

Salisbury Conservation Commission
October 1, 2014
Colchester Auditorium, Town Hall
5 Beach Road
Salisbury, MA 01952
7:00 P.M.

COMMISSIONER MEMBERS PRESENT: Chairman Sheila Albertelli (SA), Sally Laffely (SL), Joanne Perreault (JP), Matt Carignan (MC) and Jane Purinton (Jpurinton)

COMMISSIONER MEMBERS ABSENT: Andria Nemoda

ALSO PRESENT: Michelle Rowden, Conservation Agent

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.

MINUTES:
September 17, 2014

MC motions to accept the minutes of the September 17, 2014 meeting. **JP** seconded the motion. All members present voted in favor 4 – 0 (Jpurinton abstained). **Motion Passed.**

PUBLIC HEARINGS at 7:15 pm:

NOI: Jay Davis, 12 Wyman Greely Street: **SA** stated the applicant is looking for a continuance.

JP motioned to continue the NOI for 12 Wyman Greely Street to October 15, 2014 at 7:10 pm. **SL** seconded the motion. All members present voted in favor 5 -0. **Motion Passed.**

SA stepped down as chairperson for the next two items.

NOI: Brad Kutcher, 20 Ferry Road, **SL** stated the applicant is looking for a continuance until October 15th meeting.

MC motioned to continue the hearing for Brad Kutcher, 20 Ferry Road at the request of the applicant to the October 15, 2014 at 7:10 pm. **JP** seconded the motion. All members present voted in favor 4-1 (SA abstained). **Motion Passed.**

RDA: Brad Kutcher, 20 Ferry Road: **SL** stated the applicant is looking for a continuance to October 15th.

MC motioned to continue the hearing for Brad Kutcher, 20 Ferry Road at the request of the applicant to the October 15, 2014 at 7:10 pm. **JP** seconded the motion. All members present voted in favor 4-1 (SA abstained). **Motion Passed.**

SA returned to chairperson.

SL stepped down.

NOI: Randall Bennett, 47 Commonwealth Avenue: Mr. Ronald Laffely (RL) of Fulcrum Architects addressed the board on behalf of the applicant. There is an existing structure 9' off of Commonwealth Avenue. The structure is a 1 ½ story, 3 bedroom home. There is a concrete foundation. The pavement surrounds the building. We are proposing to remove all man-made

structures. There will be compatible sand that will be approved prior to putting it in. We plan on replacing the structure. We will have a 30 pile foundation. The area-way is located at the bathroom. The elevation is 17. We are a foot above FEMA. **MR** stated 2' in the V zone. We have enough height to do that. We can go up another foot. Two story building going to elevation 32'. We will be planting American beach grass on both sides. The dune to the south is a public walkway. The parking area will be the egg-crate type pavers.

SL asked about the aerals submitted. Is this to show the length of the structure? **RL** stated the property. **MC** asked how much further the new structure going to be towards the north? **RL** stated 8' further. From the alignment of the homes to the north it will be additional 16'. To the south those are aligned back further. From the main house plus the deck is 16'. We would like to maintain contact on the deck and not the ground. **Jpurinton** asked the rollup boardwalk will belong to the owner. **RL** stated yes. **Jpurinton** asked about the public walkway. **RL** went over how DCR maintains it. The erosion is eating away at the dune. **SA** asked about the aerial and wanted to know if the structure was going out that far. The front of the deck is 37.5 away from the red line. 21' from the closet part of the house to the property line along Commonwealth Avenue. The only thing that is different on this home is it is narrow. All the other homes in this area are close to the property lines.

Abutter in audience, inaudible.

SA asked about the demolition of the structure. **RL** stated in the Notice of Intent there is a construction schedule. All man-made features are going to be demolished and put in a container. It is not stored on site. During construction there will be a covered dumpster. **SA** asked about windows coming out before. **RL** stated yes. Goes over demolition process.

JP stated it's nice to see the time you took to protect the dune with this project.

JP motioned to accept the NOI for 47 Commonwealth Avenue. **MC** seconded the motion.

SA asked about the DEP comments. **RL** stated they are under review. **MR** stated the plans do reflect the 1' in the velocity zone. **RL** stated I will change that.

RL stated if you approve it tonight, you might get a superseding Order of Conditions.

JP amended the motion to accept the NOI for 47 Commonwealth Avenue with the standard Order of Conditions pending any additional comments by DEP and also modifying the plan to show the velocity zone. **SA** seconded the motion. All members present voted in favor 4 - 0. **Motion Passed.**

Request for significance of change, 12 Beach Road. **SA** stated the applicant is looking for a continuance.

MC motioned to continue the significance of change, 12 Beach Road to the October 1, 2014 at 7:10 pm. **JP** seconded the motion. All members present voted in favor 4-0. **Motion Passed.**

SL came back to the meeting.

NOI: Joseph Hill, 16 Seabrook Road: Attorney Tony Poupoulos (TA) addressed the board on behalf of the applicant. The applicant is proposing to construct a single family residence with an attached garage. There will be a 12' wide paved driveway with a 2' stone gravel shoulders. Included will be underground water and sewer. The applicant will also establish a lawn. The proposed work is within the 100' wetland buffer zone. Erosion control will be haybales and silt fencing. He also will provide a grass swale along the proposed driveway to provide treatment and an infiltration trench. We have additional filings that may not be in the packet you received such as abutter notification and also a petition signed by 32 abutters saying they approved of this project. **SA** asked if a DEP # been assigned to this project. **TA** stated no.

Brian Knowles (BK), the applicant addressed the board. Went over the driveway, house, grass swales. For the roof run-off we have proposed an infiltration trench in front of the house. We have talked with the Fire Department as well, and they have asked for a turf turnaround in front of the house. Went over driveway details and infiltration swale details. West Environmental Services delineated the wetlands in August or September. **SA** asked if the zoning board reviewed the drainage. **BK** stated we went before the zoning board for frontage. During our presentation two abutters had questions about drainages. **SA** asked about the DEP #. **MR** stated you can't issue an Order of Conditions without the DEP#. **SL** asked about the calculations for infiltration trench. **BK** stated it's a typical detail you see on other houses.

MC asked if the driveway is going through 14 and 18 property? **BK** stated there is 32'. It's part of the subdivision that was done in the 70's. **TP** stated the lot is taxed as a buildable lot.

SA stated she would like to have a look at this lot. **Jpurinton** stated she would like to take a look also. **TP** stated if you could put us on the agenda for the 15th we would like that. **MR** stated I would recommend Mary Rimmer review the line. **SL** asked about why MR wanted Mary Rimmer to review. **MR** stated especially in the area of the driveway the wetland line is extremely close to the work. Also, it is good practice. It will be paid for the applicant.

No abutters present.

MC motioned to continue 16 Seabrook Road until the October 15, 2014 meeting at 7:10 pm in order to 1. DEP #. 2. Mary Rimmer review. 3. Site visit by commission members. **Jpurinton** seconded the motion. All members present voted in favor 4 - 0. **Motion Passed.**

Significance of Change, 12 Beach Road: **SA** stated the applicant requested a continuance.

JP motioned to continue 12 Beach Road until the October 15, 2014 meeting at 7:10 pm. **SL** seconded the motion. All members present voted in favor. **Motion passed.**

Request for Certificate of Compliance for 4 Linda Lane: **JP** stated I did the site visit. The construction is completed. The lawn has been seeded and is growing in. My concern was the abutting wetlands. They squeezed a driveway in there avoiding completely the fully vegetated depression. I think both properties did a nice job. I would recommend them for both.

JP motioned to issue the Certificate of Compliance for 4 Linda Lane. **SL** seconded the motion. All members present voted in favor 3-0 (MC abstained). **Motion passed.**

Request for Certificate of Compliance for 6 Linda Lane:

JP motioned to issue the Certificate of Compliance for 6 Linda Lane. **SL** seconded the motion. All members present voted in favor 3-0 (MC abstained). **Motion passed.**

Significance of Change, 17 Friedenfels Road: Michael Juliano (MJ), of Eaglebrook Engineering and Survey, LLC addressed the board on behalf of the applicant. There are two issues in my letter dated 9/22/14 1. Change of material for a permeable driveway. 2. Proper function of the porous pavement. It is still a permeable driveway just a different material. Given the sensitivity to this neighborhood Michelle asked for us to present this information to the board. Originally the driveway out front was a graveled paved system. We want to change it to a porous pavement system. The development has not been closed out because there is one more house to be built. **MR** stated the porous pavement must be vacuumed every couple years. **MJ** stated the other issue of the porous pavement. It is functioning. **SA** stated its my opinion to let the development finalize, get its Certificate of Compliance and this property owner should come in and file on their own for a change. I am learey to allow these changes before the development is completed. **Jpurinton** stated I don't have a problem with it. **JP** asked would it be best to postpone any ruling on the significance of change. **MR** stated I think you should act on it one way or the other. This lot has already been through a significance of change before. They moved their

house location, added a carriage house. Changed the foundation. **Jpurinton** stated in a course of building the home I believe changes are made. I would feel badly if we held them up. **MJ** stated he can actually install the driveway tomorrow. He just wants to change the material. Right now, it's a gravel driveway. I would want them to stabilize it before the winter. **JP** asked if anyone has gone out to look at the new changes. **MR** stated I have been out there to look. We haven't received an as built yet. **MC** stated I believe this change is insignificant as well. **MJ** stated the applicant sent out an email to abutters. He received one email back saying he didn't have an issue.

No abutters present.

MC motioned for an insignificant change for 17 Friedenfels Road. **Jpurinton** seconded the motion. All members present voted in favor 4 – 0 (SL abstained). **Motion passed.**

Request for Certificate of Compliance, 400 North End Blvd.: **MR** stated she did the site visit. Mr. Robert Masys (RM) of RAM Engineering addressed the board on behalf of the applicant. The building elevations were fine. There were a couple of changes that were made. 1. The parking area has been expanded to cover most of the front yard. 2. There are no gutters on the building. There is all stone on the edge of the building. This allows for the rain to percolate back into the ground. **MR** stated the house is built in compliance with the Order of Conditions. The driveway is a little bit large than what was proposed. The roof runoff I don't believe is an issue at all. I recommend issuing a Certificate of Compliance. **MC** asked is it 400 North End Blvd. or 402 North End Blvd. **MR** stated its 400. The original lot was 402 and it was split. **SL** stated I noticed in the letter it says clean space. I think it should say clear. **RM** stated yes.

JP motioned to issue a Certificate of Compliance for 400 North End Blvd. **SL** seconded the motion. All members present voted in favor. 5 – 0. **Motion passed.**

Request for Certificate of Compliance, 224 North End Blvd.: **MR** stated she did the site walk. At the time they allowed an existing structure with a stone foundation installed steel pilings in the foundation. They have had to remove a portion of the foundation. It has filled in with sand. Alan Dawson (AD) addressed the board. The original house was 1 story. It is now 3 stories. The steel pilings are still there. They did what they were required to do. **JP** stated I would prefer the outer foundation not be there but giving that it was approved. Maybe if the new owners come in to change something we can have them remove the foundation. **MC** asked about the Order of Conditions being expired. **MR** stated you issue certificates all the time on expired Order of Conditions.

JP motioned to issue a Certificate of Compliance for 224 North End Blvd. **Jpurinton** seconded the motion. All members present voted in favor 4 – 0 (SL abstained). **Motion passed.**

Enforcement Order, 100 Elm Street: Brian Knowles (BK) addressed the board. The delineation has occurred by Seekamp Environmental. In an email to Michelle we wondered if we can do this under a storm water maintenance or NOI. **MR** stated you have approved engineer plans and storm water. They do already have a Certificate of Compliance but it has since disappeared. This is the reason for the enforcement order. You can do it through the approved plans and under this enforcement order or you can require them to file a new Notice of Intent. **MC** asked so it is no longer there because it was filled in. **BK** stated yes. **Jpurinton** asked by a human being? **BK** stated plow truck. **JP** stated my first thought was to continue under the enforcement order.

JP motioned to have the storm water repairs made under the current enforcement order for 100 Elm Street as previously noted in the original storm water plans for the approved Order of Conditions. **SL** seconded the motion. All members present voted in favor. **Motion passed.**

Enforcement Order, 106 Elm Street: Brian Knowles (BK) addressed the board. **MR** stated the foundation was installed. I looked at the building permit application and everybody had signed off except for Conservation. **SA** stated according to the enforcement order it is under a cease and desist until the Order of Conditions is issued. **MR** stated the current building inspector came to me and said there was a request to backfill the foundation. Technically, we have a cease and desist but they are looking to backfill

to protect the foundation. **MR** stated the only vote needed today is for the back fill. **BK** asked about filing the Notice of Intent. I am guessing that Mary Rimmer will have to review the wetland flags, Joe Serwatka will have to review the storm water plans. We would like to get it reviewed before the meeting. **MR** stated yes. It will be the requirement of the applicant to pay those fees.

MC motioned for 106 Elm Street to allow back filling of the foundation. **Jpurinton** seconded the motion. All members present voted in favor. **Motion Passed.**

20 Dock Lane-no action

Salisbury Woods-no action

2 Broadway-no action

4 Fanaras Drive-no action

44 Lafayette Road-no action

COMMISSIONERS COMMENT:

ADJOURNMENT:

JP motioned to adjourn at 9:00 p.m. **SL** seconded the motion. All members present voted in favor. **Motion Passed.**