

Salisbury Conservation Commission
May 15, 2013
Colchester Auditorium, Town Hall
5 Beach Road
Salisbury, MA 01952
7:00 P.M.

COMMISSIONER MEMBERS PRESENT: Sheila Albertelli (SA), Chairperson, Matt Carignan (MC), Sally Laffely (SL) and Larry O'Brien (LO)

COMMISSIONER MEMBERS ABSENT: Patricia Fowler, Andria Nemoda and Joanne Perreault

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

S. Albertelli opened the meeting at 7:15 pm under the Wetlands Protection Act & Open Meeting Law and informed the public that the meeting is being recorded.

Reorganization:

LO motions to continue to a future meeting when there is a full board present. **SA** seconds the motion. All members present voted in favor. **Motion Passed.**

Emergency Certificate:

81 Atlantic Avenue
286 North End Blvd.

LO motions to ratify the emergency certificate with the conditions set forth by **MR** for 81 Atlantic Avenue. **Seconded by SL.** All members present voted in favor. **Motion Passed.**

LO motions to ratify the emergency certificate with the conditions set forth by **MR** for 286 North End Blvd. **Seconded by SL.** All members present voted in favor. **Motion Passed.**

MINUTES:

May 1, 2013

MC motions to accept the minutes from 5/1/13. **SA** seconded the motion. All members present voted in favor. **Motion Passed.**

PUBLIC HEARINGS at 7:10 p.m.

RDA: Mark Bean, 220 North End Blvd. Mr. Mark Bean (MB) addressed the board. I am looking to replace the stairs that were swept into the ocean during the winter storm. **MC** questioned whether this should be a NOI or RDA? Are stairs typically RDA's? **SA** stated due to the storm DEP is allowing applicants to take the easier route of an RDA. **MR** noted a DCR tracking sheet is needed. **MC** asked the height of the stairs over the dune? **MB** 2' above the top of the dune and 5' from the beach to the dune. **SL** asked if the stairs would be 45 degrees? **MB** stated yes.

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

RDA: Estate of Joan Label, 254 North End Blvd.: Mr. Derek Wallace (DW) addressed the board on behalf of the applicant. This is a request for beach access stairs. The stairs will conform with the beach management plan. **LO** asked if the building inspector looks at the stairs when they are built. **MR** stated no.

SL motioned to issue a negative determination. **MC** seconded the motion. All members present voted in favor. **Motion Passed.**

RDA: Sunset Dream Condo, 280 North End Blvd. Mr. Derek Wallace (DW) addressed the board on behalf of the applicant. This is a request for beach access stairs. They will be at a 45 degree angle and conform with the beach management plan.

SL motioned to issue a negative determination. **MC** seconded the motion. All members present voted in favor. **Motion Passed.**

RDA: Thomas Solomon, 284 North End Blvd. Mr. Derek Wallace (DW) addressed the board on behalf of the applicant. This is a request is for beach access stairs. They will be at 45 degree angle and conform with the beach management plan.

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

NOI: Bayring Communications, 8 Friedenfels Road: Mr. David Smith (DS) project manager of GZA GeoEnvironmental, Inc. addressed the board on behalf of the applicant. This involves the placement of an underground conduit beneath the riverbed and along the landside portion within Cashman Park. This proposed project is horizontal drilling. This generally involves the work staging operations at two locations; one at the drill entry point and one at the exit point. Once the drilling equipment is onsite there will be haybales and silt fence on site. This project is within the riverfront and partially within the coastal bank. We are filing a Chapter 91 license. The site will be restored to original condition.

SA asked if there was a DEP #? **MR** stated it's under review.

SL asked how far below grade the conduit was going? **DS** stated a minimum of 10'. **SL** asked about the ledge? **DS** stated they drill through ledge. **SL** asked about the surfacing of drilling fluid? **DS** stated the driller has staff on site. Someone is constantly monitoring it. **SA** asked about emergency plans in place in case of spillage. **DS** stated the drilling will be stopped. **SA** stated I am concerned about shell fish beds. Is there any interrupt that would be impacted during the movement. **DS** the whole operation is contained underground. **SA** asked what services will this provide? Steve Bond director of communications from Bayring Communications addressed the board. We provide voice and data services mainly to commercial companies. **DS** stated we are planning on starting this project in October and it will take 3 weeks.

LO asked how big the container is for the slurry? **DS** shows a picture of container. **LO** stated he would prefer a benzonite. **DS** stated I believe it would be betonies. **LO** asked what the work hours would be? **DS** stated sun up to sun down. **LO** asked about noise? **DS** stated it is not a loud process. **LO** stated I would like to see the inventory of the bentonite and be included in the OOC and Michelle is to be notified that you are losing fluid.

MC asked if there would be monitoring in the river in case the drilling fails. **DS** stated it is my understanding that they will know if the drilling fails and it will be shut down. **MC** asked if there would be any restrictions with recreational boating. **DS** stated no.

SA stated there are some outstanding issues:

- Comments from DEP.
- Natural Heritage/Marine Fisheries
- Contingency plan from the contractor in case anything unintentional does happen.-**SB** stated the contractor does have plans.

LO asked what the boring showed? **DS** stated 3' but further out at Cove Marina 15-19' below mudline. Over on the Newburyport side there was no ledge. We went down 30'.

SL motioned to continue the meeting until June 5, 2013 at 7:00 p.m. **Seconded by SA.** All members present voted in favor. **Motion Passed.**

NEW BUSINESS:

Request for Certificate of Compliance, 8 Catherine Way

MR did a site visit. The only work for this property was grading and driveway. The lot had its own driveway which was close to the neighbors driveway. **MC** asked if he was a direct abutter. **MR** stated looks like there is a sliver of property (open space) between the two properties.

LO motioned to issue a CoC for 8 Catherine Way. Seconded by **SA.** 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

4 Fanaras Drive- Ryan Bianchetto (RB) of Allen and Major Associates addressed the board on behalf of the applicant. A plan is submitted to mitigate disturbance within the wetland buffer. The applicant is looking to begin mitigation work as soon as possible. It was also noted that we will be using straw hay. **SA** stated we need to make sure that we go through two growing seasons to make sure that they seed catches. **MR** stated we can assess this after one year to see how it is doing. The true test is going through a winter. **SA** stated this came from the Environmental Police so we want to make sure it is done within the letter. **SA** stated the former tenants would like to be kept up to date.

MC motioned to approve the plan under the enforcement order. **Seconded by SA.** All members present voted in favor. **Motion Passed.**

COMMISSIONERS COMMENTS:

MR DCR update – The harvesting of the jetty sand is complete. They moved the sand to the areas that were approved in the Em. Cert., but as we predicted, it wasn't enough for all of the areas. It was disappointing to see that the area between PA # 6 and 8 received no sand. Also, the sand that was placed between 7 and 8 was not shaped into a dune, but rather laid out flat. I complained about that and was told that there was no interest from DCR management to deviate from their plan. I was under the impression that the sand in this area was to be shaped up against the dune. I was told this was never the plan, that only a lens of sand was to be placed on the beach in this area. Again, I asked if DCR would be buying sand to replenish the remaining damaged areas and did not receive a solid answer. Rep. Costello has proposed an amendment to the state budget for an increase in the fee for the reservation and \$300,000 to be used for beach replenishment.

Bob White (BW) of 11 Atlantic Avenue addressed the board. A power point presentation was presented regarding the dunes near Atlantic Avenue. His major concern was the Town should pay for the dunes to be fixed.

There was a discussion about the DCR emergency work.

ADJOURNMENT:

LO motioned to adjourn at 9:05 p.m. **Seconded by SL.** All members present voted in favor. **Motion Passed.**