



/Salisbury Conservation Commission
Meeting Minutes
October 3, 2018
Colchester Auditorium, Town Hall
5 Beach Road
Salisbury, MA 01952
7:00 P.M.

COMMISSIONER MEMBERS PRESENT: Chairman Sheila Albertelli (SA), Vice Chair Jessica Stucker (JS), Emily Round (EGR), and Joanne Perreault (JP).

COMMISSIONER MEMBERS ABSENT: Jane Purinton (JKP) and Julie Doughman-Johnson (JDJ).

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

Chairman Sheila Albertelli opened the meeting at 7:09p.m. under the Wetlands Protection Act & Open Meeting Law and informed the public that the meeting was being recorded.

A. MINUTES:
1. September 5, 2018

EGR motioned to approve the minutes for September 5, 2018.

JP seconded.

Vote: 3-0, 1 abstained. Motion Carried.

2. September 19, 2018

EGR motioned to approve the minutes for September 19, 2018.

JP seconded.

Vote: 2-0, 2 abstained.

EGR motioned to continue the minutes for September 19, 2018.

JS seconded.

Vote: 4-0, unanimous. Motion Carried.

B. PUBLIC HEARINGS at 7:10pm:

1. NOI: James Zorbas, 32 Railroad Ave (LC Lot 480) (6/7/17)

JP motioned to continue the Notice of Intent for 32 Railroad Ave, Land Court Lot 480, to October 17, 2018 at 7:10p.m.

EGR seconded.

Vote: 4-0, unanimous. Motion Carried.

2. NOI: James Zorbas, 32 Railroad Ave (LC Lots 478A, 479) (6/7/17)

JP motioned to continue the Notice of Intent for 32 Railroad Ave, Land Court Lot 478A, 479, to October 17, 2018 at 7:10p.m.

JS seconded.

Vote: 4-0, unanimous. Motion Carried.

3. NOI: Big Block Development Group, 6-28 Ocean Front South, 16-18 Broadway (11/1/17)

JS motioned to continue the Notice of Intent for Big Block Development Group, 6-28 Ocean Front South, and 16-18 Broadway to October 17, 2018 at 7:10p.m.

EGR seconded.

Vote: 4-0, unanimous. Motion Carried.

4. NOI: C&R Realty Trust, 110 Elm St. (7/18/18)

JP motioned to continue the Notice of Intent for C&R Realty Trust, 110 Elm Street to October 17, 2018 at 7:10p.m.

EGR seconded.

Vote: 4-0, unanimous. Motion Carried.

5. NOI: Frank Carvalho, 37 Gardner Street (8/15/18)

Matt Steinel (MS) Millennium Engineering represented the applicant. **DEP** commented wetlands cannot be filled without reason. **MR** stated the purpose of the filling is to allow heavy equipment to access the rear of the house. Also requested a post and rail fence be added to the plan as wetland demarcation.

SA asked if there is a planting plan. **MS** replied there is not, they are proposing to use a wetland seed mix in the meadow area and natural succession in the wooded area.

JP requested a wetland scientist to monitor the growing period. **SA** added that any invasive vegetation that appears will need to be removed by hand.

EGR motioned to approve the Notice of Intent for Frank Carvalho, 37 Gardner Street, with the standard special conditions and the conditions that the replication areas will be monitored for a period of two (2) years before the Certificate of Completion can be issued. Replication areas will have 75 percent cover of native wetland plants for the two growing seasons. A wetland scientist will be present to supervise the replication during construction. Soils on site will be repurposed as fill whenever possible, to be used on site. Erosion control will be installed and remain in place until the replication area is stabilized. Replication areas will be monitored for invasive species and if they are found, they will be removed by hand before the species has a chance to establish and spread.

JP seconded.

Vote: 4-0, unanimous. Motion Carried.

6. NOI: H&M Industries, Inc., 45 Old County Rd. (9/5/18)

Representative was not present; wetland review was not completed prior to the meeting.

JP motioned to continue the Notice of Intent for H&M Industries, Inc., 45 Old County Rd., to October 17, 2018 at 7:10p.m. to allow Rimmer Environmental to review and make a report to the Commission.

JS seconded.

Vote: 4-0, unanimous. Motion Carried.

7. NOI: Downeast Building and Development, 84 Ferry Rd. (9/19/18)

Bob Grasso (BG) of Engineering Land Services represented the applicant. Reintroduced the application and reviewed the revised line proposed by the Commission. Waiting on waiver from Board of Health for setbacks.

EGR motioned to approve the Notice of Intent for Downeast Building and Development, 84 Ferry Rd., with the standard special conditions and the following conditions:

The wetland line will be staked-out for the duration of construction.

This approval is conditional on receiving the requested waiver from the Board of Health.

Will add demarcation along the wetland line in the form of native shrubs and posts that include a sign that identifies the resource area and that it cannot be mowed.

JP seconded.

Vote: 3-1 opposed. Motion Carried.

8. RDA: Waldot Realty, LLC, 111 Elm St. (9/19/18)

Matt Steinel (**MS**) of Millennium Engineering represented the applicant. Proposed to do grading work within the buffer zone. All work will be more than 50 feet from the wetland. Proposed to remove the granite curbing which pulls the grading back from the wetland about 2.5 feet. Will go before the Planning Board the following week for them to review and approve the changes. **MS** asked if the applicant could proceed with the work outside of the buffer zone. The Commission would advise against it.

EGR motioned to continue the Request for Determination of Applicability for Waldot Realty, LLC, 111 Elm St., to October 17, 2018 at 7:10p.m

JP seconded.

Vote: 4-0, unanimous. Motion Carried.

9. RDA: 13 Beach Road, LLC, 13 N. End Blvd. (9/19/18)

Matt Steinel (**MS**) of Millennium Engineering represented the applicant. Asked to withdraw the application. **SA** requested he submit the request in writing

JS motioned to continue the Request for Determination of Applicability for 13 Beach Road, LLC, 13 N. End Blvd., to October 17, 2018 at 7:10p.m

JP seconded.

Vote: 4-0, unanimous. Motion Carried.

10. RDA: Alan Sicard, 405 North End Blvd. (10/3/18)

Alan Sicard (**AS**) was present. Owners of 403 North End Blvd submitted a letter to the commission expressing concern over the placement of the deck and the installation of a solid fence. They would like to see a survey of the property line done to resolve the dispute.

JP asked them to remove the illegal fence. Commission discussed the fence and the dune performance standards that call for no solid structures on the beach, require fences to be 50 percent open. Asked for the fence to be resolved before work on the deck proceeds.

JS motioned to continue the Request for Determination of Applicability for Alan Sicard, 405 North End Blvd., to November 7, 2018 at 7:10p.m

JP seconded.

Vote: 4-0, unanimous. Motion Carried.

11. Amended NOI: Arakelian Family LLC, 195 – 201 Elm St. (10/3/18)

Michael Seekamp of Seekamp Environmental Consulting represented the applicant, also present. Would like to modify the former Notice of Intent plan from a dine-in theater and retail space. New plan is for a self-storage facility. Includes a slight decrease in impervious surface. Stormwater system has been built. Proposing thirteen (13) additional catch basins to improve the stormwater plan. **SA** asked what the difference is in square footage between the proposed footprints. **MS** stated it is about the same. **SA** expressed concern over the complete change in project purpose. Does not know if an amendment is the correct way tool to use. **MS** explained the

abutters have been notified and the hearing has been advertised. The other option would be to obtain a Certificate of Compliance on a ½ complete project and do a new NOI. **MS** suggested the Commission consult with DEP. **JS** requested the Town's engineer review the updated stormwater plan for compliance with the wetland protection act. Would also like to request and extension. **SA** replied they would add it to the agenda for the next meeting.

JS motioned to continue the Amended Notice of Intent for Arakelian Family LLC, 195 – 201 Elm St., to October 17, 2018 at 7:10p.m for an engineer review of the stormwater plan in the interim.

JP seconded.

Vote: 4-0, unanimous. Motion Carried.

C. NEW BUSINESS:

1. Request for Certificate of Compliance, 111 & 117 Elm St. CCC Rd.

MR has not visited the entire site.

MS confirmed the erosion control had not yet been removed. Stated the site is stabilized. **JP** requested that if the Certificate of Compliance is issued, it be held till **MR** can confirm the erosion control removal.

JS motioned to issue the Certificate of Compliance for 111 & 117 Elm St. CCC Rd with the condition the erosion controls will be removed before the Conservation Agent will release the certificate to the applicant.

JP seconded.

Vote: 4-0, unanimous. Motion Carried.

2. Request for Certificate of Compliance, 11 Railroad Ave.

JS motioned to continue the Certificate of Compliance for 11 Railroad Ave. to October 17, 2018 at 7:10pm.

JP seconded.

Vote: 4-0, unanimous. Motion Carried.

D. ENFORCEMENT ORDERS:

- 1. 81 Railroad Ave.**
- 2. 438 N. End Blvd.**
- 3. 128 Bridge Rd.**
- 4. 26 Sweet Apple Tree Ln.**
- 6. 2 Linda Ln.**
- 7. 565 N. End Blvd.**
- 8. 157 Bridge Rd.**
- 9. 30 Main St.**
- 10. 86/88 Elm St.**
- 11. 11 17th St. W**
- 12. 212 N. End Blvd.**
- 13. 83 Atlantic Ave.**
- 14. 9 Bayberry Ln.**
- 15. 6 True Rd.**
- 16. 146 Central Ave**

- 17. 209 N. End Blvd. - MR** stated the fence has been retrofitted to be 50 percent open except for a small portion. They cannot use the same method to retrofit it as it's blocked by the shed and deck or is part of the gate.
Shed is a temporary structure that is raised so it is allowed.
Commission agreed they would like to see the fence fixed.

Commission requested a letter be sent asking for communication on status by next meeting for the following enforcement orders.

- 18. 211 N. End Blvd.**
19. 276 & 277 N. End Blvd. – ½ in compliance.
20. 279 N. End Blvd.

E. COMMISSIONER COMMENTS:

MR stated on October 1, 2018 there was an information meeting for FEMA hazard mitigation grants at Town Hall. If interested, contact the Planning and Conservation Department for more information about raising your home to prevent reoccurring flood damage.

F. ADJOURNMENT:

JP motioned to adjourn the October 3, 2018 Conservation Commission Meeting at 8:47 pm

EGR seconded.

Vote: 4-0, unanimous. Motion Carried.