



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

COMMISSIONER MEMBERS PRESENT: Chairman Sheila Albertelli (SA), Jane Purinton (JKP), Alison Novello(AN), Joanne Perreault (JP),and Emily Round (EGR).

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

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

Chairman Sheila Albertelli opened the meeting at 7:10p.m. under the Wetlands Protection Act & Open Meeting Law and informed the public that the meeting is being recorded.

**A. MINUTES:
October 4, 2017
October 18, 2017
November 1, 2017**

AN motioned to approve the minutes for October 4th, 2017, October 18th, 2017, and November 1st, 2017.
JP seconded.

Vote: 5-0, 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 January 17th, 2018 at 7:10p.m.

EGR seconded.

Vote: 5-0, 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 and 479, to January 17th, 2018 at 7:10p.m.

EGR seconded.

Vote: 5-0, unanimous. Motion Carried.

3. NOI: Tim Anderson, 91 Bridge Rd. (9/6/17)

AN recused herself from the Commission.

Matt Steinel (**MS**) of Millennium Engineering represented the applicant. Mark West and Mary Rimmer reviewed the wetland flags. The wetland line was altered which resulted in expanding the buffer to 10 feet limiting the graveled area, and the installation of a swale.

Mark West (**MW**) of West Environmental addressed the Commission. Reviewed historical photos that show the channel that was property adjacent fading out over time. The hydrology shows a lack of tidal influx and there is no culvert visible in the road to feed the historic channel.

SA asked if DPW had verified the lack of culvert. **MS** responded they had not been contacted.

Mary Rimmer (**MR**) of Rimmer Environmental preformed the peer review; concurred with many of **MW**'s statements. The lack of tidal flow could have contributed to the pervasiveness of the *Pragmites*. Agreed it does not appear to be a salt marsh and can only be considered in the 200 foot riverfront area from the flow located on the far side of Bridge Road. Would recommend adding that buffer line on the plan. The project is required to comply with storm water regulations.

JKP asked to discuss the gravel material. **MS** responded it was bought and sold as a clean gravel.

MS agreed to remove Vincent's Creek from the map and to add the buffer line for the 200 foot riverfront area and the swale to the plan. Asked to do further evaluation of the fill material and not remove it if it is found to be permeable.

JP motioned to continue the Notice of Intent for Tim Anderson at 91 Bridge Rd to December 6, 2017 at 7:10p.m.

EGR seconded.

Vote: 5-0, unanimous. Motion Carried.

4. NOI: Ron Tirone, 40 Lafayette Rd. (11/1/17)

JKP motioned to continue the Notice of Intent for Ron Tirone, 40 Lafayette Rd., to December 6th, 2017 at 7:10p.m.,

JP seconded.

Vote: 5-0, unanimous. Motion Carried.

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

Tom Hughes (**TH**) of Hughes Environmental Services stated the will prepare written responses' to DEP and the Town Engineer, Joe Serwatka.

TH discussed the use of the grade beams and their preference to not use them. They were unable to design the building without them but used piles in the front of the building.

Dale Ginappe (**DG**) of Ginappe Design Architecture addressed the need for the grade beams to support the vertical load. Needed to provide lateral bracing to prevent the horizontal members from bending. Stated grade beams below the surface are not considered in violation of FEMA guidelines and are the preferred method of bracing.

EGR asked if reducing the vertical load would eliminate the need for the beams. **DG** replied it would not unless it was a very small sized development.

JKP asked if the load was equal throughout the building. **DG** replied it is not because of the slope of the land. The design shifts the load from the front to the grade beams at the rear of the structure.

JKP asked if the beams could be shifted 2 feet above grade. **DG** replied it is not practical because of the height the some of the piles would be due to the slope.

TH concluded that though the performance standards for sand dune regulations discourages the use of beams and the dune performance standards are not met, the site is paved and will remain paved; sand flow is not an option. Stated they have used the preferred standards from FEMA and building code and they meet flood plain

regulations. Where dune function is restored there will only be piles. Where the grade beams are proposed will never function as a dune and the beams are below the hardscape and will have no adverse effect.

EGR motioned to continue the Notice of Intent for Big Block Development Group, 6-28 Ocean Front South, 16-18 Broadway to December 6th, 2017 at 7:10p.m.

SA requested an impact and performance standards peer review from Rimmer Environmental.

TH stated he would consult with the client.

JP seconded.

Vote: 5-0, unanimous. Motion Carried.

6. NOI: Maria Alcala-Herrera, 114 Railroad Ave (11/15/17)

Matt Steinel (**MS**) of Millennium Engineering represented the applicant. Proposed the removal and replacement of the existing house on the property. Asked to keep or replace the roadside foundation wall as it holds 0sand back from Railroad Ave.

SA asked if there is drainage in the area. **MS** stated there is a basin on Brissette Ave.

JKP asked what the material in the parking area will be. **MS** replied crushed gravel.

JKP asked how many impervious sq. ft. are being removed. **MS** replied most of the house footprint.

JKP requested a site visit.

Mike Ayer (**MA**), 116 Railroad Ave, asked how many pilings would be installed. **MS** showed the pilings on the plan (20). **MA** asked how deep the pilings would be. **MS** replied the structural engineer would be able to answer, he cannot. **MA** is concerned about the safety of his house next door due to the shaking of the pilings.

MS reviewed the process and assured him steps would be taken to protect his home.

Joanne Mulvey (**JM**), 116 Railroad Ave., asked what the distance from the proposed house to the lot line next to her property is. **MS** replied it is not moving closer to the lot line. The house will remain about 6 feet away.

MR asked if the lattice work will be removed. **MS** responded the issue is being worked out with the building inspector.

JKP asked what zone it is in. **MS** replied it is A/O and A/E.

SA reminded him that dune performance standards will still apply.

AN motioned to continue the Notice of Intent for Maria Alcala-Herrera, 114 Railroad Ave., to update the plan to show the lattice 2 feet above flood elevation and allow for a site visit to December 6, 3017 at 7:10 pm.

JP seconded.

Vote: 5-0, unanimous. Motion Carried.

7. NOI: Robert Jacobs, 16 Cable Ave. (11/15/17)

AN motioned to continue the Notice of Intent for Robert Jacobs, 16 Cable Ave., to December 6th, 2017 at 7:10p.m.,

JP seconded.

Vote: 5-0, unanimous. Motion Carried.

8. NOI: Jessica Bussey, 8 Corporal Patten Way (Lot 4) (11/15/17)

Matt Steinel (**MS**) of Millennium Engineering represented the applicant. Proposed to build a house with associated improvements. Only the septic system is in the buffer zone with grading crossing the 50 foot buffer line. They may encounter ledge in the upland portion of the lot. If encountered they will use a hammer to remove it, not blasting.

SA asked if the limit of work and tree clearing is marked in the field. **MS** stated they have not at this point. When work begins the erosion control will be staked out which marks the limit of clearing.

JKP asked if the septic can be pulled back from the wetland further. **MS** replied the septic is previously approved by the Board of Health and the Conservation Commission, they are not proposing to move it as this time.

Joe Palowich (**JPW**), 10 Corporal Patten Way, expressed concern for the culvert that feeds the wetland. **MS** responded that erosion control will prevent anything from washing into the culvert. **JPW** also has concerns about blasting and if tree removal would negatively affect the culvert. **MS** responded the erosion control would be in place to prevent erosion from entering the wetland.

JKP motioned to approve the Notice of Intent for Jessica Bussey, 8 Corporal Patten Way, with the standard special conditions and the condition that the limit of work and tree clearing is clearly marked on site prior to construction.

AN seconded.

Vote: 5-0, unanimous. Motion Carried.

C. NEW BUSINESS:

1. 2018 Meeting Schedule

JKP motioned to approve the 2018 Conservation Commission Meeting schedule and Submission Deadlines.

JP seconded.

Vote: 5-0, unanimous. Motion Carried.

2. Request for Certificate of Compliance, 81 Atlantic Ave.

Continued the Request for Certificate of Compliance for 81 Atlantic Ave to December 6th, 2017 to allow for a site visit.

D. OLD BUSINESS:

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

MR updated the Commission that work is progressing and recommended tabling until the Planning Board had closed out.

2. Request for Certificate of Compliance, 30 Elm St.

JKP motioned to approve the Request for Certificate of Compliance for 30 Elm Street contingent on the installation of demarcations signs to be verified by the Conservation Agent

JP seconded.

Vote: 5-0, unanimous. Motion Carried

3. Request for Certificate of Compliance, 11-19 Fanaras Dr.

MR could not recommended issuance, the paving does not comply with the Order of Conditions.

AN motioned to deny the Request for Certificate of Compliance for 11-19 Fanaras Drive until the recommendations are complete and the Order of Conditions is met.

JP seconded.

Vote: 5-0, unanimous. Motion Carried.

4. Request for Certificate of Compliance, 2 Denrael Dr.

AN motioned to continue the Request for Certificate of Compliance for 2 Denrael Drive to December 6th, 2017.
JP seconded.

Vote: 5-0, unanimous. Motion Carried.

5. Request for Certificate of Compliance, 54 Beach Rd.

JP motioned to continue the Request for Certificate of Compliance for 54 Beach Rd. to December 6, 2017 for a site visit to be completed.

AN seconded.

Vote: 5-0, unanimous. Motion Carried.

6. Request for Certificate of Compliance, 11 Railroad Ave (DEP # 065-0555)

7. Request for Certificate of Compliance, 11 Railroad Ave (DEP # 065-0624)

David Manning (DM), Property Management of New England was present. MR updated the Commission on the current state of the site. The only item out of compliance is a fence that is not 50 percent open as is required by dune performance standards (on both 065-0624 and 065-0555).

AN suggested removing every third horizontal slat.

MR recommended they raise the a/c units off the ground as soon as they are able. It was not required in the Order of Conditions (065-0555) at the time but regulations have changed since then.

JKP motioned to approve the Request for Certificate of Compliance for 11 Railroad Ave, DEP # 065-0555 with the suggestion the a/c's be raised off the ground at their discretion.

AN stated the fence is on both properties. JKP clarified intentions.

AN seconded.

Vote: 5-0, unanimous. Motion Carried

JKP motioned to continue the Request for Certificate of Compliance for 11 Railroad Ave, DEP # 065-0624 until the fence is made 50 percent open in compliance with dune performance standards.

AN seconded.

Vote: 5-0, unanimous. Motion Carried.

8. Request for Certificate of Compliance, 1 Samantha Way

MS introduced the project and the site as-built.

SA asked if the replication area is smaller than approved. MS confirmed it is about 100 sq. ft. smaller (current is 1,330 sq. ft., was approved as 1,456 sq. ft.)

JKP asked if the driveway was going to stay graveled. John Dragon (JD) stated they want to pave the area by the garage in the spring. SA suggested he file an RDA to pave the area in question.

AN motioned to approve the Request for Certificate of Compliance for 1 Samantha Way.

JP seconded.

Vote: 5-0, unanimous. Motion Carried.

E. ENFORCEMENT ORDERS:

1. 100 Elm St.

2. 28 CCC Rd.

3. 13 Commonwealth Ave
4. 81 Railroad Ave.
5. 105 Rabbit Rd. - MR recommended lifting the Enforcement Order.

AN motioned to lift the Enforcement Order on 105 Rabbit Rd.

JP seconded.

Vote: 5-0, unanimous. Motion Carried.

6. 438 N. End Blvd
7. Pearson's Pit Access Rd
8. 128 Bridge Rd.
9. 26 Sweet Apple Tree Ln.
10. 91 Bridge Rd.
11. 400 No. End Blvd
12. 2 Linda Ln.
13. 14 Jon St. – MR recommended lifting.

AN motioned to lift the Enforcement Order on 14 Jon Street.

EGR seconded.

Vote: 5-0, unanimous. Motion Carried.

14. 565 N. End Blvd

F. COMMISSIONER COMMENTS:

G. ADJOURNMENT:

JKP motioned to adjourn the November 15, 2017 Conservation Commission Meeting at 9:40 p.m.

JP seconded.

Vote: 5 -0, unanimous. Motion Carried.