



Salisbury Conservation Commission
Meeting Minutes
January 16, 2019
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), Jane Purinton (JKP) and Joanne Perreault (JP).

COMMISSIONER MEMBERS ABSENT: Julie Doughman-Johnson (JDJ).

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

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

A. MINUTES:
1. December 19, 2018

JKP motioned to approve the minutes for December 19, 2018.

JP seconded.

Vote: 5-0, unanimous. Motion Carried.

2. January 2, 2019

EGR motioned to approve the minutes for January 2, 2019.

JP seconded.

Vote: 5-0, unanimous. Motion Carried.

B. PUBLIC HEARINGS at 7:10pm:

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

JP motioned to continue the Notice of Intent for Big Block Development Group, 6-28 Ocean Front South, and 16-18 Broadway to February 6, 2019 at 7:10pm.

EGR seconded.

Vote: 5-0, unanimous. Motion Carried.

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

EGR motioned to continue the Notice of Intent C&R Realty Trust, 110 Elm St. to February 6, 2019 at 7:10pm.

JP seconded.

Vote: 5-0, unanimous. Motion Carried.

3. NOI: Zap Development, LLC, 28 Rabbit Rd., Rear Lots (10/17/18)

JKP motioned to continue the Notice of Intent for Zap Development, LLC, 28 Rabbit Rd., Rear Lots, to February 6, 2019 at 7:10pm.

JS seconded.

Vote: 5-0, unanimous. Motion Carried.

4. NOI: Northeast Properties & Investments, LLC, 187 Atlantic Ave. (1/2/19)

Matt Steinel (**MS**) of Millennium Engineering represented the applicant. Proposed plan to remove the existing three-family structure and construct a new three-family home on piles that better complies with zoning and will comply with flood regulations. Site is not vegetated so no replication is proposed. Building is located in the V zone of the FEMA floodplain. They are proposing to raise the new structure to elevation 21.

SA asked if they were constructing the building with the likely hood of continuing storm damage in mind. The Certificate of Compliance that was just issued illustrated the repeated damage the site is prone to. **MS** replied they are.

SA asked why they are moving the structure closer to the dune given the sever storm damage it has sustained. **MS** replied they moved the building envelope to better comply with zoning.

JS asked if they were proposing to plant dune grass to stabilize the dune. **MS** replied none is proposed, as none is to be removed. The owner may be amendable to planting dune grass if the Commission requires.

JKP asked if the structure could be moved away from the dune instead of moving it closer. **MS** stated they could not without going before the Zoning Board of Appeals. The Commission expressed their preference would be to move the building back from the dune. **JKP** asked if the movable walkway would be the primary access to the residence for all three units. **MS** confirmed. **JKP** asked where the parking for the site would be. **MS** replied the property only has street parking. **MS** added that if they move the house back from the dune and plant dune grass in the area, they would request to extend the walkway seawards to prevent trampling of the plantings. **JKP** also suggested they put up snow fencing.

EGR asked how the construction vehicles would access the site. **MS** replied they would access the house though the front from the neighbor's property or from state side if necessary, pending permissions. The Commission requested to do a site walk.

JS asked if they had received a response from Natural Heritage. **MS** replied they had not yet received response. Abutter John Sullivan (**JSU**), 185 Atlantic Ave., asked how the site would be accessed. **MS** replied he would discuss the access options with the owners for the next meeting. They are planning to use helical piles, which just require a small skid steer sized machine to install.

JS motioned to continue the Notice of Intent for Northeast Properties & Investments, LLC, 187 Atlantic Ave. to February 6, 2019 at 7:10pm with a site visit in the interim and to allow time to hear back from Natural Heritage. **JP** seconded.

Vote: 5-0, unanimous. Motion Carried.

5. NOI: Azar & Marian Korbey, 23 Commonwealth Ave. (1/16/19)

JKP motioned to move C1. Request for Certificate of Compliance, 23 Commonwealth Ave., from New Business to be discussed with number 5 under B. Public Hearings.

EGR seconded.

Vote: 5-0, unanimous. Motion Carried.

C1. Request for Certificate of Compliance, 23 Commonwealth Ave.

MS informed the Commission the work was completed in reasonable close conformance with the approved plan. **EGR** asked if **MR** had visited the site to confirm. **MR** replied she was not able to visit the site to confirm compliance. Commission discussed the condition in the order that did not allow for any seaward extension of the house. Photographs of the area in question were provided.

JS motioned to grant the Certificate of Compliance for 23 Commonwealth Ave.

JP seconded.

Vote: 5-0, unanimous. Motion Carried.

5. NOI: Azar & Marian Korbey, 23 Commonwealth Ave. (1/16/19)

Matt Steinel (**MS**) of Millennium Engineering represented the applicant.

MS proposed plan to construct a deck elevated on helical piles. Finished decking elevation would be 21.8. Proposed to use the same flow through decking material as the house next door but would be built higher. Project no more vegetation impact than what is required to install the piles, estimated at two (2) sq. ft. Propose to mitigate 1:1 if all the vegetation under the deck were to die. With the decking material and height, they anticipate 98% survival, which will be 30:1 replication.

JKP asked if it would be possible to cantilever the deck. **MS** stated he could discuss it with the applicant.

JKP asked him to clarify how he determined only two (2) sq. feet impact. **MS** replied there are only two (2) plies to be driven. **MR** asked if the impact from installation had been accounted for. **MS** stated installation would have a minimal impact; the machinery used is small.

Adam Costa (**AC**) of Mead, Talerman and Costa, LLC Attorneys at Law, represented the abutter William Shaheen at 21 Commonwealth Ave. Submitted a letter to the Commission dated January 11, 2019 outlining the reasons the project should be denied. Provided the Commission with an updated letter that includes input from an environmental review done by Tom Hughes of Hughes Environmental Consulting. Reviewed the points therein.

SA asked **AC** what his client's main concern is. **AC** replied his concern is for the primary frontal dunes stability and continued health, which offers storm protection for his property.

SA asked **MS** if they have the width to access the area to install the piers. **MS** stated they would have to remove a panel of the fence to access the rear of the property but they can do so. They would need about four (4) feet, which is available. **EGR** clarified that any of the existing fence that is removed cannot be replaced, as it does not comply with the dune performance standards.

Marian Korbey (**MK**), the applicant showed an old photograph of the property illustrating the poor condition of the dune when she moved in about 30 years ago. She has worked for 30 years to build the dune and would not undo those efforts. Stated she was a little shocked to see **AC** present and asked the Commission to give the project fair consideration.

AC responded by addressing the Commission stating he had not discussed the motivation of the project with the applicant because it doesn't matter, only the law matters and he would ask the Commission to remember nothing else should be taken into consideration. **SA** responded the Commission is a bipartisan board whose charge is to uphold the Wetlands Protection Act and they are well aware of their duties.

JS motioned to continue the Notice of Intent for Azar & Marian Korbey, 23 Commonwealth Ave., to February 6, 2019 at 7:10pm.

EGR seconded.

Vote: 5-0, unanimous. Motion Carried.

C. NEW BUSINESS:

2. Request for Certificate of Compliance, 105 Rabbit Rd.

The Commission would like to do a site visit.

JKP motioned to continue the Certificate of Compliance for 105 Rabbit Road to February 6, 2019 to allow for a site visit.

JP seconded.

Vote: 5-0, unanimous. Motion Carried.

4. Request for Certificate of Compliance, 1 Old County Rd.

MR conducted a site visit. The site appears to comply with the Order of Conditions.

JS motioned to issue the Certificate of Compliance for 1 Old County Road.

JP seconded.

Vote: 5-0, unanimous. Motion Carried.

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

Representative has asked to continue the matter to the springtime when the weather would be better for making the changes needed to the non-compliant fence.

JS motioned to issue the Enforcement Order for 11 Railroad Ave citing the non-compliance fence on the property.

JKP seconded.

Vote: 5-0, unanimous. Motion Carried.

JS amended her motion to include the site will be brought into compliance within 30 days of the issuance of the Enforcement Order.

JKP seconded.

Vote: 5-0, unanimous. Motion Carried.

D. ENFORCEMENT ORDERS:

1. 81 Railroad Ave.
2. 438 N. End Blvd.
3. 565 North End Blvd.
4. 128 Bridge Rd.
5. 26 Sweet Apple Tree Ln. – **MR** received a draft plan. They will come before the Commission at the next meeting.
6. 91 Bridge Rd.
7. 2 Linda Ln.
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. 211 N. End Blvd.
17. 279 N. End Blvd.
18. 146 Central Ave.
82 Lafayette Rd. – **MR** informed the Commission the wetland monitor would be at the next meeting to present the plan for return to compliance.

F. COMMISSIONER COMMENTS:

JP asked residents of the beach area to check the regulations before they do any work. The website is a good resource but if you cannot find anything, you can call the Conservation Agent at Town Hall.

EGR complimented the Conservation Department on the information page that went out with the Town Census.

G. ADJOURNMENT:

JS motioned to adjourn the January 16, 2019 Conservation Commission Meeting at 8:28 pm

JKP seconded.

Vote: 5-0, unanimous. Motion Carried.