



Salisbury Conservation Commission
Meeting Minutes
September 5, 2018
Colchester Auditorium, Town Hall
5 Beach Road
Salisbury, MA 01952
7:00 P.M.

COMMISSIONER MEMBERS PRESENT: Chairman Sheila Albertelli (SA), Jane Purinton (JKP), and Julie Doughman-Johnson (JDJ), Joanne Perreault (JP) Emily Round (EGR)

COMMISSIONER MEMBERS ABSENT: Vice Chair Jessica Stucker (JS)

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

Chairman Sheila Albertelli opened the meeting at 7:07p.m. under the Wetlands Protection Act & Open Meeting Law and informed the public that the meeting was being recorded.

1. **TREE BYLAW WORKSHOP 6:00pm TO 7:00pm:** Discussed two (2) general bylaws for the Fall 2018 Town Meeting

- a. Land clearing, grading and protection of specimen trees.
- b. The policies and procedures for the care, preservation, pruning, replanting and removal of Town trees.

A. **MINUTES:**

1. **August 15, 2018**

JDJ motioned to approve the minutes for August 1, 2018.

JP seconded.

Vote: 4-0, 1 abstained. 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 478A, 479, to September 19, 2018 at 7:10p.m.

EGR seconded

JP motioned to continue the Notice of Intent for 32 Railroad Ave, Land Court Lot 480, to September 19, 2018 at 7:10p.m.

JKP seconded

Vote: 5-0, unanimous. Motion Carried.

2. **NOI: James Zorbas, 32 Railroad Ave (LC Lots 478A, 479) (6/7/17)**

JKP motioned to continue the Notice of Intent for 32 Railroad Ave, Land Court Lot 478A, 479, to September 19, 2018 at 7:10p.m.

EGR seconded

Vote: 5-0, unanimous. Motion Carried.

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

ERG motioned to continue the Notice of Intent for Big Block Development Group, 6-28 Ocean Front South, and 16-18 Broadway to September 19, 2018 at 7:10p.m.

JP seconded.

Vote: 5-0, unanimous. Motion Carried.

4. NOI: David & Nicole George, 5 10th St. (7/18/18)

David George (**DG**) and Nicole George (**NG**) were present. Requested to put permeable pavers over a grassed area. Have received DEP number and notified abutters.

JKP requested spec sheet for pavers. **NG** replied it is an attachment to the application. **JKP** asked if the aggregate is permeable. **DG** confirmed. **SA** stated a preference for open cell pavers.

JKP motioned to approve the Notice of Intent for David & Nicole George, 5 10th Street, with the standard conditions and the condition that the pavers will be installed per the spec sheet, as presented. Would like to close the public hearing.

JP seconded.

Vote: 5-0, unanimous. Motion Carried.

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

JP motioned to continue the Notice of Intent for C&R Realty Trust, 110 Elm Street, to September 19, 2018 at 7:10p.m.

JDJ seconded.

Vote: 5-0, unanimous. Motion Carried.

6. NOI: 17-19 North End Boulevard Development, LLC, 17 N. End Blvd. (8/15/18)

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

JKP motioned to continue the Notice of Intent for 17-19 North End Boulevard Development, LLC, 17 N. End Blvd., to September 19, 2018 at 7:10p.m.

JDJ seconded.

Vote: 5-0, unanimous. Motion Carried.

7. NOI: 17-19 North End Boulevard Development, LLC, 19 N. End Blvd. (8/15/18)

JP motioned to continue the Notice of Intent for 17-19 North End Boulevard Development, LLC, 19 N. End Blvd., to September 19, 2018 at 7:10p.m.

EGR seconded.

Vote: 5-0, unanimous. Motion Carried.

8. NOI: Brian Mullen, 8 Friedenfels Street. (8/15/18)

EGR motioned to continue the Notice of Intent for Brian Mullen, 8 Friedenfels Street, to September 19, 2018 at 7:10p.m.

JKP seconded.

Vote: 5-0, unanimous. Motion Carried.

9. NOI: Frank Carvalho, 37 Gardner Street (8/15/18)

Matt Steinel (**MS**) of Millennium Engineering represented the applicant. Have not received their DEP number at this time. Site walk was completed.

JDJ requested a split rail fence to demarcate the wetland.

JKP requested the area be maintained as a wet meadow, mowed no more than twice annually. **MS** clarified the applicants intent would be to continue mowing the yard. If the Commission will not allow frequent mowing the applicant would manage it as a wet meadow.

JKP motioned to continue the Notice of Intent for Frank Carvalho, 37 Gardner Street, to September 19, 2018 at 7:10p.m., to receive a DEP Number.

JP seconded.

Vote: 5-0, unanimous. Motion Carried.

10. NOI: H&M Industries, Inc., 45 Old County Rd. (9/5/18)

JKP motioned to table the Notice of Intent for H&M Industries, Inc., 45 Old County Rd., to the end of public hearing.

EGR seconded.

Vote: 5-0, unanimous. Motion Carried.

11. NOI: Kent Stoddard, 159 Atlantic Ave. (9/5/18)

Matt Steinel (**MS**) of Millennium Engineering represented the applicant. No DEP number has been issued at this time. Described the site layout; structure had been damaged by the March 2018 storms. Would like to remove the ocean side foundation wall and put in three steel piles, a support beam and replace the deck. Deck will be replaced at its preexisting size.

EGR asked what the elevation of the deck is. **MS** replied it is about 17 to 18. **EGR** requested the elevation be added to the plan.

JKP requested a site visit.

JKP asked if the installation work can be done by hand or if heavy machinery will need to access the site. **MS** replied the work will be done with heavy equipment, likely accessed from ocean side. Have not approached DCR for permission yet.

EGR motioned to continue the Notice of Intent for Kent Stoddard, 159 Atlantic Ave., to receive a DEP number and a site visit in the interim, to September 19, 2018 at 7:10p.m.

JP seconded.

Vote: 5-0, unanimous. Motion Carried.

12. RDA: Columbia Construction Company, 121 Ferry Road (9/5/18)

Kyle Lalley (**KL**) with Hancock Associates represented the applicant. Site has a radio tower located on a fill island that is surrounded by resource area. Application is to install an automatic generator for the tower. Tower located in AE FEMA flood zone requiring the generator to be on an elevated pad constructed on piles (6 sonotubes). Will lift the pad out of the flood zone (9 ft. 6 inches). Generator will have yearly inspections for rust and damage. Proposing a continuation of 8-foot chain-link fence to encircle the pad.

SA asked if the fence would be installed by hand. **KL** stated he did not know the installation procedure but whatever work was needed would be done from the upland.

SA asked if the area was being maintained as a wet meadow. **KL** replied that he does not believe the area is maintained.

JDJ stated the building inspector was consulted on the plan and asked for the pad be elevated one (1) foot above the flood zone. **KL** disagreed that the flood zone required the elevation to be one (1) foot above, believes 6 inches is compliant. **MR** informed the Commission that is a matter regulated by building code, not the Wetlands Protection Act, so the matter should be resolved with the building inspector. **EGR** specified any stockpiling should be limited to upland within the erosion control. **JKP** asked what erosion control will be used. **KL** responded straw waddle is proposed.

EGR motioned to issue a negative determination for the Request for Determination of Applicability for Columbia Construction Company, 121 Ferry Road., with the standard special conditions and the conditions that a hand auger or small utility equipment only, will be used to install fence, no heavy equipment. The area is a wet meadow and will be mowed no more than one to two times per year. No vehicles driving on wetland. The building inspector will be consulted on the height of the generator for the coastal A zone.

JDJ seconded.

Vote: 5-0, unanimous. Motion Carried.

10. NOI: H&M Industries, Inc., 45 Old County Rd. (9/5/18)

Mike Wolpert (**MW**) of H&M Industries was present. No DEP number has been issued. Four (4) unit building currently on property, to be razed and a three (3) unit structure is proposed to replace it. Project has been through zoning for setbacks. Hughes Environmental did the wetland delineation on 4/27/2017.

JKP asked why the house was located closer to the marsh than the existing building. **MW** replied the existing structure is located in the legal right of way of the road so the new structure cannot be placed in the existing footprint and had to be moved back onto the property.

JKP requested a site visit.

SA asked to have the proposed and existing plans put on separate sheets.

JKP asked what area would be paved. **MW** replied two (two) spaces under each building for the parking.

JKP asked that he update how the project complies with all the resource areas and that he use the more recent maps.

EGR asked if the existing driveway would be removed. **MW** stated he would remove the old driveway and put gravel down, not pavement.

Cheryl Papandrea (**CP**), 41 Old County Rd., stated this is an improvement over what is there. Does not want to see this be a rental. Wants to be sure it is on pilings; when tidewater came in it created flooding issues, does not want to see that happen again.

JKP motioned to continue the Notice of Intent for H&M Industries, Inc., 45 Old County Rd., to our September 19, 2018 meeting at 7:10p.m. with a site visit in the interim while waiting for a DEP number.

JP seconded.

Vote: 5-0, unanimous. Motion Carried.

C. NEW BUSINESS:

1. Enforcement Order, 146 Central Ave

Maria DePippo (**MD**) and Nancy Diddo (**ND**) were present. Stated solid vinyl fence has been in place 15-20 years. Gate and some panels were replaced due to damage from March storms.

JKP asked if every other slat of the fence could be removed to make it continuously 50 percent open. **MD** replied it would not be practical.

MD was concerned about having enough time for the fence company to complete the work. Requested 2 months. Commission agreed on October 31st of this year as a dead line. Informed the owner if they need more time to call the Conservation Agent.

SA asked **MD** to consult the agent on the fence before she makes a purchase just to be sure it is compliant.

MD asked if she could keep the gate. **SA** stated she would like someone to look at the gate to see if it is solid.

2. Request for Certificate of Compliance, 62 Cable Avenue

Evelyn Simmers (**ES**) represented the Condominium Association. Site has a partial Certificate of Compliance; plantings were outstanding. **SA** would like to do a site visit to verify the plantings.

3. Request for Certificate of Compliance, 1 True Road.

MR confirmed grass was growing and site was stabilized. Erosion control has been removed. The location of the septic tank was modified , three (3) feet closer to wetland, due to ledge and the location of the existing tank not being where expected. Also had to alter the location of the leach field due to ledge which is now 6 feet further away from the wetland.

EGR motioned to issue the Certificate of Compliance for 1 True Road.

JDJ seconded.

Vote: 5-0, unanimous. Motion Carried.

D. ENFORCEMENT ORDERS:

SA requested **MR** send 11 Railroad a letter or an enforcement order on the illegal fence that continues to not be in compliance. **MR** reminded them this property is not on the agenda but she could request they come to the next meeting.

1. **81 Railroad Ave.**
2. **438 N. End Blvd.**
3. **128 Bridge Rd.**
4. **26 Sweet Apple Tree Ln.** **MR** spoke with Tom Hughes today who is doing the wetlands delineation. Will be coming before the commission soon with a restoration plan.
5. **91 Bridge Rd.**
6. **2 Linda Ln.**
7. **565 N. End Blvd.** – 30-day letter was sent and no response was received. Fence was not brought into compliance.

EGR motioned to send the file for 565 North End Blvd., to DEP for review.

JDJ seconded

Vote: 5-0, unanimous. Motion Carried.

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. **146 Central Ave**
17. **209 N. End Blvd.**
18. **211 N. End Blvd.**
19. **276 & 277 N. End Blvd.**
20. **279 N. End Blvd.**

E. COMMISSIONER COMMENTS:

Whales that have been present close to shore. Asked the public to give them their space, do not chase the animals.

F. ADJOURNMENT:

JDJ motioned to adjourn the September 5, 2018 Conservation Commission Meeting at 8:37 pm

JP seconded.

Vote: 4-0, unanimous. Motion Carried.