



**Minutes of
The Danvers Conservation Commission
Thursday, June 27, 2013
Danvers Town Hall**

The Danvers Conservation Commission held a public meeting on Thursday, JUNE 27, 2013, at the Danvers Town Hall, Daniel J. Toomey Hearing Room, located at One Sylvan Street, Danvers, MA 01923.

Members present: William Glynn, Chairman
Neal Waldman, Member
Lisa Austin, Member
Matthew Lallier, Member

Members absent: Tom Manuel, Member
Michael Splaine, Member
Jeffrey Cary, Member

Staff present: Kristan Farr, Planner
Janell Powers, Secretary

William Glynn opened the Conservation Commission meeting at 7:25 p.m. with a reading of the "Commission Statement."

New Business:

Ralph Meola, Applicant was present to ask the Commission what they recommend for his request. Chris Sparages from Williams & Sparages was present representing Ralph Meola. There are 2 building lots that already have an Order of Conditions. Lot 10 and Lot 11 and requesting a minor modification, using a more specific footprint that the homeowners are requesting to be built. They are slightly different than what was approved.

Lot 10, they would like to reposition the driveway which would be less pervious by about 600 feet. The biggest drop is amount of pavement. Glynn asked how much is being changed. Sparages stated the approved footprint was 875 square feet. They are proposing an increase of 559 square feet which brings the total footprint up to 1434 square feet. The total impervious was 3956 and they are reducing that out to 3353.

Lallier asked why are you doing this. They staked a couple of choices for the buyer and the buyer would like this design of home. Farr explained that they are asking if they need to file an amendment or not. Glynn doesn't like them moving closer to the wetlands but likes that they reduced amount of pervious to compensate and those are the two factors they have to weigh. Austin stated that she would like to see more of a reduction in impervious surface, she knows that this would be the thoughts of the members who are not here tonight, Cary and Manuel. Austin asked what you are doing with storm water management. Sparages stated that the storm water management was approved on the original order and that would not change. Austin asked if they could shorten the driveway and move the house further away from the wetlands. Sparages stated that the required front set back is 30 feet and this is 31.1 frontage, they cannot push it back. They would like to see a few more improvements. Sparages

asked how this would be handled. Glynn would like a full amendment filed. Farr was on the fence and asked the applicant to come see what the Commission would like.

Waldman asked if they could approve this tonight if they agreed with the changes. Lallier stated that he felt that it would be procedurally correct to notify the abutters of what they are doing and do this as an am. Lallier has no problem with what they are doing but feels that they should do this procedurally correctly.

Sparages asked to review Lot #11 also. It is a 2450 square foot approved footprint. The proposed is still skirting the 100 foot buffer. This would put 170 square feet in the buffer zone now. The pavement is being reduced. Austin feels that they need to notify the abutters also on this Lot. Farr thought that previously this Lot did not need an Order because this lot was not in the buffer zone. This request could be done as an RDA. Sparages stated that Williams stated both of these were reviewed by the Commission, but maybe he was incorrect. Glynn stated that they need an RDA, and added that there are not many objections but they need to file. Sparages and Meola thanked them for their time.

Valley Road-Certificates of Compliance

Farr stated that someone has been contacting her about Valley Road. They are trying to sell the house. It has 2 old orders of conditions. Farr cannot tell what the Orders are. She would like this completed and she asked them to file for Certificates of Completions. She received the requests today. Glynn asked how old these orders are. Farr stated 10 years. Farr has been to all of these lots, and they are all fine. Glynn stated that someone should know what they are closing out. Austin asked if there has been any new construction or changes recently. Farr replied no. Glynn seems like it should go through the normal process and review the file and that the Applicant should come before the Commission at the next meeting. Farr stated if there was a problem, it would not be done through the Certificate of Compliance. The Order is dead anyhow, it has expired. Farr stated she has seen the file, but not recently. There were no red flags for this property. Glynn asked if the wetlands have changed. Farr stated it is fairly stable. The beavers changed the water level. The road is a little bit further back. It is kind of triangle shaped. The lower number file may be a sewer.

Waldman asked what would it change if we wait to close it out at the meeting. Austin asked what would we gain or solve if we did wait. Farr replied that the home has gone through 2 or 3 owners, and they would not have any idea of what these Orders of Conditions were for.

Waldman motioned to issue a Certificate of Compliance for 4 Valley Road, DEP File No. #14-796. Lallier seconded. Glynn was nay. The motion did not carry.

Farr stated if she cannot find the file, then what? Glynn stated maybe they could look at the property or rely on Manuel's experience. Lallier asked if we could possibly contact the Applicant. Farr explained that the applicant has moved on. This is very old. The Commission's vote reflected that the Certificates of Compliance Requests must appear at the next meeting. Farr stated that she will continue to look for these files.

Waldman motioned to issue a Certificate of Compliance for 10 Valley Road DEP File No. 14-803. Lallier seconded. Glynn voted nay. The motion did not carry.

Other New Business

Austin feels that new business should be put at the end of the meeting. She does not feel that it is fair to the people who are on the agenda already and have prepared for the meeting have to wait while others come and explain their request. She does not think it is fair.

Austin stated that there is always going to be an issue for the quorum. She wanted to voice her opinion about the recently discussed quorum issues. She stated that she understands that currently, they have to have a quorum of the full number of members instead of a quorum of how many are in the room. Votes are a quorum of the full number. Austin asked if they could change the bylaw to reflect that the voting requires a quorum of the number of members in the room at that meeting.

Lallier stated that the quorum is a definition, it is always out of the full number of members with any meeting. Austin stated if you go to five members, the problem will not be solved. The quorum stuff is state statute, Lallier believes. Farr stated that this board was established in 1951 it said that there shall be a conservation commission, that is it.

Farr stated it is not really up to the Commission. Farr is working with Town Counsel. Glynn stated we would probably influence and initiate the request for the change of the number or not.

Glynn would like to get everyone together to discuss. Austin asked what the problem is, we are not cancelling meetings. She added you will have the same problems with a 3 person quorum.

Farr will get more guidance from Town Counsel and she will get the information to them.

Minutes:

May 23, 2013; June 13, 2013

Glenn motioned to continue the approval the May 23, 2013 and June 13, 2013 meeting minutes until the next meeting. Waldman seconded. All others were in favor and the motion carried.

Request for Certificate of Compliance

15 Doty Avenue, DEP File No. 14-1057

Scott Nathan, Applicant, was present and he stated that they added a 1500 square foot addition, a garage and a breezeway in 2007. He was unaware that before they sell the property that they needed to obtain a Certificate of Compliance. Farr is fine with this.

Waldman motioned to issue a Certificate of Compliance for DEP File No. 14-1057. Austin seconded. All others were in favor and the motion carried.

Continued Public Hearing [310 CMR 10.05 (4)] – NOI

21 Ingersoll Street; DEP File No. 14-1228

John Dick, Hancock Associates, was present for the Town of Danvers, to discuss the proposed dog park. Dick stated there is an unpaved road on Dean Street. It is gravel surface and DPW will finish grade some parking off of the roadway path. There is a big stump in the road a ditch begins and runs down to a culvert. There will be cleaner & smoother parking spaces and they will install a curtain 1 x 1 stone drain. They will have 2 access gates, one they are leaving and one they are adding. There are 3 wetlands that were flagged for the wetlands. It is a flowing system. They will be crossing two wetlands and two other wetlands are about 50 feet away. There will be clean up facilities and trash cans. We did a site visit a week ago Thursday. There is a stone box culvert 6 to 7 feet granite stone wall culvert that they are not going to touch. There is already a traveled foot path. They are upgrading for handicapped accessibility. This project is strictly in the buffer zone. They are going to cut some trees down. Much less than half of the trees are coming down in a heavily wooded area.

Lallier asked why are you keeping it gravel on Dean Street. Dick stated that is all that is needed.

Lallier stated that Dean Street will have to be plowed in the winter. Dick stated that the Town will have to plow this street. Lallier asked if there is a wetland to the West. Dick replied yes. There are going to be 12 spots. Where are you going to put snow, Lallier asked? Dick stated against the wall.

Waldman motioned to close the Public Hearing and issue an Order of Conditions for DEP File 14-1228, 21 Ingersoll Street. Austin seconded. All were in favor and the motion carried.

Public Hearing [310 CMR 10.05 (4)] – NOI

38 Sherwood Avenue; DEP File No. 14-1230

Bill Manuell from Wetlands & Land Management was present representing the Applicants, Chris & Jessica Smith, who were also present to discuss the proposed addition. Manuell stated that Frost Fish Brook is in the backyard. It is a typical Woodvale home. The brook is off the site and it is dead straight and 10 feet deep. The entire site is within riverfront. The applicants would like to put a new garage and a patio out back. There are one foot contours on the plan. The yard is dead flat and then it drops off into the channelized brook. The proposed garage is 23 x 36. The current storm water flow is working fine. There are no gutters on the house. It is dead flat and it is working. They are not proposing any changes. The lawn is completely stable. There are no signs of erosion. This is a low budget project. They feel this is a very easy simple request.

There are two trees, all open lawn front to back, very tall locust trees, one already fell over and just missed the house and fence. The two tallest trees, they are going to cut about 25 feet off of the top bringing these 125 foot trees down to 100 foot trees, just topping them off. Glynn stated that the shed is in the no build zone. Manuell stated that it is there, and has been there quite a while. It is not affecting any vegetation. Austin states this property as she recalls it being very, very wet. She looked at this property, almost bought it.

Glynn stated that you are looking to add 1000 square feet of impervious surface. He is looking for improvements. Manual stated that the back yard is an open area. The shed is at the edge of the grass but moving it would be a shed in the middle of the yard. Lallier asked what the patio will be constructed out of? Impervious paver block, the Applicants replied.

Do you have an alternatives analysis, Lallier asked. They cannot go any closer to the street. Currently, parking is in the driveway at front of house. The proposed driveway will overlap some of the existing. DEP had questions about alternatives. Mr. Smith replied that they have owned this since 2007 and they would like a garage and a patio. It is a ranch house that is about 1050 square feet. It will be 1,300 square feet with the garage.

Austin stated that she remembers this property being very wet. Farr stated that the yard was fine, it was not squishy or anything. Lallier asked if they could put a patio off to the left of the house instead? Manuell replied they would like it off the bedroom. Austin is happy with the patio because of the pavers that they are using. She asked if they could possibly use impervious pavers for the driveway? They do not want to use pavers instead of a driveway because it will triple the cost and this is a low budget project. Manuell added that they are just going to move the driveway over a little bit. Manuell stated that they could put a drain along the side of the driveway. Lallier stated that you have no other plan, this is all you can do. Manuell explained. He understands the garage but the patio does not need to be that deep into the inner riparian. Manuell stated that you cannot sit outside, you sink into the mud. They need an area off the house where the kitchen is. Manuell stated that this is a fairly simple Woodvale project. The riverfront captures every lot in Woodvale. If it was a sloped lot, they would do more to please the commission. It is a dead flat lot. Glynn states that we are messing with it building on it.

Austin motioned to close & approve the Public Hearing for DEP File 14-1230 and issue an Order of Conditions with making the patio pervious pavers. Waldman seconded. All were in favor and the motion carried.

Continued Public Hearing [310 CMR 10.05 (4)] – NOI
105 Andover Street; DEP File No. 14-1229

Curt Young, Wetland Preservation Inc. was present for the Applicant, Group 1 Automotive Inc. to represent the proposed car wash. They had a site walk Saturday. He showed the plan. Group 1 Auto owns this. Young stated that a variety of questions were asked at the site visit. He will get the maintenance records. They will pull out the pipes and see where the drains at the back of the building actually go. Gino said they are going to pull out the pipes and see where they go to. In regards to the LSP, they have made attempts to get in touch with them, but the LSP is on vacation. In regards to removing some pavement, the mortgage holder said no, this changes the value of the property.

Young stated at the back of the building they can put a level trench and he can also put vegetation in the area all along the back of the building. Curt Young feels that this accomplishes what they are looking for. Young does not see an impact for what is there currently and what they are proposing.

Glynn stated that there was talk about angle parking at the site visit. Young stated that they would have to eliminate spaces. It is right on top of the resource area, Glynn stated. It is on top of the paved area, Young replied. Young stated that alternative analysis are not required by the state laws, maybe by the town bylaws, but not the state laws. Glynn stated that they do not need to allow any building on this. Young stated that the Commission has the ability to say no more development in the riverfront area, but, not on previously disturbed pavement. Young stated that is true but he is looking to re-vegetate 2,000 square feet of vegetation. Glynn stated the land is already lawn area. Young feels that this accomplishes something, they are planning on planting wetland vegetation in this cut grass area.

The pavement area is not allowed to be altered per the mortgagee due to it decreasing the value of the property. Plantings add to the retention of water but it is not making new impervious areas, Glynn stated. Waldman asked if they got an answer for the question of the recycling type of water unit for 60%. Young replied that 40% is discharged into the sewer. Austin replied that she thought this was all self-contained. Young explained that it is but some water is discharged into the filtering system into the sewer.

Lallier asked about the parking lots. Has the surface area gotten closer to the resource area? The building looks larger on this plan. Young replied no, it is all the same. The building is very large and it is about 200,000 square feet. Lallier stated that there is a strip of land that hugs the river. Lallier stated that the snow is pushed into the wetland and he is concerned about salts, etc. Young stated that the snow is trucked off site. Young recapped the storm water management. Glynn asked if there are any other improvements to the storm water management. Glynn stated that the entire property's storm water management is opened up. Young explained the storm water management. Glynn asked the age of the system? He feels it was done in 2005 or 2006. Manuel had spoken of a swale being in that area. Young looked at the town topo maps and he found the swale area in 2005. Young never in 15 years has seen a swale there. Glynn asked if they are getting any reduced pervious area? Young replied no.

Glynn asked for them to review the entire storm water management system, LSP questions, and to get the maintenance records. Austin stated that they know that it is previously disturbed. Young stated they have met their requirements for the state. They are looking for incremental improvements throughout the plan. Young feels that he went over and above on this.

Austin motioned to continue the Public Hearing for 105 Andover Street, DEP File No. 14-1229 until the meeting of July 11, 2013. Waldman seconded. All were in favor and the motion carried.

Continued Public Hearing [310 CMR 10.05 (4)] – ANRAD

155 Hobart Street; DEP File No. 14-1226

Continued to July 11th

Public Hearing [310 CMR 10.05 (4)] – NOI

I-95; DCC File No. 2013-04

Continued to July 11th

Adjournment:

Lisa Austin motioned to close the meeting and adjourn at 9:10 p.m. Waldman seconded the motion. All were in favor and the motion carried.