



**Salisbury Conservation Commission
Meeting Minutes
February 15, 2017
Colchester Auditorium, Town Hall
5 Beach Road
Salisbury, MA 01952
7:00 P.M.**

COMMISSIONER MEMBERS PRESENT: Chairman Sheila Albertelli (**SA**), David Arel (**DA**), Jane Purinton (**JKP**), Jessica Stucker (**JS**) and Alison Novello (**AN**).

COMMISSIONER MEMBERS ABSENT: Walter Moquin (**WM**) and Jennifer Troisi (**JT**).

ALSO PRESENT: Conservation Agent, Michelle Rowden (**MR**), Conservation Secretary, Adriane Marchand (**AM**).

Sheila Albertelli opened the meeting at 7:07 p.m. under the Wetlands Protection Act & Open Meeting Law and informed the public that the meeting is being recorded.

A. MINUTES:

1. February 1, 2017-

JKP motioned to continue to March 1, 2017.

DA seconded.

Vote: 4-0, unanimous. Motion Carried.

B. PUBLIC HEARINGS at 7:10pm:

1. NOI: Town of Salisbury, Seabrook Rd

Lisa Pearson (**LP**), Director of Planning and Development, was present to represent the Town. Briefed the Commission on the funding received for the project and the proposed plan to install a 5 foot wide sidewalk on the west side of Seabrook Road from Mason Lane to Gerrish Road and 5 drainage basins with deep sumps and hoods along that stretch of road. The smallest drainage basin will have a gutter inlet that leads into a manhole where the sump and hood will be located. As funding allows the Town would like to extend the sidewalks from Seabrook Road down Gerrish Road and ultimately connect to the Rail Trail. A few trees will need to be removed during the installation the sidewalks. We will be holding public hearings on those street trees as required by state bylaw. The trees will be replaced further from the road with the property owner's permission or if the property owners do not want the tree on their property it will be relocated elsewhere on the street. **SA** asked if the trees being removed are mature. **LP** responded she did not know. **SA** asked if the replacement trees will be close to mature. **LP** responded they will be as mature as the budget allows; they will not be seedlings.

JKP expressed approval for the project. **DA** asked about the DEP placing the project under review and concerns the Town may have about this. **MR** responded she contacted DEP and they confirmed receipt of the project and issued a number. They didn't have any comments at that time. It is likely under review because they have not had time to look it over yet.

DA asked if Mason and Learnerd Lane are privately owned. **LP** responded they are both privately owned. **DA** asked if Mason and Learnerd Lane were notified. **LP** confirmed every residence on Mason, Learnerd, Seabrook, Gerrish, and some properties on Forest Road were notified.

Abutter William Spinney (**WS**), 7 Seabrook Road, offered his support for the project, but wanted to offer some suggestions. Believes the sidewalk would make more sense being on the east side of the road for the following reasons. The west side is ledge and more settled, which will require more curb cuts. There are less trees that will need to be removed on the east side, less curb cuts, and the houses are further from the road. The east side was excavated previously for the water main and therefore the sidewalks would be easier to install there. The road is also curved, which results in more snow being pushed to the west side (the outside of the curve). With the additional plowing of the sidewalk on that side of the road he has concerns that the snow will end up being pushed into people's yards. This curve also creates a safety issue for pedestrians as cars that go too fast skid to the outside of the road (where the sidewalk is located) potentially hitting pedestrians. The curb on that side of the road could also cause additional accidents from cars hitting it.

LP responded that the possibility of putting the sidewalk on the east side of the road was assessed at the beginning of the project. All the points mentioned were considered and the plan before us was chosen as the best option. **SA** asked if there was any reason not to build on the east side. **LP** answered that one reason is the wetlands are located on that side would need to be filled to build the sidewalk. This would require replication. Another reason is the right of way owned by the Town is too narrow on this side of the road. Speeding on the road was also considered. Don Levesque (DPW Director) could add more to the explanation but he was not able to make it tonight.

WS responded that the runoff on this street flows to the east. Putting all of the drainage on the west side of the road and no curb to the east in his opinion would be ineffective. **LP** responded that the runoff will be redirected into the new drainage system. **JKP** reads the drainage plan from the narrative provided by the Town. **WS** responded he understood but respectfully disagrees with the engineers. One side of the road is ledge and the other is marsh. He feels the natural lay of the land will override the engineer's intent. **MR** added she believes the west side of the road was chosen in part because it is the higher side of the road. In order for the drainage to function properly the basins need to have separation from the water table to allow infiltration to occur. They would not function on the east side as it is wetland and there would be no separation.

DA asked why an engineer is not present to answer questions about the project. **LP** answered the Town did not feel it was necessary. **DA** responded he would not vote without speaking to the engineer. **MR** asked if he had any specific questions he would like answered. **DA** answered he wants to be assured that the drainage will function as planned. **LP** responded that when the engineers stamped the plan they are assuring that they approve of the plan and it will function as intended. If it's not going to work, it won't work from day one, not down the line.

Abutter John Chasse, 46 Seabrook Road, stated he believes **WS** has a valid point. A 100 year event could cause a problem. Also suggested checking that the drainage further up the road will be able to handle the additional runoff. **LP** responded that drainage issues would be expected with a 100 year event as stormwater is not designed to handle it. Further up the road has been evaluated and approved to handle the additional runoff. **DA** further expressed his discomfort with the engineer not being present. **LP** reminded him that the Planning Board does not require the applicant to hire an engineer to represent them. If they do so, it is a choice they make. **SA** summarized the benefit this plan will have to the adjacent wetlands. Having treated water will be a huge improvement.

DA asked if there was a maintenance plan for the storm drain. **LP** responded there is and it was given to the Commission and reviewed and stamped by the engineers. **WS** expressed concern that the grading of the road could cause additional flooding. **LP** responded the plan was thoroughly checked over by the engineers to ensure that doesn't happen. **LP** asked the Commission if they had any specific questions she could ask the engineers. She cannot guarantee they will be able to make the next meeting. **DA** asked where the water will go. **LP**

responded into the drainage system. **SA** asked **LP** if she will be further contacting the residents. **LP** responded that the next step will be individual on-site meetings.

JKP motioned to approve the Notice of Intent for the Town of Salisbury, Seabrook Rd Project, with the standard special order of conditions and that any trees removed are to be replaced with comparable trees.

JS seconded.

Vote 4-1. SA, JKP, JS, AN in Favor, DA Opposed. Motion Carried.

2. NOI: Mark Wojcicki, 170 Bridge Rd.

JKP motioned to continue the Notice of Intent for Mark Wojcicki, 170 Bridge Road to the March 1, 2017 at 7:10pm.

JS seconded.

Vote: 5-0, unanimous. Motion Carried.

3. NOI: Greater Newburyport YWCA, 29 Elm St.

DA motioned to continue the Notice of Intent for Greater Newburyport YWCA, 29 Elm St, to March 1, 2017 at 7:10 p.m. meeting to allow the Applicant and the Town Engineer to have further discussion.

JKP seconded.

Vote: 5-0, unanimous. Motion Carried.

C. OLD BUSINESS:

1. Request for Certificate of Compliance, 47 Commonwealth Ave.

Randell Bennett (**RB**) of 47 Commonwealth Ave was present. **SA** asked about revegetating the dune that was damaged during construction. **RB** replied it was done even though the damage was not on his property. **SA** and **MR** explained the damage to the dune and stated that the repair that was done was not sufficient as it included the addition of non-compliant sand. The dune needs to be returned to its original healthy condition. **RB** stated it had been cleaned up as of Jan 31st 2017. **MR** has yet to confirm the current state of the dune.

MR moved on to the outstanding issue of the possible illegal reinstall of the air conditioner. **RB** responded it not an issue as the air conditioner is not there. The stones referred to at the last meeting are an outside shower.

JKP replied they made a reasonable assumption given the circumstances. We want to make it perfectly clear that the air conditioner cannot be reinstalled in that location; it is in violation of building code and dune performance standards. Further stated the dune in question was healthy before construction began. It needs to be returned to that state. The plugs present during the site visit were not healthy and will need to be replanted. **RB** agreed, but made his issue with communication during the process known as he did not know about these issues until the last meeting. **JKP** replied that the issues were found when he applied for his Certificate on Compliance and the site inspection was done. He was not notified of the issues prior to that time as they were not yet known. **MR** reiterated the outstanding issues that need to be addressed before the Certificate of Compliance can be given.

JKP motioned to continue the Request for Certificate of Compliance for 47 Commonwealth Ave, to the April 19, 2017 meeting at 7:10 p.m.

AN seconded.

Vote: 5-0, unanimous. Motion Carried.

2. Request for Certificate of Compliance, 44 Railroad Ave.

John Paulson (**JP**) of Atlantic Engineering represented the applicant. Briefed the Commission on the changes that were made from the approved plans. These included the addition of a fence, plantings and landscaping. Explains how the Planning Board's decision references the correct plan but the incorrect plan was recoded causing some issues. This resulted in a change from two (2) one thousand (1,000) gallon dry wells to one (1) one thousand (1,000) gallon dry well and two (2) five hundred (500) gallon dry wells.

SA asked if the fence was compliant with dune standards. Abutter Linda Schnare (**LS**) president of the condo association, confirmed that the fence was compliant. **JKP** asked why there was skirting on the houses. **JP** replied it was required in the Planning Boards decision. **JKP** asked **MR** why this would be required. **MR** answered the skirting was only installed above the flood zone. Only open pilings can be in the flood zone. **SA** asked what happened to the snow storage on the plan. **JP** responded there were four snow storage areas depicted on the plan that were replaced with stairs. They will have to remove the snow from the property for every storm. **MR** stated doesn't seem fair that it will fall to the condo association to pay at every storm when they were promised at least a small amount of storage.

LS agreed with the unfairness of the snow storage issue. Listed the other issues they have been having. The snow storage situation is so bad it has been stored on the sidewalks. The dry wells were not installed as shown on the plans and she is unable to locate the man-hole covers to confirm they are there. **JP** confirmed as the engineer who stamped the as-built plans that he located the drywells and they are as shown on the plans. **LS** continued with the issue that the four back units are not tied into the dry wells. Instead the down spouts are buried and now that the ground is frozen water is bubbling up and puddling in/ flooding the carports. **MR** asked if the whole site was tied into the dry wells. **JP** answered no. The whole site was impervious surface before this development so even without a drainage system, it is a great improvement. The site didn't require any stormwater management plan but one was done anyway. The soil is all beach sand; it has great drainage. **LS** responded that because under the houses was not finished with a top coat, the water now runs under the buildings or back towards Cable Ave. **JP** replied the grading is essentially the same as it was before development when the site was a parking lot. **JKP** asked if under the houses was paved. **JP** said yes. **LS** added that the planter boxes that were supposed to be on the decks were missing and something should have been added to replace them. **JP** replied that the Agusta Roses in front of the building were added. **SA** asked **JP** to mark the drywells so the condo owners can find them in the future. Further added that in her book, the big concern here is the lack of snow storage. That issue needs to be solved with the owners. **DA** asked for a clarification on the comment made by **JP** about the reduction of impervious area not requiring the site to have storm water management. **MR** clarified that the storm water management is required because it was on the approved plan.

JKP motioned to continue the Request for Certificate of Compliance for 44 Railroad Ave to March 15, 2017 at 7:10p.m.

DA seconded

Vote: 5-0, unanimous. Motion Carried

3. Request for Certificate of Compliance, 46 Seabrook Rd.

John Chasse (**JC**), 46 Seabrook Road was present. Briefed the Commission on the completion of the project.

JKP motioned to issue the Certificate of Compliance for 46 Seabrook Rd.

DA seconded.

Vote: 5-0, unanimous. Motion Carried

E. ENFORCEMENT ORDERS:

1. 100 Elm St. - **MR** updated the Commission on the action taken since the last meeting. The applicant has been in touch. They plan to file a Notice of Intent for the March 15th, 2017 meeting.

2. 28 CCC Rd.

3. 126 N. End Blvd

4. 13 Commonwealth Ave

5. 73 Mudnock Rd.

6. 81 Railroad Ave.

7. 105 Rabbit Rd.

8. 438 N. End Blvd

F. COMMISSIONER COMMENTS:

JKP commented that the MACC meeting is coming up shortly. Looking forward to attending.

G. ADJOURNMENT:

JKP motioned to adjourn the February 15, 2017 Conservation Commission Meeting at 9:16 p.m.

JS seconded.

Vote: 5-0, unanimous. Motion Carried.