



Salisbury Conservation Commission
February 17, 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), Jane Purinton (JKP) Jennifer Troisi (JT)

COMMISSIONER MEMBERS ABSENT: Joanne Perreault

ALSO PRESENT: Michelle Rowden (MR)

- S. Albertelli opened the meeting at 7:10 pm under the Wetlands Protection Act & Open Meeting Law and informed the public that the meeting is being recorded.

Emergency Certificates:

1. Emergency Cert. Town of Salisbury DPW on Broadway:

JT motions to ratify the **Emergency Cert. Town of Salisbury DPW on Broadway**
SA seconds vote on motion 4-0 Unanimous. Motion Passed.

2. Emergency Cert. Mass DCR for Salisbury Center:

JKP motions to approve **Emergency Cert. Mass DCR for Salisbury Center** on February 12 for exposed piling, rubble and debris at the beach from Mass DCR Dated February 12th.
JT seconds vote on motion 4-0 Unanimous. Motion Passed.

3. Emergency Cert. Salisbury Beach Realty 25 Broadway:

JT motions to ratify **Emergency Cert. Salisbury Beach Realty 25 Broadway** dated February 11th 2016
DA seconds vote on motion 4-0 Unanimous. Motion Passed

MINUTES:

January 6, 2016

JKP motions to approve the minutes of the January 6, 2016 meeting.
JT seconds vote on motion 4-0. **Motion Passed.**

PUBLIC HEARINGS at 7:15 pm:

1. NOI: Town of Salisbury, Ocean Front:

Representative Daniel Pageant (**DP**) from Vanasse Hangen Brustlin, Inc was there to bring up the construction of the Ocean Front South Boardwalk. He mentions that the project is funded by a grant. Project will cover about 575ft from Ocean Front to Broad Way. This will be built upon the already built structure of concrete while supplying more access to the beach for pedestrians. Using pillars the boardwalk would be raised 2ft to

avoid the velocity zone. Due to the location of the proposed boardwalk a gas utility line would need to be moved before the construction can begin.

DA asked what the elevation of the proposed boardwalk was in relation to the dunes. **DP's** response was that the max height of the dunes are at elevation 19, while the floor of the boardwalk is also elevation 19 with the rest of the structure rising to elevation 21. Then for the lower elevations of the dunes there will be plenty of room for the free movement of water and sand as to not impede the natural processes. **DA** asked how close the structure would be to the existing dunes. **DP** stated that the structure will be limited to where the pavement is now, leaving between 1-3ft of space between the existing pavement and the guard rails. Two of the specific instructions for this project were to not disturb the dune, and to not disturb the guard rail.

JKP asked what the depth of the pilings for the structure will be. **DP** said that first the gas utility under the proposed location will need to be addressed which will be up to the DPW if they will pave over it upon completion. **JKP** asked how the digging for the pavement of the board walk will be done, and at what depth will the pilings go to prevent a similar event like the large storm that undercut the road and structures recently. She then expressed her concerns for the strength and integrity of the pilings for the proposed boardwalk. **DP** states that the depth of the timber pilings are not currently set but right now they are on the order for 20ft deep which will be installed by a an impact hammer until they can no longer be hammered down. The budget is for 25ft per piling and there will be many of them all along this 575ft boardwalk.

JKP asked if you were to look from the street through the boardwalk out to the beach will the pilings act like a wall preventing visualization. **DP** states that in the preliminary design which needs to be validated in the final design shows there being 5ft 3inches between each set piles.

SA asked if this project will be coordination with the DCR on the design for the boardwalk. **DP** said that this is a town project, and that we are not being directed by the DCR on what to build or where. The town has been studying this for close to 10 or 12 years to figure out what the town wanted, what is best etc. This is a town reviewed and approved design unlike the DCR project with the sidewalk café to also work on a boardwalk. **MR** mentioned that DCR has been working with the town to make sure that the similar boardwalk projects work together. They understand the need to have only one boardwalk instead of two boardwalks close together that may not line up properly. **JKP** asked if the boardwalk would allow pedestrians to walk from the street over the dune onto the beach. She then expresses her concerns of this no longer being an area of critical environmental concern, as well as to the latest data on land subject to coastal storm flowage possibly being obsolete in the upcoming years in regards to regulations. **DP** mentions that ordinarily pavement on the beach is in fact detrimental to the beach. This project is removing the 575ft of that pavement from the beach, while having no effect on the wave's pattern and sand flow. The three current walk ways through the dunes will no longer be walked upon and can either be filled in naturally over time or can be filled artificially by bringing in sand once the boardwalk is finished. He then brought up the possibility of creating an angled path that allows for foot traffic but would be parallel to water flow in the case of a coastal storm.

JKP motions to continue the **NOI: Town of Salisbury, Ocean Front to march 2, 2016 @ 7:00p.m.**

JT seconds vote on motion 4-0 Unanimous. Motion Passed.

2. **NOI: Panther Properties, Management LLC, 208 Elm Street:**

Representative Wayne Morrill (**WM**) from Jones & Beach Engineers explains the various actions performed since the last meeting including: Test pits, infiltration rates, working alongside the town engineer for a working drainage design, and he met with all the surrounding abutters.

WM mentions that behind 21 Old Elm St. there is a problem with ponding so a bio retention area was designed to take that water and then bring it into wet pond #3 which deposits it over the slope into a swale.

WM states that the parking spots were reduced to 44 spots and another bio retention pond was created to deal with the large amount of water flow coming from the surrounding properties.

JT motions to approve the **NOI: Panther Properties, Management LLC, 208 Elm Street** November 18th, 2015 with the following conditions:

- a) That they satisfy the reviewing engineer Joe Serwatka's comments in the letter dated February 24th, 2016.

JKP seconds vote on motion 4-0 Unanimous. Motion Passed.

3. **NOI: John Gorman, 30 Elm Street:**

Matt Steinnel (**MS**) of Millennium Engineering addressed the board on behalf of the applicant. The applicant is proposing to construct residential 2 unit dwellings on each of the 4 subdivision lots.

The applicant requested to work with the agent to determine the type of marker for the 25ft buffer zone.

JKP motions to approve the **NOI: John Gorman, 30 Elm Street** taking into account the 25ft buffer zone in consultation with the board's agent to determine the type of marker used to identify the 25ft buffer zone.

JT seconds vote on motion 4-0 Unanimous. Motion Passed.

JT motions to approve the **NOI: John Gorman, 32 Elm Street** with the 25ft buffer zone as designated by our Wetland consultant Mary Rimmer and the applicant will work with the agent in determining the type of marker which will delineate the do not clear, or do not promote area.

JKP seconds vote on motion 4-0 Unanimous. Motion Passed.

JT motions to approve the **NOI: John Gorman, 34 Elm Street** with the condition that there is a 25ft buffer as designated by our Wetland consultant Mary Rimmer and that

the applicant work with the agent to determining the type of marker which will designate the do not clear, do not mow area.

DA seconds vote on motion 4-0 Unanimous. Motion Passed.

JKP motions to approve the **NOI: John Gorman, 36 Elm Street** with 25ft buffer stipulated by Mary Rimmer our wetlands consultant and as far as marker, consulting with our agent MR for a marker that determines: do not disturb; do not mow beyond the certain area.

DA seconds vote on motion 4-0 Unanimous. Motion Passed.

4. **NOI: Patricia Donovan. 18 Carter Ave:**

Ron Laffley (**RL**) of Fulcrum Architects, LLC addressed the board on behalf of the applicant. The proposed project is to remove all man made features and then rebuild a new structure in their place. **RL** then explains the plans for doing so.

JKP asked if the heating system proposed would be geothermal. **RL** said that it was to be radiant heat from the boiler. **JKP** mentioned there is currently a fair amount of existing grass on the property and then asked how that would be affected by post construction. **RL** responded that they would be bringing in sandy fill which would be compatible with what is currently there. **SA** asked what type of fill it would be. **RL** states it would be beach sand. **SA** mentions that DEP asked for the applicant to show how they will de-water, and that they want a smaller area for the utilities. **RL** stated that these are provided on the revised plan and have not heard back from Michael Abel. **SA** then asked if everything was going to happen on the existing lawn, if it would not be excavated. **RL** states that currently the lawn is at elevation 6, that it will stay at 6.

JT asked if the fill would need to be approved due to the flood zone. **RL** states that that is in the narrative.

JT motions to approve the **NOI: Patricia Donovan. 18 Carter Ave** dated January 14th, 2016 with the conditions that no imported loam will be brought to the site, and any fill will be approved by the agent prior to being brought to the site.

DA seconds vote on motion 4-0 Unanimous. Motion Passed.

5. **NOI: 345 North End Blvd Realty Trust:**

Matt Steinel (**MS**) of Millennium Engineering addressed the board on behalf of the applicant. The new proposal is to divide the existing lot into 3 parcels with a single family structure on each. Silt fencing will be placed to prevent runoff from construction.

Abutter Tom Schofield (**TS**) who lives at 340 North End Boulevard shows the board photos of flooding from Black Water Creek on the site both in the warmer and colder seasons. He also mentions that the home was smaller and questioned if in fact it was a 2 family home. **MS** states that the family purchased the home which was listed as a two family home regardless of the size. As far the flooding it is not allowed to build barriers to prevent the flooding because then another site would flood as a direct result. The only possible actions that can be taken are to raise the structures above the 100 year flood zone. There is currently small amounts of pavement on the site that prevents some of the water from seeping into the ground and that will be removed and replaced

with gravel driveways to allow the water to seep in. **JKP** mentions that the board will make a site visit as well as have a scientist examine the site. Based on current information the house being on pilings will not negatively impact the site.

Abutter Rachel Galleger 355 N.E. Boulevard, and abutter Holly Campbell 346 N.E. Boulevard both question where the resource area actually begins.

SA explains that their environmental consultant will also test the area to determine if the boundaries of the resource area are accurate.

DA asked about the parking surfaces and if there would be a finished elevation to the crushed gravel. **MS** said that the existing elevation is 6.2-6.6. **DA** asked if the cars would be in the area of flooding/ ponding of water. **MS** stated that they are not allowed to change the elevation so the cars would be in the flooding area.

TS asked if they were going to add more driveways and curb cuts. **MR** stated there will be one extra curb cut because there are already 2 existing.

JT motions to Cont. **NOI: 345 North End Blvd Realty Trust** to allow the commission to have a site visit, and for the wetland scientist Mary Rimmer to have an opportunity to consult with the board on March 2nd, 2016 @ 7:10p.m.

JKP seconds vote on motion 4-0 Unanimous. Motion Passed.

6. RDA: Countryside Realty Trust, 75 Main Street

Nobody was present to represent **RDA: Countryside Realty Trust, 75 Main Street**

JKP recommends a Cont. **RDA: Countryside Realty Trust, 75 Main Street** to March 2, 2016 @7:10p.m.

Vote 4-0 Unanimous. Recommendation Passed.

7. NOI: Robert Salemi & Ryan Denver, 5 Commonwealth Ave.

Ron Laffely (**RL**) of Fulcrum Architects, LLC addressed the board on behalf of the applicant. Wishes to demolish the 3 family home and build a new 2 family home in its place. He then explains the proposed plan to the board members.

SA asked what the difference between the foot print of the existing site verses the proposed site. **RL** states that they reduced the foot print by approximately 600ft².

JKP expresses her gratification that the bunker is being removed and then questions if the fences from the abutting properties on both sides are legal. **RL** mentions that they were legal when they were put in and that they have existed on site for many years.

JKP asked for more clarification on the neighbor's fences. **RL** states that the fences will not be removed that the growth of beach grass will occur from the edge of the property towards the house on site which would encourage the capture of sand.

SA mentions there is no DEP# and thus the board cannot act or vote as of yet. Then asks the board if they would like a site visit, to which the board in unison replied yes.

JKP motions to Cont. **NOI: Robert Salemi & Ryan Denver, 5 Commonwealth Ave.** to March 2, 2016 @7:10p.m.

JT seconds vote on motion 4-0 Unanimous. Motion Passed.

Old Business:

1. Req for Cert of compliance, 516 No. End Blvd

JKP motions to table old business until after new business

JT seconds vote on motion 4-0 Unanimous. Motion Passed.

Ron Laffely (**RL**) of Fulcrum Architects, LLC addressed the board on behalf of the applicant. At this point the client just wishes to repair their deck, and create a shelf underneath their deck at elevation 19 for storage. Once the Req for Cert of compliance is issued a notice of intent will follow suite.

JT motions for a Cert of compliance, 516 No. End Blvd in Salisbury.

SA seconds vote on motion 4-0 Unanimous. Motion Passed.

New Business:

1. Req for Cert of Compliance, Salisbury Beach Reservation:

MR mentions that this is for the nourished dune from beach access 6 to 7. A site visit with **DA** before the storms revealed that the grass was surviving, the sand was still there, and post storm that area is still doing very well unlike the beach center. **MR** states that she is recommending a Certificate of Compliance.

DA motions that the board issues a Cert of Compliance for the sand nourishment project at Salisbury Beach Reservation.

JKP seconds vote on motion 4-0 Unanimous. Motion Passed.

2. Enforcement Order, 188 Lafayette Road:

Matt Steinel (**MS**) of Millennium Engineering addressed the board on behalf of the applicant. The service order given to the owner was for not receiving the report, as well as the idea that the trailers may be parked far enough that they may be on the field. An inspection of the site was performed which revealed that there is no form of ponding on the surface. The mistake was **MS's** who mistakenly only reported it to the board and did not send a copy of the report to the board.

SA expressed the boards concern with an outflow in the resource area, and what the cause of it was in regards to the septic. **MS** mentioned that at the time there was an old patch of pavement that was seen by an Ariel photo. A pipe found on site caused questions such as: when was it put it, where was it going, and was it dumping into the wetlands? **MS** states that this was an outflow from a catch basin from the states drainage coming off the road through here. The trailers were placed on the paved area with the backs overhanging the resource area but parked on the paved section. These are parked there temporarily as a favor to an abutter and the abutter will remove them once the weather conditions have lessened.

SA asked what was stored inside the trucks that are parked onsite. **MS** stated that they are empty. **SA** asked if there was any maintenance on the parked trucks. **MS** stated that they do not that they are only parked on site temporarily.

DA asked if there have been any issues with the mobile home park. **MS** stated that there have not been any issues, the closest thing to an issue was the recent fire nearby to the property. **DA** there was no runoff onto or off the property. **MS** said that there has been none.

SA asked if **MS** could send a formal letter to the Commission. **MS** said that that would not be a problem.

JKP motions to ratify the enforcement order at Lafayette Road.
SA seconds vote on motion 4-0 Unanimous. Motion Passed.

DA brings up the possibility of setting a time frame for the removal of the trucks.

JT motions to lift the condition or the **Enforcement Order, 188 Lafayette Road**, with the conditions that: a written report of the septic system is submitted formally, and the trailers are removed from the site within 45 days.

JKP seconds vote on motion 4-0 Unanimous. Motion Passed.

Enforcement Orders:

2 Broadway-No action

44 Lafayette Road-no action

100 Elm Street-no action

106 Elm Street-no action

28 CCC Road-no action

20 Forest Road-no action

126 N. End Blvd.-no action

7 Elmwood Street-no action

95R Lafayette Road-no action

457 North End Blvd.no action

73 Mudnock Road- no action

73 Mudnock Road-Town of Salisbury DPW: no action

63 Rabbit Road:

They have done the excavation and they provided erosion control until they can re-plant the area in the spring.

Commission Comments:

1. **JKP** asked who was going to the March 5th symposium. Both **JKP**, **DA**, **JT**, and **MR** will be attending.

Adjournment:

DA motions to adjourn

SA seconds vote on motion 4-0 Unanimous. Motion Passed.