



**Minutes of
The Danvers Conservation Commission
Thursday, July 11, 2013
Danvers Town Hall**

The Danvers Conservation Commission held a public meeting on Thursday, JULY 11, 2013, at the Danvers Town Hall, Daniel J. Toomey Hearing Room, located at One Sylvan Street, Danvers, MA 01923.

Members present: Neal Waldman, Member
Lisa Austin, Member
Tom Manuel, Member
Michael Splaine, Member
Jeffrey Cary, Member

Members absent: Matthew Lallier, Member
William Glynn, Chairman

Staff present: Kristan Farr, Planner

Michael Splaine opened the Conservation Commission meeting at 7:00 p.m. with a reading of the "Commission Statement." The meeting was taped.

New Business:
No new business.

Minutes
May 23, 2013; June 13, 2013; June 27, 2013

Splaine motioned to continue the approval the May 23, 2013 and June 13, 2013 and June 27, 2013 meeting minutes until the next meeting. Manuel seconded. All others were in favor and the motion carried.

Request for Certificate of Compliance
4 Burley Farm Road; DEP File No. 14-1186

Applicant, Shawn Wescott was present to request a Certificate of Compliance for the addition for a single family house. Farr went by the property today and it is fine. Cary asked if there was a lot of waste and trees in the woods that he was supposed to clean up. Cary stated there was a huge retaining wall and there was a bunch of waste back there. Austin asked if Cary wanted to go see this and make sure that they cleaned up what they said they would. Farr stated you were doing yard work. Farr did not look over the white fence. Cary wants to see if it is cleaned up. Cary asked if it was in the conditions of what they asked. Farr stated the file is on her desk. Wescott stated two trees fell down. They cleaned up and trees fell again, so it looks about the same. Cary stated that these trees are in the resource area. Cary added that there are blue tarps in the wetlands also. Wescott stated that the tarp is gone. Cary asked Farr if she reviewed the file for conditions before she went to the site to see it? Farr stated no, she said there are usually not such insane conditions on single family additions. Farr asked if Wescott was in a hurry to close this. Wescott stated yes, he has a cloud over his title.

Cary wants to go make sure this condition is satisfied. Wescott stated that trees are out there, there is no construction debris.

Waldman motioned to close the Public Hearing and issue a Certificate of Compliance for DEP File No. 14-1186. Austin seconded. Splaine was in favor. Cary and Manuel voted no. The motion did not carry. Cary and Manuel want to go see the site and make sure that the condition of the trees are cleaned up. Cary would like Farr to send him the original order so that he can review it. This will be re-scheduled on the next meeting on July 25th, 2013. Wescott said 8:00 – 8:30 a.m. tomorrow Manuel will go by.

Westcott came back with the Order of Conditions. There was nothing extra in the Order. He believes they are thinking about when he did the wall. Cary asked if he is putting yard waste out there.

Austin motioned to re-consider the vote for DEP File No. 14-1186. Waldman seconded. All were in favor and the motion carried. They agreed to reconsider.

The applicant found his Order of Conditions. They reviewed them.

Waldman motioned to issue a Certificate of Compliance for DEP File No. 14-1186. Cary seconded. All were in favor and the motion carried.

Request for Certificate of Compliance
4 Valley Road; DEP File No. 14-796

Applicant Kimberley Obremski c/o Martin J. Arsenault, Esq. was present to request a Certificate of Compliance for the construction of a single family house. Farr stated that the work has been done for at least 10 years. Obremski just sold 10 Valley Road and they are holding \$1,000 of her money because the 2 orders of condition are open. Farr stated it was originally one lot and then divided up. Manuel asked if there were more houses tied up in this. Farr stated she cannot find all of the files. She stated that it has been 10 years, and has been to all of the neighbor's houses over the past few years and went by this property today. There are no violations, there is no reason to tie this up. Farr stated if she felt something was wrong, she would tell you. Obremski bought the house in 2002. This order is at least 13 years old.

Waldman motioned to issue a Certificate of Compliance for DEP File No. 14-796. Splaine seconded. All others were in favor and the motion carried.

Request for Certificate of Compliance
4 Valley Road; DEP File No. 14-803

Applicant Kimberley Obremski c/o Martin J. Arsenault, Esq. was present to request a Certificate of Compliance for the construction of a single family house. Farr stated that the work has been done for at least 10 years.

Waldman motioned to issue a Certificate of Compliance for DEP File No. 14-803. Splaine seconded. All others were in favor and the motion carried.

Request for Amendment
Lot 11, #4 Saratoga Lane; DEP File No. 14-1193

Rich Williams from Williams and Sparages was present to request to move the footprint of the home deeper into the buffer zone of the bvw. The footprint would be moving from 101 feet from the bvw to 94 feet from bvw. The pavement will be reduced by 382 square feet. He explained that the buyers are requesting different designs of homes which makes the footprint move. He showed the proposed and new plan. Again, they have a specific design that the buyer would like. They have a very small portion

of the house and deck and grading within the buffer zone. The closest portion is the deck and it is 94 feet away from the resource. They do not have lawn proposed in the 25 or 35. Austin stated this is less intrusion. It is a bigger footprint. Pavement will be reduced by 382 square feet. It is a slight change. They have a walk out area with a deck, so they had to build the grade up behind the garage. Manuel asked if that is going to create any water changes. Austin asked how much of a grade change is it? Williams stated 5 feet between the grade behind the house and the walk-out. It is not unusual to fill to get to the walk out. Walls, curbing, parking area was all taken out. Manuel asked if the segmented block wall is new and why is it there? Williams explained that they have a deck that they have to walk-out to get up to a location.

Austin motioned to close the Public Hearing and issue an Amended Order of Conditions for DEP File 14-1193, Lot 11, #4 Saratoga Lane. Waldman seconded. All were in favor and the motion carried.

Request for Amendment

Lot 10, #6 Saratoga Lane; DEP File No. 14-1194

Rich Williams was present to request to move the footprint of the home deeper into the buffer zone of the bvw. The footprint would be moving from 82 feet from the bvw to 69 feet from bvw. The impervious surface will be reduced by 600 square feet. He showed the original plan and the proposed plan. There will be a patio in the back. The prior plan had a deck. They are well outside the 35 feet. They are not changing anything else. Williams stated that the impervious it will be reduced by 600 square feet. Splaine asked what brought about the change? Williams stated when they design the subdivision, they do not have buyers. The buyers are requesting these changes.

Cary motioned to close the Public Hearing and issue an Amended Order of Conditions for DEP File 14-1194, Lot 10, #6 Saratoga Lane. 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. Young stated this is a continuation. He explained that the proposed is a car wash. He included a document that is the maintenance records. They generated a spreadsheet. Manuel stated that it opened up a can of worms for him. Manuel asked about the catch basins, were they recently maintained? IRA leases. Are there records for those catch basins? There were skim coats of oil pumped. They reviewed the records. There is one inside and one outside with oil and water separators. Young stated that the 2nd item was pipes, there were downspouts in the back. They will put a stone path in the back for the water to infiltrate. Young explained the storm water management and where the flow was going. 1.8 acres of pavement go into those basins. They never had to do any clean-up. Manuel asked how clean is the tributary. Young stated he thinks it has gotten better and Crane Brook has gotten better. The fifth thing is a planting plan. They were asked to expand the planting area. The owner of the building said no. They are proposing to take out and plant along the intermittent area. They are not removing pavement. Austin had asked for that. They are already under a parking variance. The mortgage holder will not allow them to take up pavement. Young stated that they put maple in original plan, they are putting more shrubs in. They recommend 3 - 6 inches annually he believes. The oil is floating on the top. Manuel stated the car wash will not have an oil problem but he would like to make a condition of what detergents can be used. Farr stated that she does not believe that there are any references to detergents. Young stated that they are looking into that. Austin stated that the system drains to the sewer. 60% goes to the sewer per Young. It is all self-contained. You have 3 rinses, more than a regular car wash. Cary and Manuel are both concerned about the 25. Young stated that the vegetated lawn area is 9500 square feet and there will be 3000 square feet of landscaped areas in the parking lot. Young stated that they are doing what they can with the property owner not allowing them to take up pavement. Austin stated that she feels that this area should have never been paved in the first place.

Young stated that the Commission's predecessors voted in favor of what is there now. Cary stated he tries to protect the 25 and not allow any development. Cary stated if you moved the car wash building somewhere else in the lot, you would have that space for parking. Young stated it cannot be put just anywhere on the property. The Planning Board approved this and I am sure they would not approve it right out near Andover Street. Also, they have to take into consideration where the drainage and sewers are. Young stated the commission would want the fire lane reduced. Austin stated that would reduce the parking. From the standpoint of the location, this is preferred for a variety of reasons. Young does not see a relationship from a car-wash operation and car sales business. Is the car wash going to do more damage to the wetland than parking being there. Young feels that you would have cleaner run off from a car wash. If you are parking cars you are collecting suspended solids from parked cars. Employees still come in there and park there. The materials from the cars tend to go to the wetland. 178,000 square foot roof. Cary asked is it the same size as an average carwash. They are going to have 10 feet of storage for chemicals and buildings, etc. Manuel asked if Bill Glynn's issues have been addressed. They do not feel that anything else can be done. Young stated that Glynn wanted the plantings to be done. The site already has a variance for the amount of parking that it is supposed to have.

Waldman motioned to close the Public Hearing for 105 Andover Street, DEP File No. 14-1229. Austin seconded.

Austin stated that one of Bill Glynn's concerns was the LSP. She asked if they are getting one. Young said you don't get one unless you need it. It is very costly. In 2008, they did borings and had no issues with the refinancing. The history of the site is such that it hasn't been brutalized over along period of time. It has been one owner the entire time. Who is responsible to not hurt the wetlands? Young reviews the site from time to time. He will take a condition to monitor 2 x a year. Manuel feels that there is more stress on the wetlands? Austin stated isn't it cleaner? Manuel feels that there is somewhere else to put this. They already have another car wash. Young explained the route of where the cars would have to go. Use of gasoline, emissions, probability of accidents, he asked them to be reasonable. They use the building for storage. He would like to put more restrictions on this. The cars just sit there. Young disagrees with him and said you don't find engines sitting out there. You do find damaged vehicles. Young stated they don't leak. Manuel stated they do leak. He stated that he has looked. Manuel asked every day? Young stated no. Manuel would like another catch basin added or something else. There are no catch basins around the carwash Manuel said. Manuel asked where the storage of all of the materials will be. A couple of 55 Gallon drums in the building. Manuel asked if they can restrict the number of liquids. Cary asked how you work in such a small area, just using silt fence? They have catch basin protection and keep it in the curbed area. The darker shaded area will be re-paved. Manuel stated it is a lot of work in that area. Young asked if there is more he can do. Manuel wants the stream cleaned by IRA. Young said they do 2 x a year. He feels that he has done improvements. He doesn't know what else he can do.

Waldman voted in favor, Splaine voted in favor, Austin voted in favor. Cary stated that they do a lot to help. Cary voted in favor. Manuel voted no. The motion carried.

Continued Public Hearing [310 CMR 10.05 (4)] – ANRAD
155 Hobart Street; DEP File No. 14-1226

Scott Cameron from Neve Morin Group was present to represent for Saint Mary of the Annunciation to discuss the wetland delineation. Mike Rossa from Rossa Environmental was also present. Cameron was the surveyor. Rossa did the delineation. At the last meeting in May, they scheduled two site walks. Cameron was present at the site visits. They made a couple small adjustments to a couple flags. They provided a revised plan a couple weeks ago. Splaine stated that they walked the site and most of the flags were right where they should be. Austin stated when she went, they couldn't find the

flags. Manuel stated that you only did the supposed divided lot, they did not do the whole lot, this is his only concern. The wetlands continue to the other part of the lot. Cary stated they are giving the ANRAD for the whole property, right? Austin asked if they can limit the section. Farr stated that it would be the part they are delineating. Manuel stated the legend says it is the whole lot. Cameron stated there is a line across the plan. It clarifies also what portion of the lot that they are delineating. They will be more than willing to accept a condition that states they have only reviewed the delineation to a certain point, where they drew the line on the plan. For their purposes, this is the fully developed section of the cemetery. Nothing has been done since the 1850s. Splaine asked where the markers are? The clear portion that is lawn and maintained, there is a 100 foot overlap, Cameron stated. Splaine stated that there was a large vault. Austin asked about the debris and construction dumpster up on the hill where they were parked. Cameron stated they did just put in a dumpster pad, close to 300 feet away from the boundary. That was where they store material. Splaine explained to the audience that this hearing is for a wetland delineation only. It is not for a project. Splaine asked Cameron what is the project? Cameron reiterated that they have no project, the applicant just wanted to delineate the wetlands and know what they have for property. Manuel wants to make sure that it is noted that this is a partial lot delineation only. Manuel asked if they can state that there are They are only looking at 1 acre, Cameron stated. Farr stated if they want to do something on the other portion, they would need to come before the commission and delineate the other portion of the lot. Austin asked about the portion that has been flagged, she is not hearing that there are concerns where the flags have been placed. She is hearing concerns of what they are looking to do with it. Is there a concern with where the flags are placed? Splaine stated that he was just trying to satisfy the audience. Austin stated in the question of an ANRAD, they are just jurisdictional.

Cary asked about the abutter that is concerned about a vernal pool. Farr stated they need to have them on the plan now if there are vernal pools. Cary asked about

Amy Maxner, 4 Sandpiper Circle from her driveway in the southwest direction, I heard spring peepers. They are loud. Cary asked for clarification. They use vernal pools for breeding habitat. The wetland can function as a vernal pool. Farr stated for purposes of planning, you must note there are vernal pools. Mike DeRossa stated they conducted the delineation in April. That is the season. They did not see any vernal pool habitat species. This is a very linear brook. It is not a pool in anyway. National Heritage would not protect the area. They walked the entire area looking for anything that would be a vernal pool.

They are very well drained soils. By its nature the vernal pool is a breeding ground for vernal pools. Peepers, frogs, salamanders, etc. Waldman asked if they saw species they would make note on the plan? DeRossa stated yes. Vernal pools hold water for a couple of months to get through the life cycle of the species. There are no turtles, no fish. There are no vernal pools on this property. DeRossa stated he is very confident that there are no vernal pools.

Maxner stated she agrees with DeRossa that National Heritage would not certify this but in terms of hydro period of a vernal pool has to dry up. A vernal pool can stay wet, but cannot support fish. It can still be wet all year round, but it cannot support fish. In her experience she has seen eggs in the stream. She has not seen this in this stream. Austin stated she appreciates her input. Is there something that you are requesting? Maxner said to just keep in mind that we had a very weird spring. They had wet pools, things dried up, eggs never dried up and never developed. Manuel asked how long an ANRAD is good for. 3 years. Manuel stated if they do not do any development permitting, they would have to come back before the commission. DeRossa stated this line holds for 3 years. Cary asked if there is anything that they can specify in the Order that if there are vernal pool species, they protect the area. They have to be laying eggs and using the habitat area to be designated as a vernal pool.

Sally Conway, 19 Bayberry asked if they walked the entire lot. Did you walk the interior too? They covered almost every part of the property, around the entire boundary and walked across and looked at all the wetlands, Cameron stated.

Maxner stated in her experience and the way she understands NOI, that is open for new information. New discoveries can be made in an NOI if it is brought forward. Austin stated the only thing that they can really do is approve the delineation and add that they can re-check for vernal pools. DeRossa stated that they can introduce new information in the NOI.

Austin motioned to accept the ANRAD delineation for 155 Hobart Street, DEP File No. 14-1226 with the condition that if the applicant comes back with an NOI that they re-check for vernal pools in the event that there is new information. Waldman seconded. All were in favor and the motion carried.

Manuel motioned to close the public hearing for 155 Hobart Street; DEP File No. 14-1226. Austin seconded. All were in favor and the motion carried.

**Public Hearing [310 CMR 10.05 (4)] – RDA
I-95; DCC File No. 2013-04**

This was continued to July 25th.

Adjournment:

Waldman motioned to close the meeting and adjourn at 9:30 p.m. Austin seconded the motion. All were in favor and the motion carried.