



**Salisbury Conservation Commission
Meeting Minutes
December 7, 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**), Walter Moquin (**WM**), and Alison Novello (**AN**)

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

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

Sheila Albertelli opened the meeting at 7:09 p.m. under the Wetlands Protection Act & Open Meeting Law and informed the public that the meeting is being recorded.

A. MINUTES:

- 1. November 2, 2016**
- 2. November 16, 2016**

JKP motioned to approve the minutes for November 2, 2016 and November 16, 2016 with the condition that the November 16, 2016 minutes are corrected to reflect the absence of commission member **WM**.

WM seconded.

Vote: 6-0 Unanimous. Motion Carried.

B. PUBLIC HEARINGS at 7:10pm:

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

JKP motioned to continue the Notice of Intent for Sterling Ventures Inc., Rear Ferry Rd/123 Bridge Rd to December 21, 2016 at 7:10 p.m.

DA seconded.

Vote: 6-0 Unanimous. Motion Carried.

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

Darryl Forgione (**DF**), Regional Engineer at Mass DCR and Bill Maher (**BM**), civil engineer with Nistch Engineering were present to represent the project.

BM introduced the proposed plan to construct a new comfort station/ camp store in the flood zone. The building will be elevated to 10.5 feet above sea level. They will be tying into existing utilities and sewer. Will be removing the old camp store and replacing it with pervious surface at the site.

JKP commented on her approval of the project.

DA asked about runoff management. **BM** replied they will be using sheet runoff, same as before. Some storm trench drainage will also be implemented.

DF outlined the projected building schedule. The process will begin in January with projected completion in August.

SA asked if they plan on using any skirting underneath the building. **BM** replied they did not.

JKP motioned to approve the Notice of Intent for Mass DCR, West Street, Salisbury Beach State Reservation with the standard special conditions.

WM seconded.

Vote: 6-0 Unanimous. Motion Carried.

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

DA motioned to continue the Notice of Intent for Mark Wojcicki, 170 Bridge Road to the December 21, 2016 meeting at 7:10pm.

JS seconded.

Vote: 6-0 Unanimous. Motion Carried.

4. NOI: James and Ellen Casey, 1 11th Street West (11/2/16)

Ron Laffely (**RL**) of Fulcrum Architects represented the Casey family. Outlined the revised plan to remove a single family home and replace it with a new single family home on pilings. The prior issue of access has been addressed. Outlined the plan for access. The heavy equipment will enter the property through 3 11th Street West. A fence will be removed to allow access and it will be replaced with a 50 percent open fence when the project is completed. There were also concerns from a neighbor to the south that have been resolved through the relocation of a stairway. This property has received its ZBA approval.

RL requested to work with the Conservation Agent in the spring to decide on the species of plants from the native species list provided that would be planted in the area. **MR** agreed with the request.

SA asked about item number 4 in the provided narrative that speaks about removing materials not compatible.

RL clarified that the area was filled in the past. If when they remove the building they find that the fill is a non-compatible fill, it will be removed and replaced with a beach compatible fill. **JKP** also approved of the planting plan. **SA** stated she is glad the utility chase is smaller and the fence is going to be made legal. **RL** clarified that there are two fences on the property that are going to be removed. One is going to be replaced with a 50 percent compliant fence and the other will hopefully be replaced with a hedge row, if conditions permit, but a compliant fence in the worst case scenario. **DA** asked if the project was clear from the Zoning Board of Appeals. **RL** responded it is still in the appeal period but otherwise approved.

WM motioned to approve the Notice of Intent for James and Ellen Casey, in agreement with the amended project narrative dated November 24, 2016.

AN seconded.

Vote: 6-0 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. Requested to withdraw the application (request had been submitted in writing prior to the meeting). Asked the commission if they could refund the fees paid for the application or be credited for another application in the future and Millennium will refund the fee to the applicant. Discussion of the specifics followed. **MR** agreed to apply the application fee to a future application for this property or another of Millennium Engineering's projects if they refund the applicant.

DA motioned to withdraw without prejudice the Notice of Intent for Dennis Wallace, 60 Rabbit Rd with the agreement that fees paid for the application can be applied to this or another of Millennium Engineering's project's in the future.

JKP seconded.

Vote: 6-0 Unanimous. Motion Carried.

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

Sandra Sprague (SS), District Environmental Engineer with Mass DOT, District 4, represented the applicant. Updated the commission to the project. Showed photographs the wetland flagging that was added since the last meeting. The work area is 30 feet from the flagging at its closest point. **MR** confirmed she agreed with the flagging.

JKP motioned to issue a negative determination for the Request for Determination of Applicability for MassDOT at 25 Bridge Road.

DA seconded.

Vote: 6-0 Unanimous. Motion Carried.

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

MS represented the applicant. Received their DEP number. DEP offered the comment that pavers are not allowed in the velocity zone. **MS** asked the commission to ignore this comment as the building is not located in the velocity zone or even near the velocity zone, so clearly it must be an error.

At the last meeting the commission asked if there was going to be any storage under the building. Proceeded to show the commission the plan for a storage area under the stairs that is elevated above 9 feet. Further clarified on the request of **WM** by showing on the plans. **SA** asked if they are in compliance with the A zone. **MS** confirmed.

JKP asked why the replication ratio is still 1:1. **MS** explained that they are not planning to remove any more grass than is absolutely necessary. The replication ratio is just for the grass that could be impacted by the erection of the building, a number that they don't know so they replicated for the entire area. The actual disruption is anticipated to be a very small so the reality of the ratio is it is much greater than 1:1.

MS addressed how the runoff from the back of the roof is going to be handled. They will be using a gutter alternative to disperse the water from the roof to the ground in a manner that will prevent erosion.

JKP asked the Conservation Agent if it is ok to ignore a DEP comment. **MR** responded it is, especially when it is obviously in error. **MS** added DEP has the option to appeal.

WM motioned to approve the Notice of Intent for Steve Miller at 147 Cable Ave in agreement with the site improvement plan dated December 5, 2016 with the standard conditions.

SA seconded.

Vote: 6-0 Unanimous. Motion Carried

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

AN recused herself from the Commission as a direct abutter.

MS represented the applicant. Briefed the Commission on progress since the last meeting. The applicant has confirmed his intent to remove the sheds and construction debris from the property. Adjusted the erosion control and the work area on the plans to reflect this change. DEP issued no comments.

JKP motioned to approve the Notice of Intent for Merrimack Valley Homes, 9 March Road, with the amended plans dated November 29, 2016. Standard special conditions apply.

WM seconded.

Vote: 5-0 Unanimous. Motion Carried.

9. NOI: Kenneth & Mary Daher, 31 Commonwealth Ave (12/7/16)

Ron Laffely (**RL**) of Fulcrum Architects represented the applicants. Briefed the commission on the proposed plan to remove a two family home and replace it with a single family (3 bedroom) home raised on piles in the same footprint. Will be going to The Zoning Board next week. No comments were received from DEP. There will be two (2) decks and they will be removing a retaining wall and restoring the dune it intruded on. The house will be built 3 feet above the velocity zone, one foot higher than required with the exception of the carport walls as they are located in the X zone. Will be planting a variety of vegetation on the south side of the property and American Beach Grass on the north side and front of the dune. They expect vegetation to continue to grow under the structure given the height of the building. Would like to consult with the Conservation Agent on the plantings to be done in the spring.

WM asked about storage under the house. **RL** responded that there would not be under the house storage. The house has a trash compactor inside and a small raised storage area in the carport.

DA asked about runoff. **RL** responded it would run into the sand. Further discussion followed on runoff management at the beach.

MR added that she believes that any building that is built in multiple zones must be built to conform with the highest regulated zone, in this case the V zone. **RL** refuted this comment. **MR** recommended speaking to the building inspector. **RL** agreed. **SA** asked **MR** for guidance on proceeding. **MR** responded that particular issue is up to the discretion of the Building Inspector.

DA motioned to approve the Notice of Intent: Kenneth & Mary Daher, 31 Commonwealth Ave with the condition that the structural components of the carport walls are deemed acceptable by the Building Inspector and with the standard special conditions.

WM seconded.

Vote: 6-0 Unanimous. Motion Carried.

C. NEW BUSINESS:

1. Request for Certificates of Compliance, 79 Atlantic Ave (two filings)

MR recommended issuing both Certificate of Compliances, one is complete the other is invalid as work was never started.

JKP motioned to approve the Certificate of Compliance for 79 Atlantic Ave File # 065-0626.

DA seconded.

Vote: 6-0 Unanimous. Motion Carried.

JKP motioned to issue the Certificate of Compliance for 79 Atlantic Ave File # 065-0882 as the order of conditions in invalid as work was never started.

DA seconded.

Vote: 6-0 Unanimous. Motion Carried.

3. Request for Certificate of Compliance, 420 N. End Blvd

MR recommend approval.

DA motioned to issue the Certificate of Compliance for 420 N. End Blvd.

JKP seconded.

Vote: 6-0 Unanimous. Motion Carried.

3. Request for Certificate of Compliance, 20 Ferry Rd.

SA recused herself from the commission as a direct abutter.

MR recommended approval.

WM motioned to issue the Certificate of Compliance for 20 Ferry Rd with an invalid order of conditions as the work was never started.

JS seconded.

Vote: 5-0 Unanimous. Motion Carried.

4. 2017 Schedule and Deadlines

WM motioned to accept the 2017 Schedule and Deadlines.

JKP seconded.

Vote: 6-0 Unanimous. Motion Carried.

D. ENFORCEMENT ORDERS:

1. **100 Elm St.**
2. **28 CCC Rd.** **DA** asked for an update. **MR** responded she would be following up shortly and would keep the Commission updated.

3. **126 N. End Blvd**
4. **7 Elmwood St**
5. **13 Commonwealth Ave**
6. **457 N. End Blvd**
7. **73 Mudnock Rd.**
8. **81 Railroad Ave.**
9. **105 Rabbit Rd.**
10. **438 N. End Blvd**

E. COMMISSIONER COMMENTS:

WM inquired about progress of the Boardwalk. **MR** replied work would begin shortly. She believes pile driving may start as soon as next week.

WM inquired about any progress on Comfort Station at the beach center. **MR** responded it was in the works.

DA asked why Lewis Ave was not on the agenda today. **MR** clarified that after their positive determination on the RDA they will need to file and NOI. They have not yet done so.

DA offered an update on the Blackwater River Floodwall which is substantially complete.

MR added they should be done in the next couple weeks with some finishing work in spring. They will be monitoring for the next 5 years but they will not be making a final presentation to the Commission as their NOI was denied, they will report directly to DEP. **DA** asked to be included in any correspondence **MR** received.

JKP brought up an e-mail from MACC that was sent to the all of the Conservation Commissions in the state regarding gas pipelines. Requested it be included on the agenda for discussion at the next Conservation Commission meeting.

F. ADJOURNMENT:

DA motioned to adjourn the December 7, 2016 Conservation Commission Meeting at 8:36 p.m.

WM seconded.

Vote: 6-0 Unanimous. Motion Carried.