



**Salisbury Conservation Commission  
Meeting Minutes  
November 16, 2016  
Colchester Auditorium, Town Hall  
5 Beach Road  
Salisbury, MA 01952  
7:00 P.M.**

**COMMISSIONER MEMBERS PRESENT:** Chairman Sheila Albertelli (**SA**), David Arel (**DA**), Jessica Stucker (**JS**), Jane Purinton (**JKP**), and Alison Novello (**AN**)

**COMMISSIONER MEMBERS ABSENT:** Jennifer Troisi (**JT**), Walter Moquin (**WM**)

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

Sheila Albertelli opened the meeting at 7:06 p.m. under the Wetlands Protection Act & Open Meeting Law and informed the public that the meeting is being recorded.

**A. MINUTES:**

**1. October 19, 2016**

**JKP** motioned to approve the minutes from October 19, 2016

**DA** seconded.

**Vote: 5-0 Unanimous. Motion Carried.**

**2. November 2, 2016- Tabled**

**B. PUBLIC HEARINGS at 7:10pm:**

**1. NOI: Sterling Ventures Inc., Rear Ferry Rd/123 Bridge Rd (7/20/16)**

**DA** motioned to continue the Notice of Intent for Sterling Ventures Inc., Rear Ferry Rd/123 Bridge Rd to December 7, 2016 at 7:10 p.m.

**JKP** seconded.

**Vote: 5-0 Unanimous. Motion Carried.**

**2. NOI: Mass DCR, West Street, Salisbury Beach State Reservation (11/2/16)**

**JKP** motioned to continue the Notice of Intent for Mass DCR, West Street, Salisbury Beach State Reservation to the December 7, 2016 meeting at 7:10pm.

**JS** seconded.

**Vote: 5-0 Unanimous. Motion Carried.**

**3. NOI: Mark Wojcicki, 170 Bridge Road (11/2/16)**

**JKP** motioned to continue the Notice of Intent for Mark Wojcicki, 170 Bridge Road to the December 7, 2016 meeting at 7:10pm.

**JS** seconded.

**Vote: 5-0 Unanimous. Motion Carried.**

**4. RDA: Ronald Fitzgerald, 10 Samantha Way (11/16/16)**

Ronald Fitzgerald (**RF**) briefed the commission on his proposal for the addition of an attached garage and mud room to his existing home. Received a side setback from the Zoning Board of Appeals. The closest point of the structure to the nearest wetland flag is 51.4 feet.

**SA** asked who did the wetland flagging. **RF** answered that Meridian Surveying out of Candia, NH did the wetland flagging. **JKP** asked if he owned the shed that is shown on the plan. **RF** answered that yes, he did own it, but it is going to be moved to the side yard when work begins as it is mistakenly located on an easement. **JKP** asked for a clarification on what the plan is with the fill from the foundation excavation. **RF** explained how once the foundation is built and filled back in any remaining fill will be dispersed in the existing yard. **JKP** clarified that it won't be dispersed towards the wetland. **RF** agreed.

Briefly discussed widening the driveway and the shrubbery on the property.

**JKP** stated that any fill that is stockpiled needs to be stored greater than 50 feet from the wetland line. Also requested that a silt sock be placed surround the work area. **DA** asked **MR** if she is comfortable with the wetland flagging on site. **MR** responded that she is but would check it to be sure. **SA** added that any de-watering that may occur is also to take place more than 50 feet from the wetland.

**JKP** motioned to issue a negative determination for the Resource Area Delineation for Ronald Fitzgerald at 10 Samantha Way with the stipulation that a silt sock will be placed surrounding the work site, that the Conservation Agent approves the wetland flagging, and that any stockpiling and de-watering needs to take place more than 50 feet from the wetland.

**DA** seconded.

**Vote: 5-0 Unanimous. Motion Carried.**

**5. NOI: Dennis Wallace, 60 Rabbit Rd. (11/16/16)**

Matt Steinel (**MS**) of Millennium Engineering was present to represent the applicant. Explained the address of the site which is located on Baker Road and has been subdivided but not yet recoded at the registry of deeds resulting in the use of the Rabbit Road address. Explained the proposed plan to create a driveway through a wetland to allow access to the lot that is currently for sale. A one foot pipe will be placed under the driveway to allow proper drainage to continue. Proposed a replication area of 825 square feet, a 1:1 ratio, to mitigate for wetlands filled.

**SA** appraised the Commission that there is no DEP number so the commission cannot vote tonight.

**DA** asked to be provided with the complete plans for the house to make the determination on the driveway. **MS** explained the situation that has led to the owner not planning the house and the process the application will result in and the follow up actions the buyers would have to follow.

**SA** clarified the intent of the applicant is not to build the driveway but to sell it with the approval.

**JKP** requested a minimum replication ratio of 1.5:1 with 2:1 being preferred. **MS** explained the reasoning for the ratio given. **JKP** asked how many feet into the lot is the wetland located. **MS** answered approximately 40 to 50 feet. **JKP** asked if the Lot 4 is developed. **MS** stated it was. **JKP** asked if it would be connected to the sewer on Rabbit Road. **MS** stated that would require running a sewer line from Rabbit Road to Baker Road and that is not the intent of the current owner, but is an option for the future owners. **DA** asked if the replication area is allowed to be in the drainage easement. **MS** explained the purpose of the easement and the benefit putting the replicated area partially in the easement would provide. **SA** requested the Conservation Agent check the flagging on the site to see if it is sufficient. **MR** agreed.

Discussion followed resulting in the Board requesting to see a full site plan. They were in agreement that a driveway to nowhere does not give a sufficient reason to fill a wetland. Access to a home may be considered a sufficient reason. The Conservation Commission does not approve incomplete projects. Discussion of possible

routes of action followed. **MS** replied that under that condition he was instructed to respectfully withdraw the application from the Conservation Commission as the owner is not willing to supply a full site plan. **MR** requested he submit a written withdrawal.

**6. RDA: MassDOT, 25 Bridge Rd (11/16/16)**

Sandra Spague (**SS**), District Environmental Engineer with Mass DOT, District 4, represented the applicant. Briefed on the plan to remove 58 feet of damaged drainage pipe and replace it with a new drainage pipe. Work would be done to replace a drainage basin at the same time. The wetland is 25 feet away from the work area. **JKP** asked if the wetland is flagged. **SS** responded that it is not flagged. **JKP** requested the wetland be flagged. **JS** agreed. Discussion wetland flagging and the area of work followed. **JKP** asked if the road will be closed. **SS** said it will be closed in sections, so detours would not be necessary. **SS** stated that she can comply with the flagging request but would not be able to supply it on the plans. Showed the wetland line on current map. Asked why the flagging is necessary. **MR** replied that when the commission approves a project it is assumed the wetland line is approved as well, so it needs to be accurate. **SS** asked for a conditional approval. **SA** stated that without any flagging at all they can not approve the RDA. **DA** stated that they have to remain consistent in their requirements from applicants.

**JKP** motioned to continue the Request for Determination of Applicability for MassDOT at 25 Bridge Road to December 7, 2016 at 7:10pm.

**DA** seconded.

**Vote: 5-0 Unanimous. Motion Carried.**

**7. RDA: MassDOT, Lewis Ave (11/16/16)**

**SS** represented the applicant.

**MR** briefed the Commission on the current situation and appraised the applicant that she needs to apply for a Notice of Intent as Mass DEP required.

**JKP** motioned to issue a positive determination for the Request for Determination of Applicability for MassDOT, Lewis Ave.

**SA** seconded.

**Vote: 5-0 Unanimous. Motion Carried.**

**8. NOI: Steve Miller, 147 Cable Ave. (11/16/16)**

**MS** represented the applicant. Described how the previously developed site is currently vacant as the prior home and garage were removed in 2011. A portion of the lot has revegetated. Described the proposed plan to build a single family home on pilings, 11 feet above grade in the foot print of the prior structure. Proposed a 355 square foot replication area. This is the square footage of dune grass area currently on the lot. It may or may not be disturbed by the erection of the structure. It is not the intent of the applicant to damage the dune grass. Proposed to use construction fence to maintain the area.

**MR** requested they also place as much construction fencing as possible around the dune grass area to protect the area from the storage of materials during construction and reinforce work being done from the front of the house. **MS** agreed. **JKP** asked about the effect this building will have on the dune grass. **MS** responded that the only dune grass that will be directly affected is where the piles will be driven. The size of the replication area is because they are not sure the effect the building will have on the grass, but they are anticipating very limited impact due to the height of the building. **JKP** asked for a larger replication ratio. **MS** replied that the replication area proposed as is because they do not know the impact the dwelling will have on the site. They are not planning to disrupt near that much area. The reality of the ratio is it is significantly greater than 1:1. The house is 11 feet in the air so even under the house the grass should be able to get sunlight. **JKP** asked why the house is

11 feet in the air when the regulations don't require that height. **MS** replied that it is 5 feet above flood regulations at the applicant's request. **JKP** asked if they are planning to park under the structure. **MS** replied they are not. Further explained the heights of the building. **DA** asked if water run off had been considered. **MS** replied that it would just run to the ground. **MR** reminded him that this type of drainage will cause erosion and proposes a stone drip edge or a thickly planted vegetation bed to hold the sand in place. **MS** replied they do not plan to disrupt the dune grass at the back of the house. Proposed that be sufficient vegetation or a gutter would need to be used. Stated he would need to consult with applicant.

**SA** stated there is no DEP number issued as of tonight's meeting so we cannot vote on this project.

**DA** asked about outside storage? Discussion followed. **MS** stated he would discuss it with the applicant.

**DA** motioned to continue the Notice of Intent for Steve Miller at 147 Cable Ave to the December 7, 2016 meeting at 7:10 p.m.

**JKP** seconded.

**Vote: 5-0 Unanimous. Motion Carried.**

#### **9. NOI: Merrimack Valley Homes, 9 March Rd (11/16/16)**

**AN** recused herself from the Commission as a direct abutter.

**SA** stated that the applicant is still waiting to hear back from the DEP and Natural Heritage. They would not be able to vote tonight.

**MS** represented the applicant. Introduced the Commission to the site and briefed them on the proposed plan to remove the existing structure that is located 37.8 feet from the wetland at its closest point. They will replace it with a new structure that is moved back from the wetland. The deck will be 38 feet from the wetland at its closest point and the house will be built in the front portion of the existing houses footprint. There will be no substantial tree clearing only minor tree removal no closer than 45 feet to the wetland where the sewer and water lines will go. Erosion control will surround the area of work. Flagging was done by West Environmental.

**SA** asked if the construction will require blasting. **MS** responded that is unknown at this time but not anticipated. Any ledge encountered would be hammered out. **JKP** reminded **MS** that all hazardous materials and glass need to be removed from the building prior to demolition. **MS** confirmed. **DA** asked if the sheds shown on the property are to remain. **MS** responded that they had not planned on their removal.

Abutter **AN**, 11 March Rd, stated that the sheds in question are in very rough shape. There is also a lot of debris from prior construction on other sites that was left behind. A lot of cleaning up on this site needs to happen. **MS** responded that the owner is planning to market and sell this property so he would be amicable to removing debris from the site and the sheds if they are in fact unsound.

**JKP** motioned to continue the Notice of Intent for Merrimack Valley Homes, 9 March Road to the December 7, 2016 meeting at 7:10pm.

**JS** seconded.

**Vote: 5-0 Unanimous. Motion Carried.**

### **C. ENFORCEMENT ORDERS:**

#### **5. 13 Commonwealth Ave – Return to Compliance**

**MS** was present to update the Commission. The building inspector had provided written confirmation that the changes to the mechanics locations conforms to current building code. Discussion from the Commission on the return to compliance followed. **JKP** asked if the fence is gone. **MS** replied that it is taken care of. **MR** clarified it is 50% open. **JKP** asked if the fence on the property is the property owners. **MS** replied he did not know. **MR**

confirmed it is most likely theirs. **JKP** asked that that fence is also made compliant. Asked about a portion of the underside of the house that is enclosed. **MR** confirmed its removal.

**JKP** motioned to approve the Return to Compliance Plan for 13 Commonwealth Ave as presented, dated October 13, 2016, with the revision that all fences on the property meet Dune Performance Standards by being 50 percent open. That the flood vents are in place and the mechanics are compliant with building code.

**DA** seconded.

**Vote: 5-0 Unanimous. Motion Carried.**

1. 100 Elm St.

2. **28 CCC Rd.**

**DA** asked **MR** for an update. **MR** responded that the signage marking the “no disturb area” has been installed at each campsite, photographic proof was submitted. She is planning to do a follow-up visit shortly on the restoration areas. **DA** asked if he could join her on the site visit. **MR** responded in the affirmative.

3. 126 N. End Blvd

4. 7 Elmwood St

6. 457 N. End Blvd

7. 73 Mudnock Rd.

8. 81 Railroad Ave.

9. 105 Rabbit Rd.

10. **438 N. End Blvd-**

**JKP** asked for an update. **MR** responded that she was not aware if any work had begun or been completed.

**D. COMMISSIONER COMMENTS:**

**MR** stated that she will be attending a Great Marsh Sea Level Rise Symposium on 11/17/16

There will also be an event on Sea Level Rise in Newburyport on Monday 11/21/16

Volunteers are welcome to come and plant Dune Grass on Tuesday 11/22/16 from 9am to 11am. Meet at the Seaglass restaurant parking lot at Salisbury Beach.

**E. ADJOURNMENT:**

**JKP** motioned to adjourn the November 16, 2016 Conservation Commission Meeting at 8:55 p.m.

**DA** seconded.

**Vote: 5-0 Unanimous. Motion Carried.**