



**Salisbury Conservation Commission
Meeting Minutes
October 5, 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**), and Walter Moquin (**WM**)

COMMISSIONER MEMBERS ABSENT: Jennifer Troisi (**JT**), Jane Purinton (**JKP**)

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

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

A. MINUTES:

- a. September 7, 2016**
- b. September 21, 2016**

DA motioned to approve the minutes for September 7, 2016 and September 21, 2016.

WM seconded.

Vote: 4-0 Unanimous. Motion Carried.

B. PUBLIC HEARINGS at 7:10pm:

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

SA briefed the applicant on the comments received by Mary Rimmer and asked for confirmation that he had received them. Dan Dandreo (**DD**) confirmed. Asked to address the comments. Outlined his history with the submission process and his work to get to this point.

Mary Rimmer of Rimmer Environmental Consulting (**REC**) was present to address the comments. She spoke of the proposed replication area and the issues that the comments addressed. These included adding the scale of his images on to the site plan as well as other site plan improvements. Requested he put all the information they spoke about on the plan and have it stamped by an engineer. Discussion on the logistics of how to fit the information on the map follows.

DD and **REC** proceeded to move through the comments in the letter provided by Mary Rimmer including 1:1 slopes, grading, culvert installation, and information to be included on the plans. Kyle Lalley (**KL**) of Hancock Associates stated they have adjusted the plans to include nearly all the comments and they will send them out shortly. **REC** added she has comments she would like to be incorporated into the planting plan. **KL** agrees with the comments and will incorporate them. **DA** asked what their replication ratio is? **KL** answered 1: 1.5 **REC** adds it may be closer to 1:1.25. **REC** asked the commission what the replication ratio they would prefer is? **SA** answers that would be 1: 1.5 at minimum. **KL** stated he would confirm before next meeting. **DA** asked **REC** if she had any comments on the erosion control? **REC** stated she had not seen the erosion control planned so she cannot comment. **DD** stated that that the erosion controls will be on the updated plan.

WM motioned to continue the Notice of Intent for Sterling Ventures Inc., Rear Ferry Rd/123 Bridge Rd to October 19, 2016 at 7:10 p.m.

DA seconded.

Vote: 4-0 Unanimous. Motion Carried.

2. ANRAD: Tom Patenaude, 73 North End Blvd. (9/21/16)

Patrick Seekamp (**PS**) of Seekamp Environmental Consulting, Inc, represented the applicant. Updated the commission on the site walk with **REC** and the changes that were made to the wetland line on the property. **REC** adds that the wetland line in question is to the salt marsh, the whole lot is land subject to coastal zone flowage and it's on the barrier beach. **PS** confirms it is entirely in the AE zone and that is referenced on the plan. **SA** concluded that this property is in 3 resource areas and that the commission approves of the updated wetland line provided.

WM motioned to approve Abbreviated Notice of Resource Area Delineation for Tom Patenaude, 73 North End Blvd. with revised plans dated September 29, 2016.

DA seconded.

Vote: 4-0 Unanimous. Motion Carried.

3. NOI: Steven & Renee D'Agati, 222 North End Blvd. (9/21/16)

Ron Laffely (**RL**) of Fulcrum Architects represented the applicants. Briefed on the site visit conducted since the last meeting. Updated the commission on changes made including elevated platforms, transplant area, size of the area way, and removal of a staircase. Asked to add a storage shed to the plan on top of a preexisting paved area that will be left after the removal of the existing stairs. There will be site grading and the fence on the north side of the property will be removed. Discussion follows on the two fencing options proposed by the applicants. **DA** asked the commission on the difference between putting lattice underneath a house and allowing a lattice style fence? Discussion follows on dune performance standards and the 50/50 fence rule.

Discussion moved forward to the pathway to the beach that is shared with the neighbors. **RL** stated they will put up snow fencing to protect the new dune grass plantings which may affect the neighbor's passage. **SA** suggested sharing the path to the beach with the neighbors to avoid another cut across the dune. **RL** responded that he understood the commissions concerns, but the applicants are not acquainted with the neighbors, so it is unknown if it will work out. Discussion on the pathway follows.

RL asked for the commission's ruling on the shed? **DA** weighed in as a fellow resident of the beach he understands the need for the shed and offers support. **SA** agrees with **DA** and adds that the placement of the shed doesn't not seem to have an impact on the dune. **SA** asks the size of the shed. **RL** answered 8 feet by 8 feet by 8 feet. **DA** asked for confirmation that 200 feet is allowed in residential area? **RL** answered that it is allowed by zoning.

WM motioned to approve the Notice of Intent for Steven & Renee D'Agati, 222 North End Blvd, with site plans revised October 4, 2016 and approval of the proposed shed. The type of fence to be approved by the conservation agent. Standard conditions apply.

JS seconded.

Vote: 4-0 Unanimous. Motion Carried.

4. NOI: Andrea Migneault & John Ciriello, 8 Kendell Ln. (10/5/16)

SA stated that at this time no DEP number has been issued for this project. The commission will not be able to vote tonight.

Bob Prokop (**BP**) of Wetland Consulting Services introduced the project. The plan is to remove the current 12.5 foot by 24.5 foot addition and replace it with a 12.5 foot by 38 foot addition on 15 pilings.

SA asked if there is a deck intended with the addition? **BP** shows where the deck and the pool are and asked to not include them in this NOI. **SA** asked if there are plans? **BP** directed their attention to the sketches provided by the applicants and asked to be excused from hiring an engineer due to the simplicity of the project. Added there will be erosion control around the work area. **DA** asked if the landowner should be present? **BP** directs their attention to the letter of acceptance provided by the owner. Elaborated on the rental situation. Discussion followed on the situation.

DA motioned to continue the Notice of Intent for Andrea Migneault & John Ciriello, 8 Kendell Lane to the October 19, 2016 Conservation Commission meeting.

JS seconded.

Vote: 4-0 Unanimous. Motion Carried.

5. RDA: Adam & Diane Foley, 5 Garfield St. (10/5/16)

Diane Foley (**DF**) briefed on the proposed project. They had already received a variance from the zoning board. The work area is located 80 feet away from the wetland and there are two chain link fences between the work and resource areas. It was delineated by Seekamp Environmental in the past.

DA asked if the work is in a flood zone. **DF** answers it is no longer in the flood zone. **MR** adds that the addition will still need to comply with flood regulations. **DF** responds that she still needs to speak to the building inspector. **MR** asked if it is a substantial improvement? **DF** answered no. **MR** quotes the regulations for the commission.

Patrick Seekamp (**PS**) of Seekamp Environmental Consulting, Inc, did the past delineation on the property. Offers a description of the wetland in question and the opinion that the work being done poses a very limited risk to the resource area with the proper erosion control. **SA** questions if at a distance of 80 feet with 2 chain link fences between the work and the wetland area, would erosion control still be necessary? **DA** weighs in that it may not be. **MR** responds that it is a good practice and with a basement going in there will be significant ground disturbance. **SA** introduced the applicant to the erosion control options. **PS** recommends that a 12 inch silt sock would be sufficient.

DA motions to issue a negative determination for the Request for Determination of Applicability for Adam & Diane Foley, 5 Garfield St, with the condition that erosion control be implemented during construction.

WM seconded.

Vote: 4-0 Unanimous. Motion Carried.

C. 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. 81 Railroad Ave.**

MR introduced the enforcement order at 438 North End Boulevard. The project is a former Notice of Intent filing that received a certificate of completion. The non-compliant work was done after the completion. The violations included a deck, a concrete slab, and enclosure under the house.

WM motioned to ratify the enforcement order for 438 North End Boulevard.

JS seconded.

Vote: 4-0 Unanimous. Motion Carried.

Belinda (**BT**) and Seth Traub (**ST**), the property owners were present to address the commission. The concrete pad used as a footing for the stairs was addressed first. Stated the reason for the work was to ensure their safety. The sand movement on site had caused the stairs to become unstable to the point they were floating and they could not access their house. They had contacted a contractor who recommend a larger slab.

The deck in question is owned by the condo association and is not in their power to alter.

The fence that is enclosing the bottom of the house was placed there to protect the sewer line which is exposed from the sand movement.

Continued to detail the trials they had undergone in the last year due to sand movement and the actions they have taken to try to prevent some of those problems from reoccurring.

SA suggested using snow fencing and plantings to secure the dune in this area and create a more substantial wind breaker. **MR** clarified that the sand movement was not responsible for the death of their beach grass but that other factors may have killed it. Stated that this has happened in other areas and that there are people who can help them deal with this issue in a legal manner. Suggested having a meeting to create a plan to solve these issues. **ST** brings up the flood wall being allowed. **MR** addressed his point. Suggested having a meeting with the building inspector to have him inspect the stairs and then they can follow up with a plan of action.

Enforcement order 81 Railroad Ave: **MR** updates the commission that they had installed plantings and there will be a site visit to confirm compliance.

D. COMMISSIONER COMMENTS:

F. ADJOURNMENT:

WM motioned to adjourn the October 5, 2016 Conservation Commission Meeting at 9:36p.m.

JS seconds.

Vote: 4-0 Unanimous. Motion Carried.