



**Salisbury Conservation Commission  
Meeting Minutes  
July 6, 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**)

**COMMISSIONER MEMBERS ABSENT:** Jennifer Troisi (**JT**), Jessica Stucker (**JS**)

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

Sheila Albertelli opened the meeting at 7:07 p.m. under the Wetlands Protection Act & Open Meeting Law and informed the public that the meeting is being recorded.

**A. REORGANIZATION**

**DA** motions to continue the reorganization of the Conservation Commission until the next meeting on July 20<sup>th</sup>, 2016 to allow for additional members to be present.

**JKP** seconds.

**Vote 4-0 unanimous. Motion Passed.**

**B. MINUTES:**

**1. June 15, 2016**

**JKP** motions to approve the minutes for June 15, 2016.

**WM** seconds.

**Vote 4-0 unanimous. Motion Passed.**

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

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

**DA** motions to grant a continuance for the Notice of Intent for 345 North End Blvd Realty Trust to July 20, 2016 at 7:10 p.m.

**WM** seconds.

**Vote 4-0 unanimous. Motion Passed.**

**2. NOI: Alfred & Jeanne Zappala, 128 N. End Blvd (6/1/16)**

Eric Botterman (**EB**) of Millennium Engineering representing Alfred & Jeanne Zappala, 128 N. End Blvd. briefs the commission on the project. The replication ratio is 1.5:1. They have received their DEP file number. **JKP** recaps last meeting, mentions the condition of asking for a performance bond. **EB** We would prefer not to have to post the performance bond. **JKP** We would require a bond.

**EB** If the project was not to be completed you wouldn't be able to go onto private property to complete it. **SA** Requiring a bond is common practice in cases like this. **DA** This is a multi-family structure. Are you planning on having rental units? Alfred Zappala (**AZ**) Our hope is to sell 2 units and keep one.

**DA** In regards to the performance bond. It is a tool we use to uphold standards. I would vote for it.

**JKP** motions to approve the Notice of Intent for 128 North End Blvd, Alfred and Jean Zappala with the stipulation that a performance bond be given to cover the replication areas.

**DA** seconds.

**DA** How is the performance bond value determined? Is it based on the value of the work to be completed? **MR** Yes. **MR** explains that the amount of the bond is worked out between the applicant and herself. They usually submit a proposal and if it reasonable it is accepted. **EB** Does the applicant have to purchase a performance bond? **MR** No, a cash bond is allowed. **DA** It is returned to the applicant upon completion. **MR** Correct.

**JKP** amends the motion to include the amount of the bond to be discussed between the applicant and the conservation agent to determine an amount, it should be equal to the value of the work to be done, and upon issuing the Certificate of Compliance, the bond will be returned to the applicant.

**DA** seconds.

**Vote 4-0 unanimous. Motion Passed.**

### **3. ANRAD: Brian Fecteau, 138 Elm St. (6/15/16)**

Woody Cammett (WC) of Cammett Engineering representing Brian Fecteau. Mary Rimmer reviewed the wetland line.

**JKP** motions to issue the Order of Resource Area Delineation for 138 Elm Street for Bordering Vegetated Wetland as depicted on the plans dated July 6, 2016.

**WM** seconds.

**Vote 4-0 unanimous. Motion Passed.**

### **4. RDA: Kenneth Frank & Annemargaret Connolly, 516 N. End Blvd (7/6/16)**

Ronald Laffely (**RL**) of Fulcrum Architects addressed the commission on behalf of the applicant. Briefed the commission on the project history. This RDA is for a modification to an existing deck. **JKP** Are the stairs open? **RL** No, this was discussed at the time of the approval. **JKP** Will the dune grass be disturbed? **RL** No. **JKP** Aren't you refurbishing that area? **RL** It is refurbishing itself. **SA** You are not to disturb the dune grass during the construction. No heavy equipment is to be used. **DA** You are going to hand dig the supports? **RL** Yes, we are going to hand dig the anchors, which will prevent the deck from being ripped out of the sand in heavy winds.

**DA** motions to issue a negative determination with the conditions that no existing dune grass is to be disturbed and no heavy equipment is to be used for the deck modification for 516 North End Boulevard.

**JKP** seconds.

**Vote 4-0 unanimous. Motion Passed.**

### **5. RDA: Leonard Mangano, 39 Forest Rd. (7/6/16)**

Eric Botterman (**EB**) of Millennium Engineering representing the applicant. Introduces the project.

**SA** Is there an existing slab? **EB** No. **JKP** How many feet away from the wetland is it? **EB** 66 feet (amended 65 feet) at the closest point. **JKP** to **MR** did you find anything wrong with the delineation during your visit? **MR** No. **JKP** The erosion control is going to be a silt fence? **EB** Yes. **WM** The driveway does not appear to be on the plans? Leonard Mangano (**LM**) It is going to be a gravel driveway built off the existing driveway. **SA** It needs to be shown on the plans. **EB** If you would accept it as is, we could bring an amended plan to the

conservation agent tomorrow? It's a 10 foot wide drive the flairs out towards the garage. **JKP** What material is going to be used? **EB** Crushed stone. **WM** I'm still concerned about the driveway not being shown on the plan. **SA** If we condition it and it comes back other than what we envisioned we would have a problem. **EB** To allow the applicant to begin construction on his garage we could file an additional RDA for the driveway? **DA** It is standard practice to have a complete set of plans.

**JKP** motions to continue RDA for Leonard Mangano at 39 Forest Rd to July 20, 2016 at 7:10 p.m. to allow the applicant to update the plans.

**WM** seconds.

**Vote 4-0 unanimous. Motion Passed**

**6. RDA: Plum Island LLC, 115-121 Bridge Rd. (7/6/16)**

Eric Botterman (**EB**) of Millennium Engineering representing the applicant. This is a clean-up project including the demolition of 5 buildings on the property. They are being removed because the bank is requiring the applicant carry flood insurance on them and they are not worth insuring. **DA** The existing package store will stand as is? **EB** That is correct. **SA** We ask that prior to demolition all windows and hazardous materials are removed from the property.

**JKP** motions to issue a negative determination for the RDA: Plum Island LLC, 115-121 Bridge Rd. with the condition that prior to demolition all windows and hazardous materials are removed from the property.

**DA** seconds.

**Vote 4-0 unanimous. Motion Passed.**

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

**SA** There is no DEP number for this project so we can discuss, but not vote or act on it.

Eric Botterman (**EB**) of Millennium Engineering representing the applicant. Briefs on continuation of the plans after the demolition of the aforementioned RDA. Grading and removal of *Phragmites* and sweet pepper bush. **DA** The package store is going to remain as is? **EB** Yes. **DA** This is only site improvement? **EB** Yes. **JKP** How are you going to deal with the *Phragmites*? **EB** We are going to deal with it in whatever means necessary, cutting, herbicide, excavation. **JKP** Digging them out would be quite the expensive undertaking. Correct me if I'm wrong, I hear the herbicides have improved? **MR** Not that I've seen. They are still using roundup. **DA** Could you describe the plan to us? **EB** proceeds to do so. **SA** Is that area the only place where *Phragmites* are present? **EB** Yes. **SA** Are the wetlands flagged? **EB** They were flagged by Bill Decie. **JKP** We may ask that Rimmer Environmental check the delineation. Is there an operation and maintenance plan? **EB** Not at this time. We are regrading and planting grass. The maintenance would be mowing. **SA** The plantings in the place of the *Phragmites* would need to be monitored as well. **EB** The applicant would not like to spend 5-10 years monitoring this. They are just trying to do something good. We could have Bill Decie come back and treat the pop-ups pending the applicant's approval. At the next meeting when Bill Decie is here he can provide more details on the invasive removal and treatment plan. **SA** What are the impacts on salt marsh going to be? **EB** It is all bordering vegetated wetland, there are no impacts on the salt marsh. **SA** Are you bringing soil in? **EB** Yes. **SA** It would have to be free of invasive species and a hydric soil that is approved by the conservation agent. What is the proposed grad on the plan? **EB** It is going to stay the same. **JKP** Could you explain the little hill we see on the map? **EB** That is part of the grading plan to help shed water and keep the land useable. **SA** What is your contractors' planting schedule? **EB** Bill Decie would be able to provide that information at the next meeting. **SA** The plantings need to be approved by the town's conservation agent. **SA** There are no improvements to the package store? **EB** No improvements. **SA** We would like Mary Rimmer to look at the delineation. **DA** Could

you show us the area subject to coastal zone flooding? **EB** All of the area under review is in the flood zone. **SA** We would like to have a site review of the land. **MR** With impacts? **SA** Yes.

**JKP** motions to continue the Notice of Intent for Plum Island LLC, 121 Bridge Rd. to July 20, 2016 at 7:10p.m. In the interim the commission request a peer site review by Rimmer Environmental in conjunction with Mr. Decie

**DA** seconds.

**Vote 4-0 unanimous. Motion Passed.**

8. **NOI: David Daly, 48 True Rd. (7/6/16)**

**SA** There is no DEP number for this project so we can discuss, but not vote or act on it.

Bob Grasso (**BG**) Engineering Land Services, LLC representing Dave Daly. Introduces property and site plan.

**JKP** You are preserving the mature oaks along the street. **BG** Yes. **JKP** The house placement is very tight and cannot be moved further away from wetland because of set-backs? **BG** Yes, that's correct. **JKP** Are you going to be removing the tree line in the rear of the property? **BG** A small portion of it for the grading. **JKP** Could you furnish us with a hard copy of your narrative? **BG** Yes, a 1 page narrative. **DA** What is the sloping on 20 foot clearance side of the house? **BG** 3:1 typical grade and not within 5 feet from property line by code. **SA** Should we discuss having Rimmer Environmental check the delineation? That would be at the expense of the applicant. **BG** Do you have an estimate? **MR** I can consult with Rimmer Environmental and forward you an estimate.

**DA** motions to continue the Notice of Intent for 48 True Road- David Daly to July 20, 2016 at 7:10p.m.

**WM** seconds.

Amend to allow Mary Rimmer to submit a review and to allow the applicant to submit a written narrative.

**Vote 4-0 unanimous. Motion Passed.**

9. **NOI: David Daly, 46 True Rd. (7/6/16)**

**SA** There is no DEP number for this project so we can discuss, but not vote or act on it.

Bob Grasso (**BG**) Engineering Land Services, LLC representing Dave Daly. Describes the site that is adjacent to the aforementioned NOI. **JKP** This is another property that has very tight setbacks and the proposed foot print cannot be moved away from the wetland at all? **BG** That is correct, we are trying to minimize our impacts as much as possible. **DA** The property is owned by Mr. Thurlow. It's under agreement through his power of attorney. Is this a case of the cart before the horse? **MR** No, I would say this is pretty standard. **DA** If it falls through, the plans go with the property? **MR** Yes. It is a condition that if the property changes hands we are notified of the new owners.

**JKP** motions to continue to the July 20, 2016 planning board meeting at 7:10p.m. In the interim we would like to have Rimmer Environmental review the delineation of the property and to provide a written narrative to the planning office.

**DA** seconds

**Vote 4-0 unanimous. Motion Passed.**

**C. NEW BUSINESS:**

1. **Request for Certificate of Compliance, 21 Atlantic Ave.**

Eric Botterman (**EB**) of Millennium Engineering representing the applicant. Briefs on the 2002 project. The owner is trying to sell the property and needs to close out the file. Two (2) issues that need to be addressed in the Order of Conditions. The first I cannot verify. They were supposed to be 8 drainage chambers for runoff. Since they are underground I cannot verify they are there, but there are 8 pipes draining into the ground and there have been no issues with drainage. The second is stairs at the center of the house that were not built. **SA** to **MR** have you seen the site? **MR** Yes, it does not specify about the enclosed area. **JKP** Were the regulations different then? **EB** Yes, they have been updated since then. **MR** I do see the storage in question on the plans. **JKP** to **MR** do you believe everything to be in compliance? **MR** Yes, with the exception that we can't verify the storm water storage.

**WM** motions to approve the Certificate of Compliance for 21 Atlantic Ave.

**JKP** seconds.

**Vote 4-0 unanimous. Motion Passed.**

## **2. Request for Extension, 2 Denrael Dr.**

**SA** Received a letter asking for a three year extension but the planned completion is October 2016.

**JKP** motions approve the Request for Extension for 2 Denrael Drive for three years to August 5, 2019.

**WM** seconds.

**Vote 4-0 unanimous. Motion Passed.**

## **3. Request for Significance of Change, 15 Friedenfels Rd.**

Steve Sawyer of SBS Engineering representing the applicant, briefs on modification to the garage proposal.

**SA** are any trees coming down? **SS** Yes, two pine trees. One is a 16 inch diameter and one is a 36 inch diameter.

We will plant 2 saplings to mitigate. **SA** National Heritage has trees marked for conservation on the property that serve as Bald Eagle Habitat. **SS** The smaller tree is nearly a snag. The 36 inch diameter tree could be marked. If it was we would shift the garage footprint to save it. **JKP** How would we find out if one of the trees in question was marked by Nation Heritage? **MR** I can locate that information.

**DA** motions to rule the Significance of Change for the 15 Friedenfels Road site plan as Insignificant with the condition that the trees numbered in the order of conditions by the National Heritage Endangered Species Program be preserved.

**WM** seconds.

**Vote 4-0 unanimous. Motion Passed.**

## **D. ENFORCEMENT ORDERS:**

1. 2 Broadway
2. 44 Lafayette Rd.
3. 100 Elm St.
4. 28 CCC Rd.
5. 126 N. End Blvd
6. 7 Elmwood St
7. 13 Commonwealth Ave
8. 457 N. End Blvd
9. 73 Mudnock Rd.
10. 63 Rabbit Rd.
11. 516 N. End Blvd
12. 81 Railroad Ave.

Sam Giarrusso (**SG**), 81 Railroad Ave. **SG** Agrees to a restoration area of 1300 square feet and a diversity of plants. Requests to be allowed to plant in the fall or spring when the weather is more agreeable to new plantings to increase their likelihood of survival. **JKP** Is there anyone at the residence to care for the plants. **SG** Not reliably. **SA** The plants are native hardy plants meant to survive in this location. **SG** The plants I already have been growing but I would prefer to plant them at a more opportunistic time. **MR** I would agree that now is not the best time to plant. **DA** We should set a finite date, how about September 30<sup>th</sup>, 2016? **SG** I can't guarantee that someone is going to sell me quality plants by that date. **SA** I agree with the variety of plants and the date of September 30<sup>th</sup>. I don't feel in this area you will be unable to locate the quality of plants you desire. **WM** motions to approve the enforcement order for 81 Railroad Ave with the condition that the required planting is completed by September 30, 2016 as depicted on the plans dated June 20, 2016. **DA** seconds.

**Vote 4-0 unanimous. Motion Passed.**

**E.     COMMISSIONER COMMENTS:**

**F.     ADJOURNMENT:**

**WM** motions to adjourn the July 6, 2016 Conservation Commission Meeting at 9:05 p.m.  
**JKP** seconds.

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