee Meetings on the third Thursday of each month.

Dan D. noted that since Bill Nicholson has resigned from the Rover Committee, they will need to elect a new Co-Chair. They committee agreed they will put this matter on the agenda for the next meeting. Dan D. said he will not be at January meeting and asked Matt Byrne to run the January meeting in his absence. Matt B. agreed to manage the January meeting.

**Motion:** Motion made by Loui G, seconded by Bob Hemeon, to adjourn the meeting of December 16, 2021. All in favor: 5:0

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