



**Salisbury Conservation Commission
Meeting Minutes
October 2, 2019
Colchester Auditorium, Town Hall
5 Beach Road
Salisbury, MA 01952
7:00 P.M.**

COMMISSION MEMBERS PRESENT: Chairman Sheila Albertelli (**SA**), Jane Purinton (**JKP**), Emily Round (**EGR**), Julie Doughman-Johnson (**JDJ**), Joanne Perreault (**JP**) and Blake Leibert (**BL**)

COMMISSION MEMBERS ABSENT:

ALSO PRESENT: Director of Planning & Community Development Lisa Pearson (**LP**), Conservation Secretary Adriane Marchand.

Chairman Sheila Albertelli opened the meeting at 7:08 pm under the Wetlands Protection Act & Open Meeting Law and informed the public that the meeting was being recorded.

A. EMERGENCY CERTIFICATES:

1. 201 Atlantic Ave. –

SA informed the Commission that an Emergency Certificate was issued for demolition of single family home, condemned by Building Inspector for public safety. Applicant has filed a Notice of Intent but the Emergency certificate is necessary for demolition only, as soon as possible.

EGR motioned to ratify the Emergency Certificate 201 Atlantic Avenue for demolition of single family home that was condemned by Building Inspector for public safety.

JP seconded.

Vote: 6-0, Motion Carried.

2. 238 North Ed Blvd. –

Tom Hughes (**TH**) of Hughes Environmental Consulting informed the Commission of the Emergency Certificate that was issued for installation of helical piles to repair deck for required second egress for property, required by building inspector or will lose occupancy. Site is at the intersection of four (4) properties, which has made access difficult. The retaining wall on site has also been removed, per request of the agent.

JKP motioned to ratify the Emergency Certificate for 238 North End Blvd. and requested the applicant file an after the fact RDA by October 24th 2019

JDJ seconded.

Vote: 6-0, Motion Carried.

B. MINUTES:

1. August 21, 2019 –

EGR motioned to approve the minutes for August 21, 2019.

JP seconded.

Vote: 6-0, Motion Carried.

2. September 4, 2019-

JDJ motioned to approve the minutes for September 4, 2019, with the amendment to have the RDA for 7 True Rd to include the recusal of Commissioner **JDJ**.

JP seconded.

Vote: 6-0, Motion Carried.

3. September 18, 2019-

BL motioned to continue the minutes for September 18, 2019 to the October 16, 2019 meeting.

JP seconded.

Vote: 6-0, Motion Carried.

C. PUBLIC HEARINGS at 7:10pm:

1. NOI: Town of Salisbury, Liberty Street Road Improvements (9/4/19)

Tony Ciolfi (**TC**) of TEC, Inc represented the project. Reviewed the proposal to repave the road and install drainage for the flood prone area. Spoke to Joe Serwaka, Town Engineer, who commented the project design solution for Liberty Street as reasonable.

JDJ asked if snow storage had been addressed. **TC** stated they would pile the snow at the end of the road in the gravel area. **BL** asked for a fence to mark the end of the road to prevent the snow from being pushed into the wetland. **TC** stated there is no fence proposed but there is end of road demarcation.

JKP motioned to approve the Notice of Intent for Town of Salisbury, Liberty Street Road Improvements with the standard special conditions and the additional condition that reflectors be placed at end of gravel to prevent the snow plow for over plowing snow into the resource area.

JDJ seconded.

Vote: 6-0, unanimous. Motion Carried.

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

Tom Hughes (**TH**) Hughes Environmental Consulting addressed the Commission. Provided an updated schedule for their plan to proceed. They will be re-notifying the application and resubmitting all plans to include modifications that came about through the Planning Board process. **TH** requested the Commission continue the public hearing to December 18, 2019.

JDJ asked if quorum would be a problem. **TH** replied when they would place the legal ad, re-notify the abutters and then present the application from the beginning the quorum requirements will be reset.

EGR motioned to continue the Notice of Intent for Big Block Development Group, 6-28 Ocean Front South, 16-18 Broadway to December 18, 2019 at 7:10p.m.

JP seconded.

Vote: 6-0, unanimous. Motion Carried.

3. NOI: James Purtell, 536 North End Blvd. (8/21/19)

Gregory Hochmuth (**GH**) of Williams & Sparages, LLC represented the applicant. **GH** discussed the project with DEP; comments were addressed and have they received a DEP number. Presented updated plans to

removed the pavers and replaced them with gravel or crushed shells, added second egress on plan and marked the limit of work with construction fencing.

JKP asked if there was a landscape plan. **GH** stated there is no landscaping proposed. **JKP** recommended they utilize plantings to stabilize the site. **GH** stated the owners do not plan to add vegetation, though it will move in naturally. Commission suggests vegetation be utilized to help stabilize the site. Requested a landscaping plan be filed before the issuance of the building permit. **JKP** asked if the Commission had any problems with the concrete blocks leading out though the dune. Commission discussed their removal and decided they were mostly buried and would cause disturbance to the stable dune.

BL motioned to approve the Notice of Intent for James Purtell, 536 North End Blvd. the standard conditions and Landscaping plan must be submitted prior to the issuance of the building permit.

The concrete dune walk can stay until it is modified at which time the blocks will need to be removed and brought into compliance with the beach management plan.

JP seconded.

Vote: 6-0, unanimous. Motion Carried.

4. NOI: McSmiley LLC, 86-88 Elm Street (8/21/19)

Lauren Weeks (**LW**) of Seaside Legal Solutions presented the application. Tyler Ferrick (**TF**), DeRosa Environmental and James McKechnie were also present. DeRosa Environmental submitted their response to Mary Rimmer's comments and submitted updated plans not include the historic fill. Rimmer had no further comment but did suggest special conditions in her response letter. Replication will be 1.3:1 ratio, not including historic fill. They added permanent demarcation to prevent future encroachments on the resource area. **EGR** asked if the red fescue was an aggressive species that would prevent other wetlands plants from establishing or if it was for immediate site stabilization.

BL motioned to approve the Notice of Intent for McSmiley LLC, 86-88 Elm Street with the drafted special conditions including the conditions of Mary Rimmers letter dated October 2, 2019.

EGR seconded.

Vote: 6-0, unanimous. Motion Carried.

EGR motioned to hear the Enforcement Order for McSmiley LLC, 86-88 Elm Street under public hearing

SA seconded.

Vote: 6-0, unanimous. Motion Carried.

EGR motioned to approve the restoration plan for the Enforcement Order for McSmiley LLC, 86-88 Elm Street

JP seconded.

Vote: 6-0, unanimous. Motion Carried.

5. NOI: Leo LoPiano, 199 Atlantic Ave (9/18/19)

Matt Steinel (**MS**) of Millennium Engineering, Inc represented the applicant. The DEP number has been issued. Natural Heritage Endangered Species Program (NHESP) provided a letter with conditions for approval. The applicant has submitted updated plan that include changed the counters of the dune restoration to keep the work on the property.

SA asked **MS** to address the letter they received over the validity of the NOI submission due to property ownership. **MS** replied Mr. LoPiano is the owner of his building and he has the right to rebuild. The condominium association's permission is needed for the dune restoration, as the land is in common ownership. They will be willing to work with the association on the restoration to get that approval and have them sign the

application. **MS** clarified the Order of Conditions will be attached specifically to Leo LoPiano's deed, not to the land in common or the other condo owner's deed's.

Caitlin Masys (**CM**), Downey Law Group, LLC was present representing the Condominium Association. Stated the demolition will require they cross common land and that requires the property owners' permission. Asked the Commission to approve the demo only under this Notice of Intent and the dune restoration and rebuild should follow with a new filing through cooperative effort of the owners. The Condo Association's concern is for liability and they would like to explore that aspect of the project further. The association is concerned they would be responsible for completing the dune restoration for an application they have taken no part in. Commission suggested continuing the application so the condominium owners can discuss the plans and come to an agreement.

MS asked if the Emergency Certificate could be extended because they have failed to remove the structure in the time allotted due to permitting. Commission stated it cannot be extended will need to be reissued.

JKP motioned to continue the Notice of Intent for Leo LoPiano, 199 Atlantic Ave to October 16, 2019 at 7:10p.m.

JP seconded.

Vote: 6-0, unanimous. Motion Carried.

6. NOI: Richard Shaheen, 201 Atlantic Ave (10/2/19)

EGR motioned to continue the Notice of Intent for Richard Shaheen, 201 Atlantic Ave to October 16, 2019 at 7:10p.m.

JP seconded.

Vote: 6-0, unanimous. Motion Carried.

7. NOI: Maureen Twomey, 4 Patriot Way (10/2/19)

Tom Hughes (**TH**) of Hughes Environmental Consulting proposed an addition to single family home within the 50 – 100 foot buffer zone to bordering vegetated wetland. Erosion control follows the outside of the fence. Closest point of the erosion control is about 40 feet but the closest point of the structure is about 70 feet.

EGR motioned to approve the Notice of Intent for Maureen Twomey, 4 Patriot Way with the standard special conditions.

JP seconded.

Vote: 6-0, unanimous. Motion Carried.

8. NOI: Tom Patenaude Homes, Inc, 48 & 50 Old County Road (10/2/19)

SA informed stated there is no DEP file number for this project so the Commission cannot issue a decision. Dennis Griecci (**DG**) from Andover Consultants, Inc. represented the applicant. Proposing to demolish existing two (2) structures and one (1) shed and rebuilding two (2), two-family homes. Proposing minor grading but no filling. Proposing staked hay bales for erosion control. The entirety of the lot is in the flood plain; have updated the narrative as requested by DEP. **LP** asked for the elevation of the street. **DG** replied it is about 6.2 with water flowing towards the building. **LP** clarified the garage elevation is the same as the street.

EGR motioned to continue the Notice of Intent for Tom Patenaude Homes, Inc, 48 & 50 Old County Road to October 16, 2019 at 7:10p.m. with a site visit in the interim.

JP seconded.

Vote: 6-0, unanimous. Motion Carried.

9. NOI: Tom Patenaude Homes, Inc, 35 Liberty Street (10/2/19)

SA informed the Commission there is no DEP file number for this project, they will not issue a decision. **Matt Steinel (MS)** of Millennium Engineering, Inc represented the applicant. They are proposing to raze the site and build a single-family home on pilings with parking underneath. Removing the deck/pier from the creek and pulling 17 feet back from the river edge. **LP** encouraged the applicant to consider elevated parking due to the extreme flooding the area experiences. Applicant denied the suggestion. The problem does exist but is an improvement to the site. Commission agreed to visit the site. **EGR** asked if there is a stabilization plan for the site after the deck is removed.

JKP motioned to continue the Notice of Intent for Tom Patenaude Homes, Inc, 35 Liberty Street to October 16, 2019 at 7:10p.m. with a site visit in the interim.

EGR seconded.

Vote: 6-0, unanimous. Motion Carried.

10. NOI: Li Family Trust, 139 Elm Street (10/2/19)

SA informed the Commission there is no DEP file number so they cannot vote.

Matt Steinel (MS) of Millennium Engineering, Inc proposed the project to fill 2,700 sq. ft. and replicate 5,000 sq. ft. with additional draining structures. Will install block retaining wall will keep fill from wetland line. **SA** asked if there was a violation on site preventing them from reviewing their Order of Conditions. **MS** address the prior Order of Conditions that was not in compliance. Proposed the Notice of Intent as the restoration plan.

EGR motioned to continue the Notice of Intent for Li Family Trust, 139 Elm Street to October 16, 2019 at 7:10p.m. with Joe Serwatka to review the storm water and Mary Rimmer to review for impacts and a site visit in the interim.

JP seconded.

Vote: 6-0, unanimous. Motion Carried.

C. NEW BUSINESS:

1. Enforcement Order, 44 Old County Rd.

Tom Hughes (TH) of Hughes Environmental Consulting informed the Commission of the over clearing that happened during the course of work and presented the restoration plan to rectify the violation. Described the plan for removing the soil and replacing with 12 woody plantings. Requests to use what native plants are currently available and will submit to the Commission for approval.

EGR motioned to ratify the Enforcement Order for 44 Old County Rd.

JP seconded.

Vote: 6-0, unanimous. Motion Carried.

EGR motioned to accept the restoration plan for 44 Old County Rd.

JP seconded.

Vote: 6-0, unanimous. Motion Carried.

1. Request for Extension, 10 Beach Rd.

Tom DeFronzo (TD) requested a 3-year extension due to appealing a denial from the ZBA on a special use permit. **LP** suggested they do a site visit to ensure the site is stable.

BL motioned to issue the extension for 3 years with the new expiration date of 10/13/2022. Site visit will be conducted to ensure the site visit is stable

JDJ seconded.

Vote: 6-0, unanimous. Motion Carried.

2. Request for Certificate of Compliance, 17 Bayberry Ln.

Applicant was not able to attend the meeting but **LP** conducted a site visit, found the site to comply with its Order of Conditions and recommended issuing the Certificate of Compliance.

JKP motioned to issue the Certificate of Compliance for 17 Bayberry Ln.

JDJ seconded.

Vote: 6-0, unanimous. Motion Carried.

3. Enforcement Order, 61 Bridge Rd.

LP explained the conditions that have resulted in the Enforcement Order.

EGR motioned to ratify the Enforcement Order for 61 Bridge Rd.

JP seconded.

Vote: 6-0, unanimous. Motion Carried.

D. ENFORCEMENT ORDERS:

1. 81 Railroad Ave. – Joe Giarrusso was present to represent the property. Commission suggested they replace the plants that did not take with plants that have done well on site. Stated the area now has significantly more value than what was existing there prior to the violation. **SA** stated the area is not vegetated as the approved plan depicted and there is still some very bare area. **JG** has planted more beach plum.

2. 438 N. End Blvd.

3. 565 North End Blvd.

4. 26 Sweet Apple Tree Ln. - Tom Hughes (**TH**) of Hughes Environmental Consulting informed the Commission they placed four (4) markers over the most sensitive area. Have not been able to place the last markers but have committed to do so. Requested the Commission lift the Enforcement Order as the restoration plan has been accepted and they will be maintaining the lightly farmed area.

JKP motioned to lift the Enforcement Order for 26 Sweet Apple Tree Lane.

JDJ seconded

Vote: 6-0, unanimous. Motion Carried.

5. 30 Main St.

6. 86/88 Elm St.

7. 212 N. End Blvd.

8. 83 Atlantic Ave.

9. 9 Bayberry Ln.

10. 211 N. End Blvd.

11. 279 N. End Blvd.

12. 82 Lafayette Rd.

13. 16 Hayes St.

14. 11 Railroad Ave.

15. 4 Main St.

E. COMMISSIONER COMMENTS:

LP informed the Commission on the kick-off meeting for planning the resilient rings island project funded by MVPC grant was on September 30, 2019. It is available to view on SCTV's website, there is an information sheet and a comment survey available on the website, and hard copies are available in the Planning Office. Next meeting will be in January and the department will be applying for follow up grants to fund the project.

F. ADJOURNMENT:

EGR motioned to adjourn the October 2, 2019 Conservation Commission Meeting at 10:13 pm
JP seconded.

Vote: 6-0, unanimous. Motion Carried.