



**Salisbury Conservation Commission
Meeting Minutes
March 1, 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) and Alison Novello (AN).

COMMISSIONER MEMBERS ABSENT: Jennifer Troisi (JT) and Jessica Stucker (JS).

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

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

MA DOT Emergency Certificate for Bridge Road near #134

JKP motioned, for the purpose of public health and safety, to add the Emergency Certificate for Bridge Road to the agenda.

AN seconded.

Vote: 4-0, unanimous. Motion Carried.

JKP motioned to ratify the MA DOT emergency certification for Bridge Road.

DA seconded.

Vote: 4-0, unanimous. Motion Carried.

MR updated the Commission on the work that MADOT conducted as a result of a sink-hole that opened on Bridge Road.

A. MINUTES:

- 1. February 1, 2017-**
- 2. February 15, 2017-**

AN motioned to approve the minutes for February 1, 2017 and February 15, 2017.

DA seconded.

Vote: 4-0, unanimous. Motion Carried.

B. PUBLIC HEARINGS at 7:10pm:

- 1. NOI: Mark Wojcicki, 170 Bridge Rd.**

JKP motioned to continue the Notice of Intent for Mark Wojcicki, 170 Bridge Road to the March 15, 2017 at 7:10pm.

DA seconded.

Vote: 4-0, unanimous. Motion Carried.

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

Chris York (**CY**) of Millennium Engineering and John Feehan (**JF**) of the YWCA were present. Based on the comments provided by Joe Serwatka they decided to change the detention basin into a constructed wetland based on the soils encountered. Added some underground infiltrators in the back parking lot to meet requirements. They were able to pull the constructed wetland a small distance back from the wetland line. **JKP** expressed concern about one of the snow storage areas being located directly in front of the playground. **CY** responded that they are not expecting much use of the playground in the winter. **AN** suggested moving the storage area to another spot. **CY** responded that the spot she referred to has trees and a fence that would make it unsuitable for snow storage. **JKP** reminds them that no salt or chemicals are to be used to treat the roads. **SA** asked for a buffer to protect the wetland near flag 14 from snow storage area that is on the other side of the constructed wetland. **CY** responded that they can extend the stockade fence from the constructed wetland in that direction to buffer the wetland. **JKP** asked if there is a fence behind the buildings to protect the wetlands there. **CY** responded there is a wood post and rail fence behind building 2. **SA** asked about missing wetland flags and the appearance of a filled area on site as mentioned by the Town Engineer. **JKP** referenced the part of the response letter that states the filled areas are in fact the soil test pits. **SA** confirmed, but there was no response in the letter to the missing wetland flags. **CY** agreed to replace the missing wetland flags. **DA** commented that the snow storage area seems small for some of the winters we have. **CY** replied the ZBA required that any excess snow be removed from the site. Added in practicality, we could use some of the front yard space for snow storage as well. **JKP** asked if that is lawn area. **CY** responded there are some small shrubs but no larger trees. **SA** asked for a placard on the fence by flag 14 that declares that the resource area should not be disturbed. Suggested the post and rail fence also bear similar signage.

JKP motioned to approve the Notice of Intent for the Greater Newburyport YWCA, 29 Elm St. with the conditions that the fence behind the snow storage area be extended to the wetland fence and bears signage that prohibits snow dumping in the resource area. All wetland flags that are missing are to be replaced until the Certificate of Compliance is approved. No salt or chemicals are to be used onsite. Standard special conditions apply.

AN seconded.

Vote: 4-0, unanimous. Motion Carried.

3. NOI: James Sullivan, 447-449 N. End Blvd (3/1/17)

Ben Osgood (**BO**) of TTI Environmental was present representing the Sullivans. An Architect, Taylor, was also present. They plan to remove two (2) dwellings with stone foundations and construct one (1) new dwelling two and a half (2.5) feet above grade, on pilings to comply with flood regulations. Under the house and the driveway will be gravel resulting in a net decrease of impervious area. There is a garage or carport area that has walls but they don't extend to the ground to allow flood water to flow as required.

Abutter Linda Arsenault (**LA**), 445 North End Blvd, wanted to know the size of the house compared to the lot. Also expressed concerns that the staircases are too close to her property and that the stairs leading to the second floor may indicate a future use as a multi-family. **BO** responded that that the preexisting lots are non-conforming so they are grandfathered but need to meet zoning setbacks. Currently, the fence on 445 North End Blvd. is 1 foot off the property line that will be corrected. With the new plan it will be 11 feet off the property line, meaning the changes they are making are improving the situation. Including the deck and the garage the development is going to be 7400 square feet. The house is raised requiring multiple stairways. **SA** asked that the dwelling is a single family. **BO** confirmed it is going to be a single family seasonal residence. **LA** expressed further concerns about why stairs are needed to access an office and a bedroom on the second floor. Also expressed concern about the overall height of the building. **BO** explained how the heights are measured from sea-level. **LA** asked about how grandfathering works. **MR** stated that is a zoning question. **BO** offered explanation.

SA alerted the Commission that there is no DEP file number for this project. The Commission will not be able to vote on it tonight. **JKP** asked if they have considered using a pervious material for the patio and walkway. **BO** agreed to use a pervious material. **JKP** also informed him that any fences on the property need to be 50 percent open to the weather. **MR** asked if the plan depicted walls in the barbeque area. **BO** responded they can be made 50 percent open. **SA** also informed the representative that no skirting can be used on the house, the pilings need to remain open.

JKP asked about the ownership of the easement for the driveway on the property. **BO** explained it is under the ownership of the applicant, they do not have the right to obstruct it but they can improve it. The neighbors have the right to use it to access their properties. **DA** asked for an explanation of the loam and seed that is mentioned in the narrative. **BO** stated that is a mistake there is no loam and seed to be used on the property, it will be sand. **JKP** added that beach grass is an option. **MR** added that other native coastal plantings are also allowed. **DA** asked about the plans for the utility chase. **BO** stated that it will be no larger than 3 feet by 3 feet though it has not been located yet. **SA** stated that needs to be reflected on the plans, 3 feet by 3 feet is the maximum.

JKP reviewed some of the demolition conditions for the applicant including the removal of all glass and hazardous material from the buildings. Also requested a silt sock and fence combination be used around the work site. **BO** asked to only use a snow fence as he doesn't feel a silt sock is warranted in this situation. **JKP** agreed.

DA asked about the plan for snow storage. **BO** replied it will be handled in the usual residential method, pushed to the sides.

MR asked about the driveway improvements that extend over the property line. **BO** replied the improvements are within the easement. **MR** asked for some kind of agreement from the other easement owners over the improvements that take place off the property. **BO** stated they are not doing much improvement to driveway. Agreed to pull the work back onto the property. **DA** cautioned the representative to communicate with the neighbors about the work that will be going on to avoid any civil issues.

DA motioned to continue Notice of Intent for James Sullivan at 447-449 N. End Blvd to March 15, 2017 at 7:10p.m.

JKP seconded.

Vote: 4-0, unanimous. Motion Carried.

C. OLD BUSINESS:

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

Item was continued at the February 15, 2017 meeting to the March 15, 2017 meeting. Stricken from the agenda.

E. ENFORCEMENT ORDERS:

1. 100 Elm St. - **MR** informed the Commission that a new Notice of Intent for the site had been submitted that will address the enforcement order. It will be heard at the March 15, 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:

MR reminded the Commission that the MACC conference is this weekend.

The Broadway Mall redevelopment group had a meeting this past week. Discussed the short and long term goals and ideas. **MR** asked if one member of the Conservation Commission would like to attend the next meeting. **SA** volunteered. **JKP** volunteered backup. **SA** asked if it was recorded. **MR** responded it was not.

JKP asked the Commission if they were amicable to writing a response letter to a group of 4th graders who wrote some wonderful letters to the editor on why we need to protect resource areas. Many of them wrote about protecting Salisbury Beach. The commission agreed a response letter is a great idea. **JKP** volunteered to write the letter.

G. ADJOURNMENT:

DA motioned to adjourn the March 1, 2017 Conservation Commission Meeting at 8:09 p.m.

AN seconded.

Vote: 4-0, unanimous. Motion Carried.