



**Salisbury Conservation Commission  
Meeting Minutes  
August 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**), and Walter Moquin (**WM**), Jessica Stucker (**JS**)

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

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

Sheila Albertelli opened the meeting at 7:05 p.m. under the Wetlands Protection Act & Open Meeting Law and informed the public that the meeting is being recorded.

**A. REORGANIZATION**

**Chairperson- JKP** motioned to nominate **SA** for Chairperson. **SA** accepts. Seconded by **WM**.

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

**Vice Chairperson- WM** motioned to nominate **DA** for Vice Chairperson. **DA** accepts. Seconded by **JS**.

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

**Clerk- JKP** motions to nominate **JS** for clerk. Seconded by **DA**. **JS** accepts.

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

**B. MINUTES:**

**1. July 20, 2016-**

**WM** motions to accept the minutes for July 20, 2016.

**JKP** seconds.

**Vote SA, DA, JKP, WM vote in favor- JS abstains. Motion Passed.**

**2. August 3, 2016-**

**JKP** motions to accept the minutes for August 3, 2016.

**DA** seconds.

**Vote SA, DA, JKP, WM vote in favor- JS abstains. Motion Passed.**

**WM** motions to move item number 1. Request for Certificate of Compliance, 7 Douglas Ave under D. Old Business to next on the agenda.

**DA** seconds.

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

**D. OLD BUSINESS:**

**1. Request for Certificate of Compliance, 7 Douglas Avenue**

**SA** removes herself from the commission due to a conflict of interest.

Anthony Cleves (**AC**) of Whitman & Bigham Associates, LLC, representing the applicant Mark Peltier. Briefs on the project history and requests a Certificate of Compliance to close out the file.

**JKP** asks **MR** if when she conducted a site visit she found the site in compliance with the order of conditions. **MR** confirms she did.

**WM** motions to grant the request for the Certificate of Compliance for 7 Douglas Ave.

**JKP** seconds.

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

**DA** excuses himself from the meeting.

### **C. PUBLIC HEARINGS at 7:10pm:**

#### **1. NOI: 345 North End Blvd Realty Trust, 345 N. End Blvd (2/3/16)**

Matt Steinel (**MS**) of Millennium Engineering representing the applicant. Briefs on the project history and introduces the updated wetland line and their new plan to put three homes on the lot.

**SA** Is there a condominium plan? **MS** Not yet, but there will have to be to define exclusive use areas and common areas since we will not be dividing the lot. **JKP** How close is this project to the wetland line? **MS** 10 feet at the closest point, not including decks. **JKP** What containment do you have planned to keep the gravel from migrating into the wetland? **MS** A 10 foot grass strip. **JKP** Is there any visitor parking? **MS** The front of the lot is going to be graveled to allow visitor parking but also turnaround space for the under structure parking. **JKP** How much grading is going to be done on site? **MS** No grading, we are basically just removing the sod. It's a flat site.

**JKP** We would like to request, due to how close the wet land line is, that in addition to using a silt fence, you also use a slit sock. **SA** believes that in the event of a flood the gravel would migrate into the wetland. Requests some type of landscape curbing to contain the gravel.

**JKP** Does this property flood? **MS** There is a portion of the property that floods. As a previously developed site we are trying to maintain the number of units on the site while still improving its condition.

**WM** I would recommend limiting the amount of graveled area, less of it to move around during floods. **MS** states that the flooding is marsh water that rises from the ground and there would be no danger of washing action to cause the gravel to move a substantial distance.

**JKP** Do you know the number and location of the plies? **MS** That has yet to be determined by the structural engineer. **JKP** Is there going to be heavy equipment involved? **MS** Yes. **JKP** Is there going to be any pavement? **MS** No, we are only removing pavement, not putting it back. **JKP** Is there a landscaping plan? **MS** Not at this time but we are not opposed to creating one in regards to a shrub buffer; there is not much room for recreational use. **SA** Any plantings used would need to be native costal species. **JKP** Are there any sheds or out buildings? **MS** No, no room. **SA** What is your plan for snow storage? **MS** Space is limited. It would likely be plowed under the building, filling the space under the deck, or a snow blower would need to be used. **SA** Is any soil going to be brought in? **MS** No, the sod will be removed and gravel will be brought in. **SA** Are utilities going to be brought in? **MS** There are existing utilities on site. **SA** Is there any debris left in the wetland? **MS** No.

Abutter Jimmy Epps (**JE**), 341 North End Boulevard has been a resident for 12 years. States that there is tide flow to this area that sometimes floods right up to the side walk. Has concerns about the gravel filling in the wetland and worsening the flooding on his adjacent property. **MS** responds that they are not filling in any wet areas so it shouldn't worsen the flooding situation. The gravel they are putting in the lot is pervious and they removed the structures that were preexisting in the wetland which could help the flooding situation.

Abutter Larry St. Jean (**LSJ**), 355 North End Boulevard, resident of 48 years. This property floods often. Has utilities and silt sock on my property. Would like them moved off. Discussion follows.

**JKP** Points out that weeds often grow through gravel. States that there is to be no chemical control of weeds, pests or the use of salt on the property. **SA** brings up the topic of snow storage. Discussion follows. **SA** adds that there should be permanent demarcation signage of the wetland line in addition to the vegetation marking the line.

**SA** What will be the height of the landscaping curbing? **MS** 3 to 4 inches. **SA** We should also stipulate no plowing behind the structures, which will be recorded in the condo documents.

Abutter Ronald Guilmette (**RG**), 363 North End Boulevard, resident for 44 years. There were never three (3) homes on the property. **MS** This was addressed with the assessor, there were 2 units in the existing structure and the mobile home amounting to 3 residences.

**SA** Will there be a dumpster? **MS** No, individual trash cans. **WM** Is the curb cut and the driveway entrance sufficient? **MS** Yes. Shows them on plans. **JKP** have you considered doing one structure with 3 stories? **MS** Yes, the height would interrupt the neighbor's views and the curb cuts would be wrong.

**WM** motions to approve the NOI for 345 North End Blvd Realty Trust, 345 N. End Blvd Salisbury, MA with the following order of conditions. No herbicide, pesticide, salt or other chemicals can be used on the property. An approximate 6 inch containment area for the gravel will be installed. There will be costal appropriate vegetation placed along the wetland demarcation line. No soil foreign to the area will be brought to the site. Gravel usage will be limited where possible. No plowing or mowing will be allowed outside the gravel area behind the structures. A silt sock and silt fence will be used during construction. Permanent demarcation signs will be installed marking the wetland areas. Standard conditions apply. Revised plans dated 7-29-2016. All perpetual conditions will be included in the condominium documents and revised plans showing updated conditions will be submitted to the conservation agent.

**JKP** seconds.

**Vote: JKP, WM, JS vote in favor, SA opposed. Motion Passed.**

## **2. NOI: Plum Island LLC, 121 Bridge Rd. (7/6/16)**

Bill Decie (**BD**) representing the applicant. Briefs on plans for the property which includes removing the structures and filling the area to the elevations shown on the plan followed by the removal of *Phragmites* from the site and allowing the parcel to revegetate. Mary's letter mentioned several points that were addressed with the DEP and resolved. The only point not addressed by the DEP is the soil mix to be used. We would ask to use conservation wildlife mix as opposed to wetland mix, as Mary suggested, because we're removing the *Phragmites* and would like the area to be maintained as a habit area.

**SA** We received the plans shortly before meeting so we did not have time to review before the meeting.

**JKP** What is the time line? **BD** Waiting for the conservation commission's approval of this NOI before that is set.

**JKP** motions to continue the NOI for 121 Bridge Road to September 7, 2016 at 7:10p.m.

**JS** seconds.

**Vote: 4-0 Unanimous. Motion Passed.**

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

Dan Dandreo (**DD**) updates the commission on the project. Introduces Kyle Lalley (**KL**) of Hancock Associates who speaks about work conducted on the property. The proposed driveway will cross a section of wetlands labeled "G" series. Proposes an area of replication with a replication ratio of 1.5:1. **MR** Why have you not considered a culvert? **KL** Replies that there is no surface flow, so a culvert is not needed, offers further explanation. **MR** Asks for clarification on whether pipes would be used under the paved drive to connect the wetlands? Recommends that this is done. **KL** Clarifies that there is a small pipe planned that he would not be considered a culvert. **SA** Is there any connection to the existing hydraulic system, as would be required by the

regulations to be a successful replication area? **KL** We propose a 6 to 8 foot swale to connect the replication area to the existing hydraulic system.

Abutter David Mcleelan (**DM**), 114 Ferry Road addresses his concerns about the wetland areas to the commission. Discussion follows about the location of the wetland to be disrupted.

**SA** references the letter provided by Mary Rimmer (August 3, 2016) that recommend the applicant should try to revise the driveway to meet performance standard for a border vegetated wetland.

Applicant had not received the letter.

**DM** expresses his concern that the wetland is going to be divided by the driveway and ask the commission to keep this in mind when making their decision. Also would request that some of the larger trees are preserved.

**KL** asks for agreement that the wetland in question is not an intermittent stream. **MR** agrees but expressed concern about bisecting the wetland. **SA** agrees that bisecting the wetland is not desirable and maintaining a connection should be considered. That is the commission's recommendation. **KL** stated that they are not required to do so. **DD** responds that they will comply with the commission's request. **MR** requests that the applicants wetland scientist revisit avoid, minimize, and mitigate. You have not avoided, I would ask you next to minimize, which has a better chance of success.

**JKP** motions to continue the NOI for Sterling Ventures Inc., Rear Ferry Rd/123 Bridge Rd to September 7, 2016 at 7:10p.m.

**JS** seconds.

**Vote: 4-0 Unanimous. Motion Passed.**

#### **4. NOI: Charles Michael Lopiano, 124 & 126 N. End Blvd (8/3/16)**

Matt Steinel (**MS**) of Millennium Engineering representing the applicant. Briefs on progress since the last meeting. DEP has issued a file number and issued some comments. Addresses the comments.

**JKP** The DEP has concerns about pervious pavers becoming projectiles during a storm, I believed pervious pavers were desirable? Discussion follows. **SA** Please respond to the DEP and copy the commission on the response for the record. **MS** We have never responded to them in the past. I believe they want us to address the commission on these points and the DEP has the right to appeal is they disagree with the commissions decision. Commission moves on to address the narrative changes and construction schedule. Discussion follows.

**MR** How are the hay bales to be removed. **MS** Hand-dug out. **MR** It may be less disruptive at this point in time to allow the bales to continue to decompose and not disturb the dune above. Make sure all fencing is removed. **SA** asks for an onsite meeting with the conservation agent before construction begins.

**WM** motions to approve the NOI for Charles Michael Lopiano, 124 and 126 North End Blvd. according to the project narrative for improvements dated August 15, 2016 and the standard order of conditions apply. Amend to add that the dune restoration is to be completed first and the conservation agent and the project engineer meet and are in agreement.

**JKP** seconds.

**Vote: 4-0 Unanimous. Motion Passed.**

#### **5. RDA: George & Linda Filippone, 11 Blacksnake Rd. (8/17/16)**

George Filippone (**GF**), the owner/applicant present. **MR** Briefs on her site visit. **GF** briefs on his project plans.

**MR** The DPW director requests that you check in with him. One of the town's wells is in the area. Discussion follows.

**MR** I would recommend a 10 foot buffer along the wetland where you cannot mow, just keep it natural.

**JKP** motions to issue a negative determination for the RDA for George & Linda Filippone, 11 Blacksnake Rd. with the condition that a 10 foot buffer is kept back from the wetland line where no mowing or weed whacking is allowed.

**WM** seconds.

**Vote: 4-0 Unanimous. Motion Passed.**

**E. ENFORCEMENT ORDERS:**

1. 100 Elm St.
2. 28 CCC Rd.
3. 126 N. End Blvd
4. 7 Elmwood St
5. 13 Commonwealth Ave
6. 457 N. End Blvd
7. 73 Mudnock Rd.
8. 63 Rabbit Rd. –**MR** requests to continue to September 7, 2016 meeting to allow for the site inspection on Monday (8/22/16)
9. 81 Railroad Ave.

**F. COMMISSIONER COMMENTS:**

**G. ADJOURNMENT:**

**WM** motions to adjourn the August 17, 2016 Conservation Commission Meeting at 9:19p.m.

**JKP** seconds.

**Vote: 4-0 Unanimous. Motion Passed.**