



**5Salisbury Conservation Commission
Meeting Minutes
March 21st, 2018
Colchester Auditorium, Town Hall
5 Beach Road
Salisbury, MA 01952
6:00 P.M.**

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

COMMISSIONER MEMBERS ABSENT: Jennifer Troisi (**JT**).

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

Chairman Sheila Albertelli opened the meeting at 6:00p.m. under the Wetlands Protection Act & Open Meeting Law and informed the public that the meeting was being recorded.

A. PROPOSED TREE BYLAW WORKSHOP:

B. REORGINIZATION:

JKP motioned to nominate **SA** for Chair.

JP seconded.

Vote: 5-0, unanimous. Motion Carried.

SA motioned to nominate **JS** for Vice Chair.

JKP seconded.

Vote: 5-0, unanimous. Motion Carried.

EGR motioned to nominate **EGR** for Clerk

JS seconded.

Vote: 5-0, unanimous. Motion Carried.

C. MINUTES:

1. February 21, 2018-

AN motioned to approve the minutes for February 21, 2018.

JS seconded.

Vote: 6-0, unanimous. Motion Carried.

D. PUBLIC HEARINGS at 7:10pm:

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

JKP motioned to continue the Notice of Intent for 32 Railroad Ave, Land Court Lot 480, to April 18th, 2018 at 7:10p.m.

EGR seconded

Vote: 6-0, 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 480, to April 18th, 2018 at 7:10p.m.

JKP seconded

Vote: 6-0, unanimous. Motion Carried.

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

JKP motioned to table the NOI for Big Block Development Group, 6-28 Ocean Front South, 16-18 Broadway, to the end of public hearings

JS seconded

Vote: 6-0, unanimous. Motion Carried.

4. NOI: Mary & Thomas Lee, 11 Eleventh St W (2/21/18)

Matt Steinel (**MS**) of Millennium Engineering represented the applicant. Have received DEP number. **SA** stated Susan Goyette sent an e-mail stating concerns about water displacement and possible damage to her property. **MS** stated he had spoken to her and had addressed her issues.

JKP motioned to approve the Notice of Intent for Mary & Thomas Lee, 11 Eleventh St W.

JP seconded.

Vote: 6-0, unanimous. Motion Carried.

5. NOI: Wayne Capolupo, 137 Atlantic Ave (3/7/18)

Tom Hughes (**TH**) of Hughes Environmental represented the applicant. Wayne Capolupo was also present. Described the current site conditions. Sent a letter to NHSP, found no issue. Located in zone VE 19. Proposing a single family home with elevated garage on the street side. Metal grated ramp will bring vehicles into garage. Going to attempt to use the ramp during construction as much as possible to prevent vegetation damage. After construction will vegetated all sand areas. Proposed a clamshell walkway seaward side. Offered to, in light of the recent storms, reconstruct the dune on DCR property. Will work with them to do so. If any construction needs to take place off the ramp will be done over matting with every effort taken to prevent damage to the vegetation.

TH elaborated on the purpose of the grating is to allow the vehicles to be stored out of the flood zone. It is bridge grating and very open.

SA had concerns about visitors parking on the ramp, shading the vegetation and causing a greater than 50 percent loss. **TH** stated it is not the most practical parking space and they are overcompensating on planted vegetation to further mitigate. Agreed to a perpetual condition to protect the vegetation under the ramp of no regular parking on the ramp.

SA asked if the proposed structure is closer to the ocean the original structure. **TH** responded it is 16 feet from the property line same as the prior house.

JKP asked if it is uncomfortable to walk on. **TH** confirmed it is.

Abutter Ray Champagne, SBBA president, did a restoration project on public access two (2) and maintains the traffic triangle out front of the property. The SBBA has been working to make this area handicap assessable. Stated he appreciated the offer of the project to replenish the sacrificial dune in the area.

TH clarified the generator shown on the plan had to be flipped to the other side of the structure to meet zoning setbacks.

SA asked if DCR had any input on the ramp construction. **TH** stated they have not. **JKP** asked is it possible, if necessary, to re-plant under the ramp. **TH** replied there is about three feet clearance at the top of the ramp which would allow replanting. **JKP** asked how wide the ramp is. **TH** replied it is 24 feet, the house is 27.7 feet.

AN motioned to approve the Notice of Intent for Wayne Capolupo, 137 Atlantic Ave with the standard special conditions and the condition that the fifty percent (50%) survival rate of vegetation under the ramp will be maintained.

SA asked that the condition be made perennial.

AN amended her motion include the fifty percent (50%) survival rate of vegetation is ensured into perpetuity only to be revised by the Commission.

JKP seconded.

Vote: 5 (AN, JS, EGR, JKP, SA) -1 (JP). Motion Carried.

6. NOI: Town of Newbury, Nearshore disposal site (3/21/18)

Dave Smith (**DS**) of GZA Environmental represented the project. Dredging of the Piscataqua River will be done by the Army Core of Engineers. In 2008 the plan was to drop the material far offshore. Found the material to be predominantly clean sand. Decided to split the 300 thousand tons of material between Salisbury and Plum Island. Last dredging was in 2009/ 2010. Piscataqua River material was last tested in 2017 and found to be 70 percent sand with the rest being gravel and silt. The chemical testing found it to be suitable for onshore placement.

AN asked if the plan has changed due to the current storm situation. **DS** stated it had not.

AN asked if the idea of this project was to replenish the beach. **DS** stated that is the idea. Studies have found that within a year 40 percent moved landward.

Wayne Capolupo stated concerns about maintaining the uniform sand size on the beach and the gravel migrating onto the beach as well as the sand. Would ask for a more thorough assessment of the migration of gravel so we can be sure it doesn't end up on the beach.

DS stated that is a consideration for. Material is deposited into 19 to 24 feet of water where the heavier items should stay offshore.

Division of Marine Fisheries recommended a time of year restriction. It is outside of the window their proposed work.

JS motioned to approve the Notice of Intent for the Town of Newbury, nearshore disposal site with the standard conditions and the special condition that no disposal of offshore sediments will be disposed of between February 15th and June 30th.

JP seconded.

Vote: 6-0, unanimous. Motion Carried.

7. NOI: Ronald & Cynthia Pascucci, 25 Commonwealth Ave (3/21/18)

Matt Steinel (**MS**) of Millennium Engineering represented the applicant. Proposed a 10ft by 28ft deck off the back of the home. Proposing to use diamond pier footings. 10 feet wide so will still receive sunlight under the deck. Deck is about 5 feet high.

JKP asked what the material of the deck will be. **MS** replied regular decking. Asked to keep their sand yard.

JKP asked for mitigation for the vegetation cover. **MS** offered some of the bare area of Beacon Street as a possible replication area. No heavy equipment will be used. **JKP** asked for construction fencing around the area of work. There will be no further lattice used.

Ray Champagne, 28 Commonwealth Ave., built house in 1980. Lattice was put in by him 20 years ago. Siding is new.

Bill Sheehan (**BS**) abutter Peter McQuillian (**PMQ**) attorney. Claim a 10 foot drop off at corner of property. Sets a bad precedent expanding the deck toward the ocean over a vegetated dune. **MS** clarified it's a 4 foot drop. Commission requested a site visit. **MS** replied they are meeting the minimum height need to be elevation 19. The ground is at elevation 18. The deck will be 9.8 feet from the lot line, may require a finding.

JS motioned to continue the Notice of Intent for Ronald & Cynthia Pascucci, 25 Commonwealth Ave to April 4th, 2018 at 7:10p.m. to allow time for a site visit.

JP seconded.

Vote: 5-0, unanimous. Motion Carried.

8. RDA: Geno Ranaldi, 17- 19 North End Blvd. (3/21/18)

Geno Ranaldi (**GR**) introduced the project. Building was unsafe and needed to be removed for safety. Was since removed. Planning to build a small ranch to rent until he is ready to remove the structure and build a new structure. Wanted to put on existing block foundation, have installed flood louvers. Report done to show elevation. They are one (1) foot over the minimum, in 9AE zone. Told by building inspector not within the jurisdiction of the Conservation Commission and does not need to go up onto piles. Commission would like to look further into the project conditions and conduct a site visit.

JKP motioned to continue the Request for Determination of Applicability for Geno Ranaldi, 17- 19 North End Blvd. to April 4th, 2018 at 7:10p.m with a site visit to be conducted in the interim.

JP seconded.

Vote: 5-0, unanimous. Motion Carried.

9. NOI: Henry Becker, 46 Lafayette Rd. (3/21/18)

Tom Hughes (**TH**) of Hughes Environmental represented the applicant. Proposed to rebuild a single family home on the corner of School House Lane and Lafayette Rd. described site. Put down erosion control removing an out building near wetlands. Septic. The distance from the house to the fence is 20.5 feet.

Dennis Stump (**DS**), 2 School House Lane. Asked if the house was going onto the old foundation. **TH** replied everything is coming out. A new house is being built and nothing will be discharged off property will flow into the storm drain.

AN motioned to approve the Notice of Intent for Henry Becker, 46 Lafayette Rd. with the standard special conditions.

JP seconded.

Vote: 6-0, unanimous. Motion Carried.

10. RDA: Merrimack Valley Planning Commission, Great Marsh (3/21/18)

JKP motioned to continue the Request for Determination of Applicability for Merrimack Valley Planning Commission, Great Marsh East Invasive species control to April 4th at 7:10 p.m.

JS 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**) of Hughes Environmental, Eric and Steve Paquette (**SP**) of the Big Block Development Group represented the project. Wayne Capolupo, and Brian Mulcahy were also present.

TH updated the Commission on changes since they were last before the Commission.

Reviewed DEP comments and their responses.

Reviewed Rimmer Environmental's peer review letter.

Reviewed the Pare Engineering's peer review letter.

Mary Rimmer was present.

Ryan McCoy (**RMC**), Pare technical engineer, was present. Stated all piles, pile caps and horizontal tie beams all hooked together. There are other alternatives for a project of this scale. Typically see tie beams higher with diagonal beams which create their own issues as well. Building is two feet higher than required. Project would almost restore the dune capacity. Suggested further analyst of where the water will go when the building is removed.

JKP motioned to continue the Notice of Intent for Big Block Development Group, 6-28 Ocean Front South, 16-18 Broadway to April 4th, 2018 at 7:10p.m.

JP seconded.

Vote: 6-0, unanimous. Motion Carried.

E. NEW BUSINESS:

1. Ratify Enforcement Order, 157 Bridge Rd.

MR informed the commission that vehicles have been parked in the salt marsh and the marsh had been damaged. Willing to remove vehicles and gravel. Selectmen have issue with the property as well regarding a fence. Asked the commission to specify the parameters of the fence. Gas station and auto repair business. Gas station was not involved.

JS motioned to ratify the enforcement order for 157 Bridge Rd

AN seconded.

Vote: 6-0, unanimous. Motion Carried.

2. Request for Certificate of Compliance, 13 March Road

AN recused herself from the Commission.

JS motioned to continue the request for Certificate of Compliance for 13 March Road to April 4, 2018 at 7:10 p.m. to allow for a site visit

JP seconded.

Vote: 6-0, unanimous. Motion Carried.

3. Request for Certificate of Compliance, 208 Elm Street

MR stated she found the site to be in compliance and it was inspected by Joe Serwatka.

JS motioned to issue the request for Certificate of Compliance for 208 Elm Street

JP seconded.

Vote: 6-0, unanimous. Motion Carried.

F. OLD BUSINESS:

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

MR stated she had spoken with them and they are making alternate plans

JS motioned to continue the request for Certificate of Compliance for 54 Beach Rd to March 7th, 2018 at 7:10 pm

EGR seconded.

Vote: 5-0, unanimous. Motion Carried.

G. ENFORCEMENT ORDERS:

- 1. 100 Elm St.**
- 2. 28 CCC Rd.**
- 3. 13 Commonwealth Ave**
- 4. 81 Railroad Ave.**
- 5. 438 N. End Blvd**
- 6. Pearson's Pit Access Rd**
- 7. 128 Bridge Rd.**
- 8. 26 Sweet Apple Tree Ln.**
- 9. 91 Bridge Rd.**
- 10. 400 No. End Blvd**
- 11. 2 Linda Ln.**
- 12. 565 N. End Blvd**

MR recommended lifting the Enforcement Order for 400 No. End Blvd (#10) as they removed the decking that was in violation.

JS motioned to lift the Enforcement Order for 400 No. End Blvd.

JKP seconded.

Vote: 6 -0, unanimous. Motion Carried.

H. COMMISSIONER COMMENTS:

MR the beach area has received substantial damage informed the public on the DEP Emergency Declaration 3/2/18 to 4/2/18. There is a notification requirement. The April Second deadline is a firm deadline. No extensions or additional declarations. Emergency Certifications will still be available.

I. ADJOURNMENT:

JS motioned to adjourn the March 21st, 2018 Conservation Commission Meeting at 10:28p.m.

JP seconded.

Vote: 6 -0, unanimous. Motion Carried.