



**Salisbury Conservation Commission
Meeting Minutes
July 17, 2019
Colchester Auditorium, Town Hall
5 Beach Road
Salisbury, MA 01952
7:00 P.M.**

COMMISSION MEMBERS PRESENT: Chairman Sheila Albertelli (**SA**), Emily Round (**EGR**), Julie Doughman-Johnson (**JDJ**), and Joanne Perreault (**JP**).

COMMISSION MEMBERS ABSENT: Vice Chair Jessica Stucker (**JS**) Jane Purinton (**JKP**) and Blake Leibert (**BL**).

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. June 19, 2019 -

JDJ motioned to approve the minutes for June 19, 2019.

EGR seconded.

Vote: 4-0, 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)

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

JDJ seconded.

Vote: 4-0, unanimous. Motion Carried.

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

Brian Knowles (**BK**) represented the applicant. Peer review comments have been addressed. Changes to the plan include replacing stone area with grass and for to the section of fence that crosses the wetland, the posts will not be placed in the resource area and will be 6 inches above grade.

EGR motioned to approve the Notice of Intent for C&R Realty Trust, 110 Elm Street with the standard special conditions and the conditions that the fence will be maintained from the upland side of the fence.

JP seconded.

Vote: 4-0, unanimous. Motion Carried.

3. **NOI: Zap Development, LLC, 28 Rabbit Rd. and rear lots (10/17/18)**

Tom Hughes (**TH**) of Hughes Environmental Consulting represented the project. Dave Pearson from Zap Development was also present. Peer review has been completed. Proposed fill was reduced.

SA informed the Commission **JDJ** would abstain from the vote.

TH reviewed the proposed changes from the most recent Rimmer Environmental review letter. Rimmer suggested 12-inch jersey barrier be utilized around the site. The applicant would prefer a 6 inch barrier, as a higher barrier would require additional fill in some areas. Also, propose to install markers where the jersey barrier is not present to prevent the lot from creeping. The reviewer suggested the condition that replication and stormwater areas should be constructed first, prior to other site work. **TH** requested they submit a detailed construction sequence for the construction of the replication areas and storm water features for the Commission to review and approve. This meets the spirit of the condition but will allow other site work to also take place, to better accommodate the construction. The applicant agreed to the other proposed conditions.

EGR motioned to continue the Notice of Intent for Zap Development, LLC, 28 Rabbit Road and rear lots to August 7, 2019 at 7:10p.m to allow the Commission to review materials.

JP seconded.

Vote: 3-0, 1 abstained. Motion Carried.

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

Matt Steinel (**MS**) of Millennium Engineering represented the applicant. Project is before Zoning Board for approval. Abutters have expressed concern over the lack of available parking for the proposed three family building. The Zoning Board would like to see parking under the structure. Millennium created the plan before the Commission for their review and comments. **SA** asked how many square feet is the proposed drive. **MS** replied 2,400sq ft. The Commission did not find the plan to meet Dune Performance Standards.

EGR motioned to continue the Notice of Intent for Northeast Properties & Investments, LLC, 187 Atlantic Avenue to August 7, 2019 at 7:10p.m.

JDJ seconded.

Vote: 4-0, unanimous. Motion Carried.

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

JP motioned to continue the Notice of Intent for Azar & Marian Korbey, 23 Commonwealth Avenue to August 7, 2019 at 7:10p.m.

JDJ seconded.

Vote: 4- 0, unanimous. Motion Carried.

6. **NOI: Outdoor Media Properties, Inc., 109 Rabbit Rd. (3/6/19)**

Matt Steinel (**MS**) of Millennium Engineering represented the applicant. Richard A. Nysten, Jr. (**RN**) of Lynch, DeSimone & Nysten, LLP and Brian Butler (**BB**) of Oxbow Associates were also present. **BB** had submitted a letter to the Commission in regards to site conditions and the impacts of light on the resource areas for the project. Stated the resource areas are already impacted and degraded. The site does not host any vulnerable habitat and has been largely manipulated by the construction of the highway. Reviewed the landscape including the resource areas of wetlands, bank, and upland. All the species in the area are currently exposed to nighttime lighting and sound pollution from the highway. **JDJ** expressed concern about this violating dark sky compliance in Salisbury. **SA** replied dark sky compliance falls under the jurisdiction of the Planning Board and the Zoning Board, not Conservation. **JDJ** asked how far the light from the proposed billboard would be cast. **BB** stated the light would continue to drop off as the distance increases. **SA** asked if the light intensity from the bulbs could be

adjusted or tuned for the area. **MS** replied the intensity changes from day to night but he was not sure of the particulars on how it could be adjusted; he would find out and report to the Commission. Commission requested to have their peer reviewer comment on the report. Donna Bartlett requested a copy of the report.

JDJ motioned to continue the Notice of Intent for Outdoor Media Properties, Inc., 109 Rabbit Road to August 7, 2019 at 7:10pm for review by Rimmer Environmental Consulting.

JP seconded.

Vote: 4-0, unanimous. Motion Carried.

7. NOI: Downeast Building & Development, 3 Bridge Rd. & 4 Beach Rd. (6/5/19)

Matt Steinel (**MS**) of Millennium Engineering represented the applicant. The site is largely vegetated by invasive Japanese Knotweed; this development will result in removal from the site. Joe Serwatka and Mary Rimmer have reviewed the site. **EGR** asked where the storm drainage outlet is in relation to the wetland. **MS** replied it discharges at the low point in the wetland. **EGR** asked for more separation from the wetland. **MR** suggested they pull the outlet back as far as possible. **SA** asked if the dumpster could be relocated. Suggested the snow storage area would be a better alternative. **MS** stated he would consult with the engineers. **EGR** asked if the wetland could be demarcated as a protected resource into perpetuity. **JDJ** asked if the drainage issue the environmental reviewer smelled in the resource area was addressed. **MS** replied the commercial buildings are tied into town water and sewer; they are not aware of any pipes crossing the lot.

JDJ motioned to continue the Notice for Intent for Downeast Building & Development, 3 Bridge Rd. & 4 Beach Road to August 7, 2019 at 7:10pm.

EGR seconded.

Vote: 4-0, unanimous. Motion Carried.

8. NOI: Marc and Cynthia Burkhardt, 212 North End Blvd. (6/19/19)

Matt Steinel (**MS**) of Millennium Engineering represented the applicant. Commission requested the stairs be removable. Applicant agreed to revegetate the dune. **JDJ** requested they enclose the restoration area with sand fencing. Will use helical piles instead of sonotubes, as they are no longer permitted on the frontal dune. **JDJ** asked if they would need to access the site from state land. **MS** stated yes, they would need to approach DCR for access permit.

EGR motioned to approve the Notice for Intent for Marc and Cynthia Burkhardt, 212 North End Blvd. with the standard special conditions and the condition that the applicant will seek a MA DCR access permit. Restoration area will be surrounded by sand fencing, vegetation will be added to plan and the stairs will be removable.

JDJ seconded.

Vote: 4-0, unanimous. Motion Carried.

9. NOI: Tom Saab, 245 North End Blvd. (7/17/19)

Matt Steinel (**MS**) of Millennium Engineering represented the applicant. Proposed development of a single lot that has been subdivided into six lots, each with a separate Notice of Intent filing. This lot includes the proposed demolition of the existing building and construction of a single family home with a back deck and a front porch. New utilities will be installed. Total impervious surface for all of the lots is 17,285 square feet. The proposed project will reduce impervious surface to 5,538 square feet. The tables on the plans show impervious surface for each individual lot.

SA clarified that the existing pavement will be mostly removed. **MS** agreed, but the driveways will be paved.

JDJ asked what happens when they remove the pavement. **MS** replied they would remove all pavement and

base down to virgin ground and bring in appropriate fill to restore the area. **EGR** requested a site visit. **JDJ** requested a landscape plan. Rimmer Environmental is conducting the review. **JDJ** requested an updated construction schedule.

EGR motioned to continue the Notice for Intent for Tom Saab, 245 North End Blvd. to August 7, 2019 at 7:10pm with, in the interim, a review of the delineation from Rimmer Environmental, a landscape plan, a demolition plan and updated construction schedule must be submitted, and a site visit will be made.

JDJ seconded.

Vote: 4-0, unanimous. Motion Carried.

10. **NOI: Tom Saab, 247 North End Blvd. (7/17/19)**

Matt Steinel (**MS**) represented the applicant.

EGR motioned to continue the Notice for Intent for Tom Saab, 247 North End Blvd. to August 7, 2019 at 7:10pm with, in the interim, a review of the delineation from Rimmer Environmental, a landscape plan, a demolition plan and updated construction schedule must be submitted, and a site visit will be made.

JP seconded.

Vote: 4-0, unanimous. Motion Carried.

11. **NOI: Tom Saab, 249 North End Blvd. (7/17/19)**

Matt Steinel (**MS**) represented the applicant.

EGR motioned to continue the Notice for Intent for Tom Saab, 249 North End Blvd. to August 7, 2019 at 7:10pm with, in the interim, a review of the delineation from Rimmer Environmental, a landscape plan, a demolition plan and updated construction schedule must be submitted, and a site visit will be made.

JDJ seconded.

Vote: 4-0, unanimous. Motion Carried.

12. **NOI: Tom Saab, 251 North End Blvd. (7/17/19)**

Matt Steinel (**MS**) represented the applicant. Informed the Commission the only change to the design in this application from the others is the deck has been flipped to meet setbacks.

EGR motioned to continue the Notice for Intent for Tom Saab, 251 North End Blvd. to August 7, 2019 at 7:10pm with, in the interim, a review of the delineation from Rimmer Environmental, a landscape plan, a demolition plan and updated construction schedule must be submitted, and a site visit will be made.

JP seconded.

Vote: 4-0, unanimous. Motion Carried.

13. **NOI: Tom Saab, 253 North End Blvd. (7/17/19)**

Matt Steinel (**MS**) represented the applicant.

EGR motioned to continue the Notice for Intent for Tom Saab, 253 North End Blvd. to August 7, 2019 at 7:10pm with, in the interim, a review of the delineation from Rimmer Environmental, a landscape plan, a demolition plan and updated construction schedule must be submitted, and a site visit will be made.

JDJ seconded.

Vote: 4-0, unanimous. Motion Carried.

14. **NOI: Tom Saab, 255 North End Blvd. (7/17/19)**

Matt Steinel (**MS**) represented the applicant. **JDJ** asked what vegetation removal entailed. **MS** replied it is shrubby vegetation that will be cleared to make room for the development.

EGR motioned to continue the Notice for Intent for Tom Saab, 255 North End Blvd. to August 7, 2019 at 7:10pm with, in the interim, a review of the delineation from Rimmer Environmental, a landscape plan, a demolition plan and updated construction schedule must be submitted, and a site visit will be made.

JP seconded.

Vote: 4-0, unanimous. Motion Carried.

C. NEW BUSINESS:

1. Request for Extension, Town of Salisbury, Partridge Brook Park

EGR motioned to extend the Order of Conditions for the Town of Salisbury, Partridge Brook Park to September 11, 2020.

JP seconded.

Vote: 4-0, unanimous. Motion Carried.

2. Request for Certificate of Compliance, 170 – 180 Beach Rd.

Matt Steinel (**MS**) represented the applicant. **SA** asked if work was completed. **MS** explained that this Order expired before work began. The applicant applied for and completed work under a new Order and this one was never closed out; requests to do so now.

JDJ motioned to grant the Certificate of Compliance for 170 – 180 Beach Road stating the Order of Conditions is invalid.

SA seconded.

Vote: 4-0, unanimous. Motion Carried.

3. Request for Certificate of Compliance, 109 Rabbit Rd.

Matt Steinel (**MS**) introduced the request. There is an Enforcement Order for this project. The trailer has been moved to the 40 feet “no build” line shown on plans. Clean up remains to be done behind the existing structure. There is fill in two locations that is vegetated and stabilized; proposed to leave it, as removing would be more detrimental to the resource area. They propose to keep the site as is with a proposed buffer to prevent further creep. **MS** requested the Commission weigh in on these items.

EGR motioned to continue the Certificate of Compliance for 109 Rabbit Rd to August 7, 2019 to allow for a site visit in the interim.

JP seconded.

Vote: 4-0, unanimous. Motion Carried.

4. Enforcement Order, 472 North End Blvd.

EGR motioned to ratify the Enforcement Order for 472 North End Blvd.

SA seconded.

Vote: 4-0, unanimous. Motion Carried.

EGR motioned to amend the Enforcement Order to the next available meeting of August 7th or August 21st.

SA seconded.

Vote: 4-0, unanimous. Motion Carried.

5. Request for Certificate of Compliance, 242 North End Blvd.

Sarah Hajjar (**SH**), 242 North End Blvd was present. **JDJ** asked if there are any steps. **SH** confirmed, there are not. **JDJ** asked if the roll out walkway would be removed at the end of the season. **SH** replied it will be. **MR** confirmed the walkover is located as approved.

EGR motioned to grant the Certificate of Compliance for 242 North End Blvd.

JDJ seconded.

Vote: 4-0, unanimous. Motion Carried.

6. Request for Significance of Change, 44 Old County Rd.

Matt Steinel (**MS**) represented the applicant. Proposing to move deck location to behind the house and convert to a patio. Will adjust the slope to make it steeper and allow space for the patio. Planting areas have not changed.

EGR motioned to find the changes to the approved plans to 44 Old County Road insignificant.

JDJ seconded.

Vote: 4-0, unanimous. Motion Carried.

E. ENFORCEMENT ORDERS:

1. 81 Railroad Ave.
2. 438 N. End Blvd.
3. 565 North End Blvd.
4. 157 Bridge Rd.
5. 30 Main St.

6. 86/88 Elm St. - Joel Favazza (**JF**) from Seaside Legal Solutions and a representative from Derosa Environmental were present. **JF** stated they will not be able to make the deadline due to a flagging delay. They plan to submit by next month. This should not offset the planting schedule for the fall. **SA** asked which meeting in August they propose. **JF** replied they would request the August 21st meeting so they don't have to ask for another extension if they are not ready by the 7th.

7. 212 N. End Blvd.
8. 83 Atlantic Ave.
9. 9 Bayberry Ln.
10. 211 N. End Blvd.
11. 279 N. End Blvd.
12. 146 Central Ave.
13. 82 Lafayette Rd.
14. 16 Hayes St.

15. 11 Railroad Ave. – Mark Arnold (**MA**), Goddard Consulting, and David Manning (**DM**), New England Property Management, represented Ocean Echo Condominiums. **MA** illustrated the fence is greater than 50 percent open and the Order of Conditions does not state the way that is to be calculated so the fence should be approved. **SA** replied the fence does not allow for the free movement of sand, wind, and water, as is the intent of the 50% open or greater guideline they

uphold. The Condo Association had begun to remove every third slat as requested by the Commission to meet Dune Performance Standards and plant shrubs for privacy. Now were backsliding to reiterate the same argument we have had since the beginning. Commission continued the Enforcement Order to review the minutes from the April 7, 2004 meeting.

16. 109 Rabbit Rd-

F. COMMISSIONER COMMENTS:

G. ADJOURNMENT:

EGR motioned to adjourn the July 17, 2019 Conservation Commission Meeting at 9:44 pm
JDJ seconded.

Vote: 4-0, unanimous. Motion Carried.