



**Minutes of
The Danvers Conservation Commission
Thursday, June 13, 2013
Danvers Town Hall**

The Danvers Conservation Commission held a public meeting on Thursday, JUNE 13, 2013, at the Danvers Town Hall, Daniel J. Toomey Hearing Room, located at One Sylvan Street, Danvers, MA 01923.

Members present: William Glynn, Chairman
Jeffrey Cary, Member
Tom Manuel, Member
Neal Waldman, Member
Lisa Austin, Member
Matthew Lallier, Member

Members absent: Michael Splaine, Member

Staff present: Kristan Farr, Planner
Janell Powers, Secretary

Thomas Manuel opened the Conservation Commission meeting at 7:07 p.m. with a reading of the "Commission Statement."

New Business:

Farr stated that the applicant, Kevin Murdock for 9 Endicott Street is here and they have a request to nudge the house over a little bit. Kevin Murdock stated that he has built Lot #9 and Lot #11, they are about to start Lot #13. They have two up. They are going to start 13 soon. They would like to move Lot #13 over 10 feet. They have 85 feet to the right. Cary stated that Lot #13 is closest to the water. Farr stated that they are not going closer to the river. Murdock stated that they are just moving it over to the left if you are looking at the building. Cary stated that they are going closer to the water and this is one under our jurisdiction. Murdock stated that he is asking for advice from the Commission. Farr stated that it is up to the Commission on whether or not they need to do an Amendment. Manuel stated that he feels that they need to do an amendment. Cary stated he had voted no on this project. Waldman agrees with Cary, it is not in favor. Austin agrees with Cary & Waldman. Lallier is asking why abutters were not notified of this. Farr stated that they need to be notified if an amendment is formally requested. This is not a public hearing, this is just asking for advice. Manuel stated that this is the first that they have heard of this. They would like him to go before the Commission with an amendment.

Farr stated that she spoke to Town Counsel about reducing the number of members. It was the Town's decision for the number of members. The state statute states that you can have 3 to 7 members. Town Counsel's feeling was that the Town Manager act gives a lot of power to Wayne Marquis and he may be able to change it. If he cannot, the Board of Selectmen would be the next step to try to change that. She is not sure where it falls to be changed. Glynn stated if they agree to what they want to change, they would present it to Wayne Marquis.

Glynn stated there has been concern that if we have 7 member board, we need 4 to vote regardless how many are present. He stated a minimum of 4 members have to be there. The alternative is to have a 5 member Commission, there would be a quorum if 3 members were present. The Commission would like to discuss it to Mike Splaine too and get it clear on what they want and what questions they have for Farr to ask Town Counsel.

Minutes:

May 23, 2013

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

Public Hearing [310 CMR 10.05 (4)] – NOI
21 Ingersoll Street; DEP File No. 14-122

John Dick, Hancock Associates, representing for the Town of Danvers, was present to discuss the proposed dog park. John Dick stated that Manny Tavares, a landscape architect has done the drawing. They have a piece of land 100 yards up Dean Street that is directly opposite St. Richard's Church. Dean Street is a dirt road and has a path already. There is a gap in the wall. There is a drainage swale also. The parking lot will go further away from the swale. Dean Street is currently gravel, and functional at this time. It is not going to be paved. They will extend the gravel for parking up to the fence. They are filing for buffer zone work only. All of the proposed work touches the 25 foot. The fence is the majority of the work. There is a spring hole. They will just use the path. There will be a swerve out of the path. There is a confluence of wetlands underneath Dean Street. They are staying 25 feet away. There is an ephemeral pool. They are giving it a 25 foot buffer zone. The fence will go off that 25.

Further up there are wetlands that pop out of the ground by Ingersoll Street which flows around the proposed dog park. That flows into the ground. The fence is in the buffer zone. There is a limited amount of tree clearing. There is a path and stone benches. Access and egress into dean street. Old granite backed culvert. He does not know the condition, there is good cover. He spoke with Bob Lee and the Engineer. If they come in with any equipment during construction, they should go through Ingersoll Street, not onto Dean Street with equipment. There is no proposed erosion control. The fence construction will cause a lot of soil disturbance. They can put 2 or 3 check dams in the swale while they are doing the work only. The sheet flow will not run overland. Bob Lee stated that the work would probably take about a day. They will put in rice stone in selected areas. John Dick stated that it is a dog park and gets pretty messy if the owners do not carry out their waste, they probably won't go back if people do not carry out their waste. Austin asked how much you are removing. 95% to 90 or 80% and all this is out of the buffer zone. The surface of the parking area is crushed stone. If there are more than 12 cars, where will the overflow park, Waldman asked. John Dick stated probably out on the street and walk in.

Manuel asked if anyone evaluated the engineering on the culvert. Manuel asked them to use a structural engineer to evaluate this. Bob Lee said the bucket truck was fine going over the old culvert. Cary asked if there was any thought to using areas away from resource area. The gentleman stated that they looked at 3 sites, and this is where they decided on. Cary asked will they be able to go in both ways through Dean & Ingersoll. John Dick said no, Ingersoll will just be used for construction purposes. Dean Street will be the way into the dog park. There is a barrier that they will move just beyond the parking spots. Manuel asked if anyone has walked the site. Manuel would like a site visit. Manuel asked how much fencing will be used. John Dick replied about 700 feet. Manuel asked if any pylons would be used for the fencing. John Dick replied yes, concrete pylons would be used.

Matthew Teal, 15 Ingersoll Street, said you already say it is a dirt path, will you be removing anything? John Dick replied that they will strip some loam away, of debris and any litter, at that point they will add some and level it off again. Teal stated that he went over there tonight, it is very muddy. He is concerned about the water and run off. John Dick stated that there will be a stone drain fall trench, 1 x 1 foot at the head of the parking, it will be recharged right back at the edge. The 50 foot swale has a wall spreader and that remains to keep the storm water managed. Teal asked what will be done about the existing gate there, will it be move up the road? Teal asked will the parking lot will be open 24/7? Bob Lee replied that the existing gates will remain, and a third gate will be installed.

Cary asked if there is any standing water. Teal said yes. Dick said the road is clearly dry gravel. Parking spaces 11 and 12 could be in the resource. Why can't they move it 30 feet closer to Ingersoll to get out of the resource area. Manuel asked who is doing this work. Bob Lee stated employees and a contractor. The town employees will be refreshing the walkway, putting in 2 bollards, build 3 access gate on the west end of the parking area, and trenching for a water faucet.

Matt Fenow, President of the dog park stated that Menino will do the tree removal. Bob Lee stated that the trees that are remaining are flagged. John Dick will go on the site visit with the Commission members.

Site visit will be Thursday, June 20, 2013 at 6:30 p.m.

Glynn motioned to continue the Public Hearing DEP File 14-1228 until June 27, 2013. Austin seconded. All were in favor and the motion carried.

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

Neil Sanders, Site Engineer was present for the Applicant, Group 1 Automotive Inc. Curt Young from Wetland Preservation Inc. was also present to represent the proposed car wash. Young stated that they were here in 2005 for a clean up of the site and some modifications. They are proposing a car wash in the existing paved area. Both wetlands on the site are considered continuous streams. Young stated that all of the proposed work is in the paved area, it is a previously disturbed site. Young feels that this is a very easy project.

Neil Saunders from Dynamic Engineering, stated that he did the site engineering for this project and they were also here for the project next door. This is a 178,185 square foot building for auto body, the IRA empire. There are 336 parking spaces including the service spaces. There is very little landscaping. The back of parking lot is paved and there is a creek. They are proposing to put a 3000 square foot washing building. They will be planting over 65 shrubs, some trees. There will be a decrease of 3000 square feet of impervious. The existing location is already paved.

Glynn stated that he felt like there are plenty of other places on the site to do it, away from the wetlands. Saunders stated that all of the sewage and water is in the rear part at Prince Street, which makes this location easier to access. They are redoing the whole thing and reconstructing the sewage. They will put in an in ground buried pump. The car wash has to be connected to the pump. This area will also make things easier for the service flow too. This is the best location for serviced cars to be brought over to be washed.

Young stated you will get more clean water with less parking and a roof area on the building. How much oil and water from the cars will be in this resource area someone asked. Young stated it is a self-contained car wash. All water would be contained in the building except for some bubbles and a tiny bit of water. It is a prefab system with 3 rinse cycles, all is captured within the building. There also will be a trench that runs the entire 100 foot length. Glynn would like it further away from the resource area.

Young stated that there is an additional source of TSS removal. Cary asked if there was storm water elsewhere on the property. Manuel stated that the infrastructure, what is it now and what will you do to improve it? They are having sewage back-ups in the building. They will replace with a pump. Neil Saunders explained. Manuel asked if they did a full alternatives analysis? Young replied that the advantage for this location, is that all service work is done in this area. Glynn stated that it is maybe convenient, but, it is not great for the resource. Young stated that he doesn't see an impact or risk to the resource. Young wants to keep it all working effectively. Young added, that in previously disturbed riverfront area, they do not have to give an alternative analysis. Young stated that it varies from 18 inches to 3 feet. The structural drawings are not done yet.

Austin stated that the downside is that there is always stuff back there in the rear area. There is no vegetation along the edge. She asked them to add vegetation. Young stated they have tried to maximize that. Parker is here from Ira. Young stated drive through it and see how beautiful it is. Austin stated there are ways to provide improvement. Young stated that they would try to do this.

Manuel asked what the vehicular isles look like and how close will cars be traveling in the 25/35? Young replied yes the cars will be traveling in the 25/35. Lallier is not clear. He asked how they wash cars now. Young replied at the Lexus and Toyota facility. Lallier is assuming that the Lexus and Toyota has sewer? Saunders replied that the sewer systems there are very shallow. They would then have to put in 2 pumps. Is there anyway to put the car wash in between the two buildings, Lallier asked?

Waldman would like to see more alternatives, there must be possibilities that are not being considered.

Cary asked about run off. Young stated there are several storm sceptors that were put in the last application. Young added, looking at a vegetation stance, they will look at what they can add.

Manuell would like to address sheet flow and storm water management on the whole property. You have a very strong stream right behind this location. Manuel would like to see some other improvements on the overall site. Young added that the problem with infiltration on this site is the water table.

Site Visit was scheduled for Saturday, June, 22nd at 11:00 a.m. Cary would like the building spray painted on the pavement.

Austin motioned to schedule a site visit for Saturday, June 22 and 11:00 a.m. with a continuance until the next meeting for the Public Hearing for DEP File No. 14-122 . Manuel seconded. All were in favor and the motion carried.

Public Hearing [310 CMR 10.05 (4)] – RDA
26 Robin Hill Road; DCC File No. 2013-03

John Hernandez , Applicant, was not present to discuss his proposed in-ground pool. Greg Hochmuth from Hancock Associates was present to represent for the Applicant. Hochmuth stated that they filed an RDA to construct an in-ground pool. He wanted the simplest route possible. We told him to get it as far away from the resource. The closest point where the pool is to the wetland is 95 feet. The closest that the pavers will be is 87 feet away from wetlands. They are proposing to use a non backwash system. It will be chlorinated. They will de chlorinate and take a condition to truck water off the site if they need to drain the pool for any reason.

The patio will be pervious pavers. They would be proposing an interior fence. The square footage of impervious area is 20 x 8. Austin asked if this falls under the minor exemption in the Wetlands

Protection Act. Farr stated no. Manuel asked the size of the pool and wants the condition of maintenance issues and future owners to truck water off the site, etc. Hochmuth stated that it will be kidney shaped. They will stake it with offsets and erosion controls will be used.

Aileen L'Abbe asked how deep the pool is? Hochmuth was unsure, and he did add that there is no diving board proposed.

Austin motioned to issue a Negative Determination for 26 Robin Hill Road; DCC File. 2013-03 with the conditions of erosion control, site layout check, pump water out by truck for future owners. Waldman seconded. Cary asked how recently did this get flagged. Hochmuth stated in 2006, and it has not changed at all. All were in favor and the motion carried.

Public Hearing [310 CMR 10.05 (4)] – NOI
195-197 Centre Street; DEP File No. 14-1224

Applicant, John & Gordon Thomson of Thomson Development Corporation were present. Jesse Blanchette from Griffin Engineering was present to represent the proposed subdivision for them. Tom Manuel recused himself. Bill Manuell from Wetlands Land Management. Manuel attended the site walk. He re-capped the location of this project. He stated that the boundary is very obvious. The center of the cul-de-sac and the end of cul-de-sac was staked for the site visit. All was flat. Manuell stated that this is the least intrusional subdivision as possible. The infiltration bed is in the subdivision. There will be a level spreader to drain off all is outside 25 foot no disturb. There are two homes that are partially in buffer zone. Proposed grading is shown on the plan. There was a lot of opportunistic vegetation growing. This has subdivision approval by Planning Board already. Mr. Rodgers is fine with the engineering. There are 2 infiltration units on each roof. It is not subject to the storm water management regulations. He found the soil to be hydrologic type C. Just enough silt, not sand, not clay.

Glynn's concern is Lot 3 and 4. He would like to see them moved further away from the wetland. Glynn would also like the signs every 25 feet on every other post. Farr stated that they like to do this as a whole subdivision. Manuell asked them to make clear that Lot 2 and 5 are not subject to the Order of Conditions. Cary asked for calculations. Manuell stated that all calculations were provided in the packet. It is not subdivided. McCann stated that they will provably have to come in for partial releases. Her preference would be to do 3 different orders, one for lot 3 and one for lot 4 and one for the road. Farr asked if she can use book and page. McCann stated she would prefer if you can issue 3 separate orders under one NOI. Otherwise, one order, and put that lot 2 and lot 5 are not subject to the order.

Tom Manuel, abutter at 187 Centre Street, stated that the plot plan shows the houses on the lots, are they set in stone? Manuell stated yes. What are the square footages of these homes? Jon Thomson stated that 2,800 square feet, 1500 foot print, roughly Jon Thomson stated.

She was hoping sandy casting they could pull them further away from the buffer zone. Manuell stated that the homes are set where they belong, they have minimal frontage. Each respects the no disturb and no build line. They don't want to move them and they are compliant with the bylaw. They are asking for houses in these locations. Waldman is happy with the project. Austin does not like how close it is to the resource.

Cary motioned to close the Public Hearing for DEP File No. 14-1224 and issue an order of conditions with the signs at the 25 foot boundary. Waldman seconded. All others were in favor and the motion carried.

Public Hearing [310 CMR 10.05 (4)] – NOI
161 Elliott Street; DEP File No. 14-1227

Dan DeLorenzo, applicant, from Danversport Yacht Club was present. Bob Griffin from Griffin Engineering was present to represent the proposed entrance improvements. They are proposing to replace a canopy, construct a turn around, and replace some pavement with pavers. They would also like to replace a gangway. Griffin recapped the project. There are decreasing the impervious area by 153 square feet. They added the DEP storm water review and they are increasing recharge which is equivalent. They are not creating any new pervious area. The change was to remove a walkway and narrowed and straightened out the street to make smoother turnaround. Manuel asked if there will be any treatment of the runoff. Griffin stated that it is going to be the same. They increased the size of the swale. There will be crushed stone and fabric. It will come through the ground and come into the pavers. Then it will go into a perforated pipe surrounded by fabric. Griffin showed the current path of the sheet flow. The water will probably go to the piping.

Cary asked if the red line on the plan is the flood line? Griffin replied yes. Cary stated that they are filling in the flood zone storage area, this is not allowed? He replied yes he guesses they are, but you can if you mitigate it. Farr stated that this does not pertain in tidal areas. Cary asked how far can the cars go now into the flood zone. The intent of the other paved area is not to force them to drive in the resource area. DeLorenzo stated that there are really no cars going to be idling there. Paul DeLorenzo stated that it is extremely dangerous now and they do an 18 point turn where there was a serious accident that occurred as a result. He is extremely concerned about peoples safety. It is to alleviate an 11 point turn. It is a 55 foot turn around. It is not a delivery entrance for turnaround. A neighbor stated that is not true.

Cary stated that he is not okay with adding traffic in the resource area. They are encouraging this traffic in the resource area. Waldman asked what the maximum size limo that can turn around in this? Griffin replied that a 45 foot circle is used for a school bus turn around. Limos will not be able to turn around. This is a minimal circle. Austin asked how will you control idling and standing. Right now they drive up and do an 18 point turn, Paul DeLorenzo thought that this was a clever solution. Cary stated that you can get 2 cars on the 25 foot wide roadway. They would like to see the circle go down some in size if possible. Paul DeLorenzo stated that he would really like it to be 65 instead of 55. This is tight to get a handicap van in the turn around. Planning looked at it. The Fire Department looked at it and they would just drive straight in. Waldman asked if there would be any prevention of having cars idle. Paul DeLorenzo stated that it is for the elderly, it is his biggest concern, he just wants them to be able to drop off at the door and turn around in the circle to drive and park and not do an 18 point turn as they are doing now. Paul DeLorenzo stated that he did not feel that it was a wetland issue. He added that there are no deliveries after 11:00. Austin stated given they are having traffic there, fire trucks, etc. is it better or worse to have pervious surface. Austin asked if that is where you want infiltration. It is a previously disturbed site Farr stated.

Bob and Jane Fuller, 30 Congress Street, stated that they have lived there for 18 years. Bob Fuller stated that the big red building was built, without permits. Then, they lived through the summer of seal coating the parking lot, and they had to smell the constant fumes. They watched all of the water run into the wetlands. Next, the pool was put in and it is like living at the YMCA. Then the parking lot, they asked the Fullers what they wanted and they replied that they didn't want to have buses idling and they would like some bushes for screening put in. For the past 3 years, he called and told the buses to get out of his back yard. They took away his slip, now he has no slip, why because he called and complained about the buses? He added that a turning radius for a school bus is 45 feet. This will add to the noise, buses, there will be cars lined up etc. He is not happy.

Glynn stated they would like to see what the absolute minimum radius. Buses will not be able to turn around, Paul DeLorenzo replied. Paul DeLorenzo stated that cars won't stay there, they have to move

out of there. It is safer and better for everyone. He can show them a study. Paul DeLorenzo stated they took out a walkway too to allow for this. There is only 161 square feet of added pervious space.

Waldman motioned to close the Public Hearing for DEP File No. 14-1227 and issue an Order of Conditions and a waiver to construct in the 25/35 buffer zone. Farr stated that it was already disturbed before the bylaw, they cannot make them go back to how it was prior to the bylaw. Lallier stated that there have been issues on prior Orders of Conditions and he just wanted to make that clear. Lallier seconded. Cary voted nay. Waldman, Manuel, Austin and Lallier were in favor and the motion carried.

Continued Public Hearing/By-law only [310 CMR 10.05 (4)] – NOI
128R Water Street

Tom Manuel recused himself. Applicant, Jeff Bunk was present. Rich Williams from Williams & Sparages was present to discuss the proposed parking lot for Jeff Bunk. Attorney Tom Alexander was present representing the Bunks. Alexander stated that this project is a boatyard. Mr. Bunk's existing marina is going to be impacted off the new liberty bridge. This was originally filed on March 5, 2013. They have been having some dialog with the neighbors and their attorneys. As a result, they generated a revised plan and got it approved by Rick Rodgers. The neighbors had a problem with a small amount of sheet flow coming off of Bunk's site onto his site. They worked on this to keep all of the water on their site. Mr. Williams stated that he emailed the plans to Farr today. The prior plan that he has approved provided for treatment of the parking lot taking the runoff and putting it into one catch basin through a storm sceptor, then to the wetland. It will use the same catch basin, with a trench drain into the stormsepor into a relocated infiltration area. They did some test holes and received data from GZA as part of their site assessment, there are sands and gravels all the way. They move the building. There is a clay ridge. There is no outlet to the wetlands. All is located out of the buffer zone. All work remains the same. What happens if the catch basin surcharges with no discharge outlet, Cary asked? They did a perk with that soil and they used the RALS rate. Williams replied that it is a conservative design, it should not surcharge or overflow. Waldman asked what is the maintenance for this system? Williams replied that it is treated by a stormsepor. Inspection ports are provided also. There is no maintenance. Austin stated her biggest concern is when you are working on boats, you can't limit things but be careful of spills. There are by-laws that if the boat is sanded, there has to be a vacuum. If there is pressure washed boats, they system has to comply with the boatyard regulations.

Jeffrey Bunk stated that the day after the Planning Board meeting, he went to talk with Kevin Farrell and he wants to come down and inspect and discuss. Austin asked about storing the boats with or without fuel. Bunk stated that they have added ethanol to the water. They have left the gas tanks full of gas and it turns into water after the winter of sitting. Bunk stated that they encourage boat owners to empty it as low as possible. Attorney Alexander stated that the Fire Chief emailed him that he had no concerns. Waldman asked if in the future you decide to allow power washing of boats will you come before the board again. Bunky stated it would be out of the buffer zone. It is a sealed tank. Power washing is a separate system. The Attorney is okay with the addition of this condition. Austin stated you increased the # of arborvitaes. Williams showed them.

Pete Clements stated that it is a state law and this might change because they are going to water based paint, changes may be forthcoming.

Ted Regnante stated they have been working with them for 4 weeks and they have agreed to the design.

Scott Cameron from Neve-Morin Group stated that his client has concerns with storm water impacts due to building on adjacent site. Heavy pollutant load, paint chips, etc. Their concern with the latest plan was the separation of ground water. It appeared that here could be direct contact. They provided

soil data. This design is above and beyond. The stormseptor provides a pre-treatment. The underground system is approved with LUHPPL. Cary asked if this is better than not tying into Town sewer. Williams stated that you cannot go straight to the drainage for the town. Austin is very impressed with how the two teams have worked together and have come up with agreeable plans.

Cary motioned to close the Public Hearing for 128R Water Street and issue an Order of Conditions with the condition of adding an approved closed system in order to power wash. Waldman seconded. All others were in favor and the motion carried.

Public Hearing [310 CMR 10.05 (4)] – NOI
155 Hobart Street; DEP File No. 14-1226
Continued to June 27th

Adjournment:

Austin motioned to close the meeting and adjourn at 9:45 p.m. Waldman seconded the motion. All were in favor and the motion carried.