

Salisbury Conservation Commission
March 20, 2013
Colchester Auditorium, Town Hall
5 Beach Road
Salisbury, MA 01952
7:00 P.M.

COMMISSIONER MEMBERS PRESENT: Sheila Albertelli (SA), Chairperson, Joanne Perreault (JP), Matt Carignan (MC), Sally Laffely (SL) and Larry O'Brien (LO), Andria Nemoda (AN)

COMMISSIONER MEMBERS ABSENT: Patricia Fowler

ALSO PRESENT: Michelle Rowden, Conservation Agent, and Lori Robertson, Secretary

S. Albertelli opened the meeting at 7:00pm under the Wetlands Protection Act & Open Meeting Law and informed the public that the meeting is being recorded.

Emergency Certificate:

84-86 Central Avenue
25 Broadway
260 North End Blvd.
214 North End Blvd.
234 North End Blvd.
220 North End Blvd.
180 North End Blvd.
140 North End Blvd.
264 North End Blvd.
284 North End Blvd.
178 North End Blvd.
178 North End Blvd.
276 North End Blvd.
187 Atlantic Avenue (added onto agenda)
228 North End Blvd. (added onto agenda)

LO motions to ratify the emergency certificates. **Seconded by MC.** All members present voted in favor. **Motion Passed.**

MC motions to add to the agenda 187 Atlantic Avenue, 228-230 North End Blvd. **Seconded by SA.** All members present voted in favor. **Motion Passed.**

LO motions to ratify the emergency certificates added to the agenda. Seconded by **SA.** All members present voted in favor. **Motion Passed.**

MINUTES:

March 6, 2013

MC motioned to accept the minutes of March 6, 2013. Seconded by **SA.** All members present voted in favor. **Motion Passed.**

PUBLIC HEARINGS at 7:10 p.m.

NOI: Town of Salisbury, 9th, 10th, 11th, 12th Street, Florence and Lewis Avenue Ms. Mary Rimmer (MR) of Rimmer Environmental addressed the board on behalf of the applicant. The permitted process started in 2010. The overall project area is 28 acres. The overall active worksite is 3.8 acres. The project includes 135 homes. The length of the wall is 3,180' in length and 3' in height. There will be improvement to the storm water management. We will be asking you to confirm that the project does not meet the requirements of the Wetland

Protection Act. Then we will have to request a superseding Order from DEP and then a variance to the performance standards to the salt marsh in order to get this project through the permitting process. This project is the result of the 286 bridge. There have been a number of alternatives over the years. The main impact is to the salt marsh itself. Some of the impacts are temporary. Some of the impacts will be permanent. Some of the salt marsh vegetation has crept up into the yards.

Mr. Matt (Matt) of the Army Corps of Engineers addressed the board. The floodwall will be impounding water as it rains. We will be improving the drainage system almost the entire length of 11th Street. We are also going to do minor drainage improvements between Florence and Lewis. There will be a pump station which will supply 325 horse power it will lift the water out of the area during rain events. We will be installing new catch basins with outlets to improve the current structures that are out there. The wall will be vinyl with an aluminum cap on the majority of the wall. There will be a small section along the face of Berry Lane which is going to cap with concrete. If the wall was overtopped we also have gravity outlet structures with backflow valves. In addition we have a 10' on the marsh side for a temporary easement for construction of the flood wall. **MC** asked if there were any photos of when the Blackwater River overflowed. **MR** stated she had many photos. **SA** asked about power outage for the pump station. Do they work in constant with each other? **Matt** states if the pump station water level raises the first pump will kick on. If the water levels come up more, the second pump will kick on. If any pump fails and alarm system will call DPW.

LO asked about the cost estimate? **Matt** states there is no cost estimate for this project. **LO** asked is this a low bid contract? **Matt** states the final contract has not been decided. **LO** asked who maintains the pump? **Matt** states the maintenance of the pumps are the town's responsibility.

Judy Johnson (JJ) of Army Corp of Engineers-Biologist addressed the board. There are some areas along the wall where the tidal mitigation coming into people's yard we developed salt marsh vegetation within those areas. The wall essentially cuts off the tidal influence to the areas. We will be using areas of phragmites to provide some enhancement which are considered upland. The elevation for the healthy marsh is different all over. In some areas will be drained to mosquito ditches and others will not. There are a lot of salt pans which attract ducks. It will simulate the marsh topography now in the restoration areas. **AN** asked if there would be a planting schedule? **JJ** states the only thing we will be planting is cedar. **AN** states where you are removing the phragmites, you will not be planting anything in its place? **JJ** states no. **AN** asked about the seed mix. **JJ** states it will be going into the area of the salt marsh is encroaching on properties. **AN** asked who would be responsible for making sure the seed takes? **JJ** states there would be performance standards. The cedar will be maintained by the contractor. For two years there will be a contract where someone will come back and they will monitor for phragmites. **AN** asked about proper documentation. I want to make sure this will be done. **MR** stated it is section 5.7.

Abutter, Dan Fitzgerald of 19 12th Street addressed the board. I have a horseshoe driveway with beautiful gardens/cherry tree (9-10 year old), sprinkler system in the middle (island). This is where they will be accessing the area. It is my understanding that I am going to lose 20' of the island. My concern is why does it have to be on my property. Would this change the flood zone. **Matt** stated his location was chosen because the drainage tie-in system. We could put in the contract documents that this tree needs to be saved. We could pull it in to the edge of pavement. No this will not change the flood zone.

JP asked about how the process will work for the homeowners to make sure they will get answers they are looking for. **Matt** states the Army Corp of Engineers will be present throughout the project. **SA** asked will the area will be flagged? **Matt** states there will be all kinds of walk-thru before this project is started. Everything will be discussed with the contractor.

JP states could there some type of contact from the contractor or a mailing to the neighbors. Its important to take a lot of pictures of your property. **AN** states I would like ongoing feedback from the Army Corp and allow an opportunity for abutters to speak their concerns. **Mary R** states as part as this project you can include conditions that you would like to see incorporated into the final decision.

Abutter, Virginia Broadhurst of 547 North End Blvd addressed the board. My children had problems and spent \$40,000 to put a wall up. Will this have impact on 3 and 1 West 6th Street? **Matt** stated in general there will be no impact to the tides. This will not cause any big changes to flood elevations.

Abutter, Ken Wilmer (KW) of 25 12th Street addressed the board. I am just concerned about what the wall will look like on the properties. Also, are there any pictures of what the generator will look like? **Matt** states we have an example of what the wall will be made of. The building for the generator has to be above the 100' flood

plain. **KW** asked who is responsible for replacing the wall?

SA states we have a lengthy agenda. Any items that do not deal with the Wetland Protection Act, Matt is willing to meet with abutters in the conference room.

Abutter, Kathleen St. Jean of 33 12th Street addressed the board. As far as the backup generator that shows a building. We were initially given a copy of the plan for the floodwall which came to the corner of my house. My property was not affected. We have a concrete flood wall already on the property. We feel that if this new wall is to be put in and put up against our wall it will negatively affect the vegetation. I live on a knoll and we haven't had any water. I don't think this wall needs to be brought around our property. I have natural vegetation and a good root system in there. I think you could save money if you start at one end of my driveway and restart it on the other end of my driveway. **SA** states you are concerned about the loss of vegetation.

Mary Rimmer states that the town has the ability to inspect the site. The town has the right to make sure the terms are complied with.

Ron Laffley addressed the board as an abutter. As long as Mary and Michelle are involved in the process I feel comfortable with that.

AN states regarding the mitigation plan for the phragmites. I think there needs to be a more detailed description of the process of what they will be doing and also put in the monitoring. I would like to see what the seed mix is. We wouldn't want something on their property not have it monitored. It does state in 5.7 of their application. **SA** states you would like to make sure all mitigation areas are monitored. **JP** states as I recall they are not expecting existing vegetation to grow there.

JJ states I don't have a plan that in two years we are to have salt marsh growing there. We are scraping down the phragmites to levels of a healthy marsh. This will be a slow process. I can't guarantee what it will look like. I am trying to create an environment. I am targeting phragmites. I don't intend on monitoring what is coming in there. I intend to monitor whether or not the phragmites are reoccurring. **AN** states I disagree. If we were to hold a resident of Salisbury accountable for some type of planting in their yard. We ask for non-invasive species. It's monitored. I would like for this to be a condition. **MR** states there has been a pepper weed in salt marsh. I could add that to the plan.

Mary Rimmer states the Army Corp has a limit to their ability to monitor beyond the two year process. The town can do long term monitoring. **JJ** states each site will look a bit different.

MC states I would like to review the abutters concerns:

- Everything that is touched will go back to the original condition
- Local control
- Town Meetings-to monitor the process
- Appearance and aesthetics of the wall and can they do any backfilling.
- Damage with existing vegetation and the location of the generator building.

JP states if we could add contacts for homeowners. So they will have some sort of notification as to when they will be working on their property. **Mary Rimmer** states the Army Corp has no problem with that.

Kevin Mooney of DCR states the state and town are working very closely. The contractor has to have emergency contact information. When it comes down to the project everyone will be notified.

Jerry Klima addressed the board. Individual homeowners are going to have to give an easement. That is part of discussion when doing the easement.

JP motions to deny the NOI with the inclusion of comments made to be carried forward to DEP and the Army Corp according to the Mass Protection Act impacts with salt marsh not even with replication the commission is obligated to deny this project since it does not meet the performance standards for salt marsh as stated in section 310 10.323. **SA** seconded the motion. All members present voted in favor. **NOI DENIED-MOTION PASSED.**

NOI: Jerry Klima, 18 Second Street (3/20/13). Matt Steinell (MS) of Millennium Engineering addressed the board. This is a plan for a single family home. There will be a driveway entrance on the left side of the home. The

development of the lot will require filling to bring it up. It will require hook up to the existing water and sewer service out in the existing roadway. Silt fence will be used to control erosion. The total impact in the buffer zone equal 8,600 s/f of disturbance.

SL asked is there a displacement for any water that will come into the site. **MS** states it would have to meet all zoning requirements or it would have to be put up on piles. Jerry is not positive he is building it. He maybe selling it. They will have to comply with the zoning regulations.

JP motions to accept the NOI with standard order of condition with no alteration of the salt marsh including the vegetation. Seconded by **MC**. All members present voted in favor. **Motion Passed.**

NOI: Jonathan Dragon (JD), 22 Forest Road (3/20/13) Jonathan Dragon addressed the board. There is a 16x16 proposed addition for a garage and master bedroom above that. There are retaining walls are collapsing. In the back of the structure the sunroom is delapted and the idea is to raise that and put a deck back there. A paved driveway is to actual move the driveway away from the stream.

AN asked how close is the property to the stream? **JD** states 100' from the nearest point of the stream. **AN** states you haven't started the project. **JD** states yes I did. **AN**states your remedy is to move the driveway close the stream? **JD** states I am moving it away from the stream. **AN** states there is no change to the grade. **JD** states no. **AN**states who plows? **JD** states we do our own. **AN** asked if there were flooding the neighbor would have to take care of it. **JD** states correct. **AN** asked if there would be a retaining wall. **JD** states no.

MC motions to approve NOI with standard conditions. **SA** seconded the motion. All members present voted in favor with the exception of AN who abstained. **Motion Passed.**

RDA: Peter and Patricia Leighton, 84 Rabbit Road (3/20/13) Peter Leighton (**PL**) addressed the board. We are looking to pave the driveway and extend it out. **SL** asked if there would be fill brought in? **PL** states no fill just need stabilization.

AN motions to issue a negative determination. **SA** seconded the motion. All members present voted in favor. **Motion Passed.**

NOI: Todd Fitzgerald, 107 Railroad Avenue (3/20/13) Ron Laffely (**RL**) addressed the board on behalf of the applicant. The existing two family structure will be razed. The existing foundation holes will be restored to the existing sidewalk elevation. The lowest horizontal structural member (rear porch) will be elevated 2'-1' above grade. The proposed vehicle parking surface will be a 4" base of 2 1/2" crushed stone with 2 inches of 3/8" to 3/4" rounded stone on top. American Beach grass will be planted. Also three red cedars are being proposed as privacy screen.

Kristine Longo and Janice Mulrone addressed the board as an abutter. We are concerned about flooding. **RL** states that pervious surface would be put in and that should ease the flooding problem.

MC motions to approve the NOI with the standard Order of Conditions. **AN** seconded the motion. All members present voted in favor. **Motion Passed.**

Abbr. NOI: Judith Belanger, 72 Mudnock Road (3/20/13) Ron Laffely (**RL**) addressed the board on behalf of the applicant. The wetland exist in the location of a drainage swale that allows stormwater from Mudnock Road to drain across the site and connects to another drainage swale. The wetland starts at the out fall of the 12" drainage pipe that drains Mudnock Road. To define the work area a snow fence construction barrier will be installed 8' from the delineated wetland line. A movable silt barrier will be placed next to the snow fence to prevent erosion into the drainage swale.

AN motions to approve the abbreviated NOI. **SA** seconds the motion. All members present voted in favor. **Motion Passed.**

NEW BUSINESS:

Significance of Change, 6 Garafalo Drive Charles Neos (**CN**) addressed the board. We received approval from the Salisbury Conservation Commission. We are looking to change the location of the footprint with the proposed dwelling even further away from the wetlands area.

AN motion to approve the insignificant change. **SA** seconded the motion. All members present voted in favor. **Motion Passed.**

ENFORCEMENT ORDERS:

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1 Main Street-no action
20 Dock Lane-no action
148 Lafayette Road-no action
Salisbury Woods-no action
14 Rabbit Road-no action
Broadway-no action
16 Hayes Street-no action

COMMISSIONERS COMMENTS:

- Appreciate the public response

ADJOURNMENT:

MC motioned to adjourn at 11:00 p.m. **Seconded by AN.** All members present voted in favor. **Motion Passed.**