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**Conservation Commission**

**Minutes**

March 19, 2024

**Members Present:** Lori Chekal, Chair; Tomas Sanchez, Vice Chair, Randy Mason, Melissa Campbell, James Cheney

**Staff Present:** Jennifer Ryan, Administrative Assistant

Lori Chekal, Chair, called the Tuesday, April 16, meeting of the Conservation Commission to order at 6:00 PM, by reading the following statement:

**On March 29, 2023, Governor Healey signed into law the extension of the temporary provisions of Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, to continue until March 31, 2025. Specifically, this further extension allows public bodies to continue holding meetings remotely without a quorum of the public body physically present at a meeting location, and to provide "adequate, alternative" access to remote meetings. Members of the public attending this virtual meeting will be allowed to make comments, during the portion of the hearing designated for public comment. The Zoom meeting information is available on the Conservation Commission page on the Town Website.**

**The Zoom meeting ID is 869 4702 4157**

**Further information and the plans for each agenda item may be found on the Town Website**  
**[Home](#) >> [Boards & Committees](#) >> [Conservation Commission](#)>>Public Hearings**

**Minutes**

2/20/24 meeting minutes.

Motion made by Randy Mason, seconded by Melissa Campbell to approve minutes.  
Voted 5-0 to approve.

### **Certificate of Compliance**

9 Charles Street (245-1679) Construction of a single family, driveway and septic. Tomas Sanchez stated that he visited the site and noticed the silt fencing and straw waddles were still on the property on the backside of the retaining wall which he would like to see removed. The board agreed that before the Certificate of Compliance is issued the erosion control must be removed.

Motion made by Randy Mason, seconded by James Cheney to issue a Certificate of Compliance with the condition that the erosion control be removed. Voted 5-0 to approve.

36 Maple Road (245-1465) Septic system. Tomas Sanchez stated that he had visited the site and said it was stable. A Certificate of Compliance was recommended.

Motion made by Randy Mason, seconded by James Cheney to issue a Certificate of Compliance. Voted 5-0 to approve.

17 Charles Street (245-1719) Construction of a single family, driveway and septic. Tomas Sanchez stated that he had visited the site and it was stable and in compliance. A Certificate of Compliance was recommended.

Motion made by Randy Mason, seconded by Tomas Sanchez to issue a Certificate of Compliance. Voted 5-0 to approve.

5 Shirley Avenue (245-1664) Yard filling and construction of a deck. Tomas Sanchez stated he went out to the site and noticed the plastic construction fence was still present and would like that removed. A Certificate of Compliance was recommended with the condition that the construction fence be removed before issuing.

Motion made by Randy Mason, seconded by James Cheney to issue a Certificate of Compliance. Voted 5-0 to approve.

### **Request for Extension**

Martins Pond (245-1680) Application for the infiltration of aquatic management program. Mr. George Cangiano was present to request a 3 year extension. The Order of Conditions to set to expire on June 5<sup>th</sup> and although the conditions of the pond have vastly improved since the 2021 treatment and they haven't really needed to do anything since then, the milfoil is at bay because the treatment was successful. His explained the objective was to continue

doing what they have been doing for another 3 years. The board had no issues with this extension.

Motion made by Randy Mason, seconded by Tomas Sanchez, Voted 5-0 to extend the Order of Conditions for 3 years.

239 North Street (245-1642) Benevento -- Construction is currently ongoing and the applicant requires additional time. Ethan Davis was present regarding the extension to the order conditions for 239 North Street. We did submit the extension back in January. The construction on the site has begun, foundations, retaining walls, drain structures, infiltration chamber system and waterline hydrant have all been installed. The erosion control have been installed and maintained throughout construction and were just replaced within the past 2 weeks. Unfortunately they just need a little bit more time to finish the project due to a couple of setbacks but are now well underway. They intend to finish the project, but would like the 3 year extension in order to do so. Lori Chekal asked if 3 years was necessary and Mr. Davis responded he was not sure if 3 years was necessary but due to the upcoming busy season and other projects going on at the same time, he would like to play it safe. Lori Chekel understood his reasoning but wanted them to understand it would not be extended again. The board had no further questions or concerns.

Motion made by Randy Mason, seconded by James Cheney, Voted 5-0 to extend the Order of Conditions 3 years.

#### **Request for Determination of Applicability**

6 Dogwood Lane. Septic tight (holding) tank. Luke Roy, LJR Engineering on behalf of the applicant, Karen Rowe, who submitted this Request for Determination of Applicability for 6 Dogwood Lane for a replacement septic system. Mr. Roy described the property as having a number of resource areas, including the pond edge itself and an intermittent stream that flows down along the driveway and down to the pond. There is also a well which is located in the center of the property. Luke Roy stated that the homeowner is in need of a replacement septic system and they looked at every option for the replacement system but there is no feasible way to put a conventional septic system on the property, so they are proposing a tight tank. He explained that a tight tank/holding tank which is allowed under Title 5. He also stated that a conventional leach field is also not feasible due to the property line and foundation setbacks, as well as an abutter's well, their own well and the distance to the water supply, which is a public water supply for the Town of Danvers, and the distance to an intermittent stream. The proposed tank will be 80' from the end of the pond and 66' and 55' from the wetland lines. The holding tank will be located on the existing lawn area and no grading changes will be made and erosion control will be put in place. Mr. Roy believes that an RDA is appropriate given the buffer zone and that this project will not impact the resource area and it is an environmental improvement based on the current septic system. The Board of Health has approved this plan.

Randy Mason had a question re: DEP minimum requirements. Mr. Roy responded that they are 80' from edge of the pond. It is supposed to be 400' – 200' minimum for a septic system or leach field. 100' from a water supply or well. They aren't even able to get something less than 50'. The reason they are confined to the holding tank – it has extra preventative measures where it is sealed, they have an alarm where it is 3/5ths fill, they have time to pump and a maintenance plan is in place.

Melissa Campbell asked why file an RDA instead of an NOI. Mr. Roy responded that because they are not installing a septic tank with a leach field and there is no need to grade and that by simply installing a tank in an already altered lawn area, there will be no negative impact on the resource area. Ms. Campbell then asked why erosion control if there is not going to be an impact. Mr. Roy responded that it is going to be a hole dug and then covered over but the grade will go back to what it was. No abutters present.

Motion made by Randy Mason, seconded by James Cheney, Voted 5-0 to issue a Negative 3 Determination for 6 Dogwood Lane for septic tight (holding) tank.

### **Public Hearings**

Wright Street (245-1759). Replacement of a septic system and a proposed addition to an existing single family dwelling. Luke Roy LJR Engineering was present to remind the Board that this was for a septic system replacement to an existing home along with an addition. This presented last month but was not voted on due to lack of a DEP#. They have since received one. The only issue the Board had was to remove or relocate the existing shed out of the 12' No Disturb Zone. No abutters present.

Motion made by Randy Mason, seconded by James Cheney to issue an Order of Conditions. Voted 5-0 to approve.

Burroughs Road (245-xxxx). Culvert replacement project. Dan O'Donnell, Town Engineer was present along with Bill Ross of New England Civil Engineering who is the consultant for this project, Bill Manuell, wetland scientist and DPW Director, Joe Parisi. He explained this project is for culvert maintenance along Burroughs Road from Martin's Pond, which outlets into Martin's Brook. Bill Manuell indicated the Notice of Intent is a filing under the Wetlands Protection Act, as a utility project which is exempt from bylaws. Mr. Manuell pointed out that Martin's Pond outlets through 4 culverts into Martins Brook, which flows on the southerly side of Burroughs Road. He pointed out house number 37 and 43 so the board could gain some perspective and also mentioned the other part of the project is at 60 Burroughs Road which is a town owned lot with an existing gravel parking area and will be used for staging, worker parking, etc. He also stated that one of the culverts collapsed and the other 3 are similarly aged so they want to be proactive and replace those. Mr. Manuell marked the resource areas around the work site and the culvert area which had some Bordering Vegetated Wetlands. He stated that on the NW side there is some BVW, on the SW side there is an extensive swamp and BVW along the road and on the NE side there was

no BVW although he noted that there is a very steep embankment that rises from the pond up to a maintained lawn directly adjacent to the pond. He pointed out that they are going to have to isolate the culverts by driving sheet piles into the pond so it impacts the land under water of the pond, and also on the south side land underwater of Martin's Brook. As it exits the culverts, it becomes a perennial stream so it is a riverfront area that extends 200' out either side. There will be a small amount of work in that riverfront area. Lastly, the areas mapped as the FEMA 100 year flood zone and extends to elevation 79 include some great contours in the road 77 and 78. Seventy Nine extends way out so that work site is within bordering land subject to flooding. He stated the positive side of this is that these impacts are temporary and when completed, everything's going to be removed and restored to the same grade. In addition, wherever BVW is impacted, a planting plan and plant specifications will be restored to those areas as well.

Mr. Manuell went on to describe the work zone involving the culverts and what the intention is so that they can work dry. As he stated, there won't be any water flowing through the excavation – the plan is to isolate the work zone by driving sheet piles (corrugated sheets of steel) that interlock. These are about 3' wide sections and interlock with a groove on one end of the sheet pile. They are then driven down into the mud and stop any flow of water. Further, with regard to reinforcement they will have “super sax” or overly large sandbags placed on the inboard side of the sheet piling, providing stability and reinforcement against the sheet pile so it doesn't tip over. Within these excavations there is a bit of leakage so they are planning on staging a dewatering area. The contractor will install timber matting on both sides of the road – the SW side will stage the dewatering bag and filter bag so any dewatering is pumped into that bag, and then flows clean back into Martin's Brook. On the NW side of the road, there will be a timber mat area where the stage pumps will be in case there is need to do a pump around. Mr. Manuell further described that this project will be done in 2 phases as the NRPD and NRPD would like to have this road open for as long as possible, because there are dozens of homes beyond this crossing and the only other access is a secondary or emergency access out to route 125. The first thing is to isolate the single pipe. (There are 3 side by side and one that is isolated). The isolated one will be worked on first and the other 3 pipes will allow the pond to outflow and continue as it does today. They are confident the 3 pipes will be able to keep the flow of the pond without any impact to the abutting properties. With the work area isolated, they're going to excavate in the road and replace that pipe between the 2 head walls and back fill it. During that time, the water line that runs under the excavation will be upgraded. Phase one will be done at night and on weekends and they will put a steel plate across the road to keep Burroughs Road open. The next phase will be the 3 pipes which all have to be done at once. This is when Burroughs Road will have to be closed for approximately 3 weeks. Again, the work zone will be isolated and the sheet piles will isolate the area. If the one single pipe cannot keep up with the flow, a pump around pipe will be installed to keep up with the flow by staging the pump around on the set of timber mats.

Once the culverts are installed and everything is backfilled, the road will be repaved and everything will be removed. There is also specifications that show plants, numbers and sizes

to restore the impacted BVW. The banks will be reshaped if impacted and 4 trees have to be cut but will be replaced on a 2 to 1 basis.

Mr. Manuell wanted to briefly mention Martin's Brook. He flagged the BVW at the edge of the swamp and noted that a portion of the staging area is going to be in the buffer zone which is already a flat open gravel area but they are proposing installation of an erosion control barrier around the entire parking area/stockpile area. Once that's done, all of the soil, materials and erosion control will be removed and any ruts will be smoothed out.

Mr. Tomas Sanchez, Vice-Chair asked about the pump system and whether or not it was capable of keeping up with Mother Nature? Bill Ross, NECE responded that the contractor would be required to sheet this in halves, so one half would be open and removable. By sheeting the hole for work preparation, if a storm were forecasted, they could lower or remove a section of the sheets, allowing the project to proceed. He also stated that the contractor will not begin work if there is a forecast with large amounts of rain. There will also be a series of pumps added to a manifold system with gauges on both sides of the bridge to monitor the level in the pond to ensure it does not exceed the level in the brook. He also mentioned a new fire hydrant and new valve will be one of the first things installed.

Randy Mason asked about the BVW restoration, (he referred to the plan) that it looked like it was 735 sf on the NW side and 195 sf on the SW side, for a total of 1,000 sf being restored? Mr. Manuel answered 930 sf total between the two areas will be impacted and restored. Mr. Mason wanted clarification that the vegetation and the area below the buffer zones and riverfront is not within another resource area and Mr. Manuell responded the buffer zone or riverfront is in an upland area and they will be using a wildlife seed mix.

Melissa Campbell asked when the road is closed for 3 weeks would pedestrians have access to it? Mr. Ross, NECE responded no because the contractor would be responsible for the safety of anyone passing through. Ms. Campbell expressed concern that the erosion control would go into the forest and disrupt the beavers and their activities. It will not go into the forest.

Luke Roy asked if they planned on using the same size culverts at the same elevation, head walls, etc. and what materials would be used? Mr. Ross responded that the intent was to match existing and that it was corrugated steel -- aluminized instead of galvanized, which is the modern method of protecting against corrosion.

Lori Chekal stated that one of the neighboring residents, Olivia was present and expressed concern as to whether a wheelchair could get over the water pipe - her husband is in a wheelchair. She also wanted to know when this project would start. Mr. Ross, NECE responded that they would bury the pipe under the road which is commonly done and not until school gets out.

Joe Parisi, Director of Public Works was present to state this project is with Mass DOT for review but he believes it will be approved shortly and can begin the bid process.

Motion made by Randy Mason, seconded by Tomas Sanchez to issue an Order of Conditions with a special condition that the water pipe be buried at 44 Burroughs Road to allow wheelchair access. Voted 5-0 to approve.

**Adjourn**

Randy Mason moved, seconded by Tomas Sanchez, and voted 5-0 that the Conservation Commission adjourn the meeting at 7:04 PM.

Approved

A handwritten signature in blue ink, appearing to read "T. Sanchez", written over a horizontal line.

Dated

A handwritten date "4/17/2024" in blue ink, written over a horizontal line.