



**Salisbury Conservation Commission
Meeting Minutes
September 6, 2017
Colchester Auditorium, Town Hall
5 Beach Road
Salisbury, MA 01952
7:00 P.M.**

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

COMMISSIONER MEMBERS ABSENT: Jennifer Troisi (JT).

ALSO PRESENT: Conservation Agent, Michelle Rowden (MR).

Sheila Albertelli opened the meeting at 7:08p.m. under the Wetlands Protection Act & Open Meeting Law and informed the public that the meeting is being recorded.

**A. MINUTES:
August 2, 2017**

JKP motioned to continue the minutes for August 2, 2017 to September 20th, 2017.

JS seconded.

Vote: 5-0, unanimous. Motion Carried.

B. PUBLIC HEARINGS at 7:10pm:

1. NOI: William Shattuck, 45 Folly Mill Rd. (8/2/17)

Bob Grasso (**BG**) of Engineering Land Services represented the applicant. DEP made no comments. Site received approval from the Board of Health. Currently, there is a trailer and septic system on the property. Proposing to raze the trailer and replace the septic system. The new septic system will be placed as far from the resource area as possible. Proposing to build a new three (3) bedroom house with basement and paved driveway. The grade will be raised about 1.6 feet for the pump out septic system. There will be a stone patio in the back yard.

JKP requested a reduction in the patio size and requested dimensions. **BG** replied its 20 feet by 22 feet. 18 feet away from the resource area and pervious. The grade will not be changed.

SA requested a buffer for the wetland.

JKP requested they redesign the shape of the patio to pull it away from the wetland line.

JKP motioned to approve the Notice of Intent for William Shattuck, 45 Folly Mill Rd with the standard conditions and the condition that the patio will be redesigned to be at least 3 feet away from the wetland with a more "L" shaped design to utilize space. Revised plans will need to be provided to the Conservation Agent.

AN seconded.

Vote: 5-0, unanimous. Motion Carried.

2. NOI: Chris DeLuca, 100 Elm St. (3/15/17)

Brian Knowles (**BK**) was present to update the Commission per their request. A third party consultant has reviewed the wetland line. They will be before the Zoning Board for a variance in October.

The Commission agreed to keep the public hearing open, but asked applicant to re-notify abutters before they proceed.

JKP motioned to continue the Notice of Intent for Chris DeLuca at 100 Elm St to September 20, 2017 at 7:10p.m.

JS seconded.

Vote: 4-0, EGR abstained. Motion Carried.

3. RDA: Eliel DeOliveira, 128 Bridge Rd. (4/5/17)

JS motioned to continue the Request for Determination of Applicability for Eliel Deoliveira at 128 Bridge Rd to September 20th, 2017 at 7:10p.m.

AN seconded.

Vote: 5-0, unanimous. Motion Carried.

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

JS motioned to continue the Notice of Intent for 32 Railroad Ave, Land Court Lot 480, to September 20th, 2017 at 7:10p.m.

AN seconded

Vote: 5-0, unanimous. Motion Carried.

5. 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 and 479, to September 20th, 2017 at 7:10p.m.

JS seconded.

Vote: 5-0, unanimous. Motion Carried.

6. NOI: Vincent Brandolini, 64 Forest Rd. (6/21/17)

Katelyn Macey (**KM**) was present to represent the project.

JKP motioned to approve the Notice of Intent for Vincent Brandolini, 64 Forest Rd with the standard special conditions, not including the conditions referring to new catch basins and roadways.

AN seconded.

Vote: 5-0, unanimous. Motion Carried.

7. RDA: Mark and Stacy Warcewicz, 31 Bayberry Ln. (7/19/17)

SA spoke to the Ethics Commission and they found she does not have a conflict of interest with this public hearing and does not need to recuse.

Mark Warcewicz (**MW**) was present. **JKP** clarified there are four (4) low lying areas that will need to be crossed to access the property. The property falls under an agriculture exemption in the Wetlands Protection Act. **MW** confirmed her statement and added the passage will be 12 feet wide. Loam will be removed and 12 inch aluminum pipe will be installed and gravel placed.

AN asked if there is any containment proposed for the gravel to prevent possible wash-out. **MW** stated the vegetation will hold it in place. The pipe openings are 20 feet long so gravel won't be in the range of the opening. Will use electric fence to control the cow's movements during construction. They will loam and plant the sides of the roads.

SA discussed agro-tourism and how to proceed with the exemption. Personally believes that it falls under exemption.

JKP asked if **MW** had received the comments provided by DEP. **MW** confirmed they had and had sent a response letter to DEP to address the comments. The Commission requested to receive a copy of that letter.

AN, **JS** and **ER** requested a site visit.

JKP clarified for **MW** that if changes are made to the plan they will need to return before the Commission for approval. **SA** requested erosion control be added to the plan.

JS motioned to continue the Request for Determination of Applicability to September 20, 2017 at 7:10p.m. to allow commissioners to conduct a site visit and so they may receive the correspondence between the applicant and DEP

AN seconded.

Vote: 5-0, unanimous. Motion Carried.

8. NOI: Robert Bochenko, 56 Pike St. (8/16/17)

Matt Steinel (**MS**) of Millennium Engineering was present to represent the applicant. Presented the plan to remove the existing structure and build a new structure in compliance with zoning. Included a new septic system design with a grass swale and additional vegetation to be sure water is not directed off property. Ground water table requires an elevated septic system. Will install a retaining wall to contain the fill. Overgrowth will be cleared.

JKP asked if any mature trees will be removed. **MS** responded there may be small trees removed as part of the overgrowth. Erosion control will be installed first and remain in place until the site is stabilized.

Charles Sargent (**CS**), 58 Pike Street, had concerns about water run-off. Stated the test-pit was dug on the property line, not where it is shown on the plan. Does not want more water directed into the wetlands on his property. Also, concerned about possible future expansion of impervious surface in addition to the impervious surface on the proposed plan. **MS** stated the test-pit is marked correctly. That the reserve area will be driven on did not concern the Board of Health and is legally allowed. Code requirement is met by providing the reserve area. It is not required to be constructed and a note has been added to the plan recommending it not be constructed. The structure is being moved away from the lot line and the plantings will increase infiltration. They can extend the wall for aesthetics but it is not necessary. Roof runoff can be guided to the ground if the Commission requires it.

CS asked for the direction of the swale. **MS** replied it is a depression that will increase infiltration with no direction.

Abutter Mr. Nadeau (**NA**), 54 Pike Street, asked how high the septic system is going to be raised. **MS** replied 2.8 feet that blends down into the natural grade. **NA** is also concerned about the water runoff. **MS** replied that all water is being directed into the ground and not onto adjacent properties.

JKP motioned to approve the Notice of Intent for Robert Bochenko, 56 Pike St, with the standard special conditions and the condition that gutters will be installed into the ground with gravel around the periphery of the house. Revised plans will be submitted to the Conservation Agent.

AN seconded.

Vote: 5-0, unanimous. Motion Carried.

9. NOI: Thomas Patenaude, 71, 73, 75 N. End Blvd (8/16/17)

Dennis Grechey (**DG**) of Andover Consultants represented the project. Informed the Commission there are three (3) existing buildings and two (2) auxiliary structures currently on site. All proposed to be removed and three (3) tri-plexes would be constructed with gravel driveways and parking underneath. Site has sewer access and town water.

JKP asked if the shadow box fence is 50 percent fence open. **DG** stated it is. Commission disagreed and asked it to be changed.

JS asked if there is any pavement on site. **DG** responded there will be no pavement onsite, only pervious surface. Applicant is working with the DWP director on the sewer and water connections.

JKP stated 6.8 feet is very close to the wetland line asked for the structure be moved further away. **DG** stated it cannot, but it is a raised structure.

SA asked if any containment is proposed for the crushed stone. **DG** stated there is proposed containment included on the plan.

Guy Destephano (GD) 72, 76, 78 North End Blvd, concerned that water that collects on the property will be pushed onto his property. **JKP** assured him the houses will be on piles with pervious ground. **DG** stated the site is in the A/E zone which is why the structures are being raised above elevation 9. The crushed stone driveway will help to detain and infiltrate water; the removal of the existing structures will improve the flooding situation. **SA** asked for a site visit after a rain event to assess the flooding situation.

Thomas Patenaude (**TP**) informed the Commission that there is a structure on site with a furnace in the basement that doesn't have flooding issues.

JS asked if there is any grading onsite. **DG** showed the minimal grading on the plan.

AN motioned to continue the Notice of Intent for Thomas Patenaude, 71, 73, 75 N. End Blvd., to September 20, 2017 at 7:10p.m to allow the Commission to conduct a site visit.

JKP seconded.

Vote: 5-0, unanimous. Motion Carried.

10. NOI: Mary Capolupo, 28 True Rd. (8/16/17)

Matt Steinel (**MS**) of Millennium Engineering was present to represent the applicant. Proposed to construct an in ground pool and a small structure to contain the mechanicals. Will also construct a surrounding patio adjacent to an existing deck. West Environmental delineated the wetland. Site is currently a lawn. Only the corner of the patio is in the 100 foot buffer zone. DEP had no comments.

Brian Knowles, trustee of 32 True Road asked what can and cannot be done in the 100 and 200 foot buffer zone. **MS** responded the DEP would like to have a 100 foot vegetated corridor around all rivers but this site has been previously cleared and we are not proposing to change the preexisting site outside the work zone.

JKP motioned to approve the Notice of Intent for Mary Capolupo, 28 True Rd, with the standard conditions.

JS seconded.

Vote: 5-0, unanimous. Motion Carried.

11. NOI: Tim Anderson, 91 Bridge Rd. (9/6/17)

AN recused herself from the Commission

Matt Steinel (**MS**) of Millennium Engineering was present to represent the applicant. The site is a previously filled site. Proposing to put a gravel on the filled area in the center of an existing grass area. This area will be used as additional parking.

SA asked about the DEP comment on the storm water report. **MS** stated they are putting a pervious surface where a pervious surface already exists so the report was not provided. **MR** added there is a change in permeability. Asked if the site is inland only. **MS** replied it is inland bank, bordering vegetated wetland, and riverfront. Also bordering land subject to flooding. **MR** asked where the compensatory flood storage is. **MS** replied they are removing the loam and replacing it at the same elevation so they are not filling and it is not required. **SA** asked that be documented to DEP. **MS** added they will not be filling off their property, which has been corrected on the plans.

JS motioned to continue the Notice of Intent for Tim Anderson, 91 Bridge Rd., to September 20th, 2017 at 7:10 p.m. so the DEP comments can be addressed and the classification discrepancies can be clarified.

EGR seconded.

Vote: 5-0, unanimous. Motion Carried.

C. OLD BUSINESS:

1. Request for Certificate of Compliance, 44 Railroad Ave.

JKP motioned to continue the Request for Certificate of Compliance for 44 Railroad Ave to September 20, 2017 at 7:10p.m.

EGR seconded.

Vote: 5-0, unanimous. Motion Carried.

3. Request for Certificate of Compliance, 2 Denrael Dr.

MR updated the Commission that Joe Serwatka reviewed and submitted comments that the applicant is currently addressing

JS motioned to continue the Request for Certificate of Compliance for 2 Denrael Drive to September 20, 2017 at 7:10p.m.

EGR seconded.

Vote: 5-0, unanimous. Motion Carried.

3. Request for Certificate of Compliance, 11-19 Fanaras Dr.

SA informed the Commission that unfinished items are still being addressed.

JS motioned to continue the Request for Certificate of Compliance for 11-19 Fanaras Drive to September 20, 2017 at 7:10p.m.

EGR seconded.

Vote: 5-0, unanimous. Motion Carried.

D. ENFORCEMENT ORDERS:

- 1. 100 Elm St.**
- 2. 28 CCC Rd.**
- 3. 13 Commonwealth Ave**
- 4. 81 Railroad Ave.**
- 5. 105 Rabbit Rd.**
- 6. 438 N. End Blvd**
- 7. Pearson's Pit Access Rd**
- 8. 128 Bridge Rd.**
- 9. 26 Sweet Apple Tree Ln.**
- 10. 91 Bridge Rd.**
- 11. 400 No. End Blvd**
- 12. 2 Linda Ln.**
- 13. 14 Jon St. – MS** stated the owner did receive the enforcement order and have engaged Millennium Engineering to create a plan for the next meeting.

JKP motioned to ratify the enforcement order for 14 Jon St.

AN seconded.

Vote: 5-0, unanimous. Motion Carried.

Abutter Kevin Snow (**KS**) of 30 Main Street addressed the Commission on complaints about sewage leaking onto his property. Millennium Engineering surveyed the property. Wants the septic system issue fixed with the work the applicant is proposing on the wall.

SA would like to receive an update from the Board of Health after they have inspected. Requested Millennium provide the Commission with survey information/ plans they have collected. **KS** requested all work stop and that no one move the stakes he placed.

Patricia Ditullio (**PD**), 14 Jon Street, stated she has not filled her property and is trying to erect a wall and fence to block her neighbor's harassment.

SA stated leaking septic is outside of the purview of the enforcement order that has been issued and will be addressed as a separate entity.

AN motioned to continue to the enforcement order for 14 Jon Street to September 20, 2017.

EGR seconded.

Vote: 5-0, unanimous. Motion Carried.

14. 565 N. End Blvd –

JS motioned to ratify the enforcement order for 565 North End Blvd.

AN seconded.

Vote: 5-0, unanimous. Motion Carried.

JS motioned to continue to the enforcement order for 565 North End Blvd to September 20, 2017.

EGR seconded.

Vote: 5-0, unanimous. Motion Carried.

E. COMMISSIONER COMMENTS:

Welcome Emily Round to the Conservation Commission.

F. ADJOURNMENT:

AN motioned to adjourn the September 6, 2017 Conservation Commission Meeting at p.m.

JS seconded.

Vote: 5 -0, unanimous. Motion Carried.