

Salisbury Conservation Commission
August 21, 2013
Colchester Auditorium, Town Hall
5 Beach Road
Salisbury, MA 01952
7:00 P.M.

COMMISSIONER MEMBERS PRESENT: Larry O'Brien (LO), Chairperson, Matt Carignan (MC), Sally Laffely (SL) Joanne Perreault (JP)

COMMISSIONER MEMBERS ABSENT: Andria Nemoda, Sheila Albertelli and Pat Fowler

ALSO PRESENT: Michelle Rowden, Conservation Agent, and Lori Robertson, Secretary
L. O'Brien 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.

MINUTES:

August 21, 2013

MC motions to accept the minutes from 8/21/13. **JP** seconded the motion. All members present voted in favor. **Motion Passed.**

PUBLIC HEARINGS at 7:10 p.m.

NOI: Robert R. Scally, LLC, 79 Baker Road: Mr. Bob Grasso (BG) of Engineering Land Services addressed the board. We are proposing a single family home and septic system. In May 2012 we filed a Form A lot. Everything will be raised. Fill will be brought in. There is a high water table on this property. During construction we are proposing silt fence. Also, during construction we are proposing a temporary stockpile. **LO** asked what the distance is from the delineation to the edge of the septic field? **BG** stated 93'. **LO** stated you mentioned the delineation is from a referenced plan, could you tell me who did it? **BG** stated Millennium Engineering. **MR** stated she pulled the plan from the Registry and it was just the lot plan. **BG** stated it was a site plan. **SL** asked about the driveway elevation. **BG** stated we are not changing the grading pattern. **LO** asked about the drainage from the property to Baker Road, are you using an 18" pipe? **BG** stated 12".

No abutters present.

SL motioned to approve the notice of intent for 79 Baker Road. **JP** seconded the motion. All members present voted in favor. **Motion Passed.**

RDA: Marie Libby, 34 Seabrook Road: Ms. Marie Norad addressed the board on behalf of her mother. We are looking to build a 30x30 garage (2stall).

MC motioned to issue a negative determination for 34 Seabrook Road. **LO** seconded the motion. All members present voted in favor. **Motion Passed.**

NOI: Windgate at Salisbury Condo Trust, 135 Beach Road: Windgate residence addressed the board. We are looking to cut 13 white pine trees next to our property. We are looking to take down trees because of possible storm damage. **LO** asked if the trees were in the wetland. The plan does not seem to be clear. Do you have plans of the area showing the wetlands? (**WG**) stated not that I am aware of. (neighbor discussion – inaudible **LO** stated we don't know who owns these trees. The comments from DEP are as follows: They are asking for location of trees on plan. How many are in buffer zone? In wetland? Is there any plan to replace the trees or otherwise enhance the buffer zone and wetland to compensate for loss of mature trees? (**WG**) stated we originally thought we would have to replace the trees but then thought it was in a buffer zone and did not need to be replaced. **JP** asked where did you get that information from? **WG** stated from Michelle. I said it didn't have to be the same type of tree but you would need some mitigation.

Robert McFarland resident of Beach Road. I just want to see where the trees are located. If they are on my

property than I have an issue. **WG** stated I thought it was Conservation land owned by the town.

LO stated we can't proceed under these circumstances. You need to make an agreement with the owner and then have a plan showing where the trees should be located. **MR** stated when we found out that the trees were on someone else's property I remember clearly stating you need to get consent from the owner.

Mr. Nick Melhlis (NM) owner of a cottage at Windgate Condos. I just want to be on record stating that this is a safety issue. **JP** asked if the trees were dead and dying? **NM** stated we had two trees come up by the roots.

LO stated we need to postpone this hearing until another date. Do you think 2 weeks would be enough time? **WG** stated yes.

JP motioned to continue to the September 4, 2013 at 7:10 p.m. **MC** seconded the motion. All members present voted in favor. **Motion Passed.**

NOI: Mass DCR, Salisbury State Beach Reservation: Darryl Forgione (DF) of DCR and Carl Chamberlain (CC) of URS Corporation. **CC** stated the proposed project for access #2 - the majority of the existing dune crossing will remain in place (including the shade structure) with approximately 65 linear feet of structure to be replaced (including new stairs from the boardwalk to the beach. The new stairs will be constructed of aluminum. The new structure will be built 2 feet above existing grade to allow sand to move freely beneath the structure. Access #8 the stairs on this structure are in good condition, and will remain in place, and the project will remain in place, and project will replace the existing boardwalk, approximately 74 linear feet, leading to the stairs. The new structure will be built 2 feet above existing grade to allow sand to move freely beneath the structure. **LO** asked when the work would occur? We are hoping in March. **LO** asked if the dune or any of the area is disturbed than it will be replaced. **DF** stated yes. **SL** observed that the applications makes reference to the International Building Code 2012 but I think we are 2009. **DF** stated we are in the 8th edition.

No abutters present.

MC motioned to accept the NOI with the condition 1. To replace any displaced vegetation (re-install or replace). **JP** seconded the motion. **Motion Passed.**

NOI: 44 Railroad Avenue Realty Trust, 44 Railroad Avenue: Mr. Jack Sullivan (JS) of Sullivan Engineering Group and Michael Larkin (ML) addressed the board. This property is currently a paved parking lot. We have submitted plans showing a series of piles throughout the property. There is proposed grading shown to compensate for flood plain. We are here because we wanted to get the pile plan and utilities, then we would file with the Planning Board and then a future NOI. Where this is within a flood plain and a coastal dune area we wanted to get a feeling of what you are thinking about this proposal. We are looking to add rain gardens to get rid of some of the pavement. **LO** read comments from Michelle "we need stormwater calculations which will then need to be reviewed by Joe Serwatka and paid for by applicant. **SL** asked about filing another notice of intent. **MR** stated it would probably be best to continue this and come back under the same Notice of Intent. **SL** asked where people would be parking? **ML** stated underneath. **LO** again read the comments from Michelle: the fee is incorrect. There should be an improvement to the site in the way of reduction of impervious area. DEP comments: "Submitted plan uses NAVD 29 but the FEMA flood map uses NAVD 88. Plan must be adjusted accordingly. Proposed project is for utilities, a piling field and dune grading -> for what purpose? changing dune form does not meet Dune performance standards. Must remove pavement." **LO** asked what the capacity of the weight of the piles are, you might want to check with the Building Inspector. **JS** stated comment taken.

Abutter, Robert Fisette of 52 Railroad Avenue addressed the board. We have concerns about flooding. I am also concerned about the pilings. I have a full cement block basement. I don't want to see my house be damaged. **LO** stated usually people will do an entire video of their property to make sure there is no damage before the pile driving.

ML stated we are looking for some guidance on this before we continue. **MR** stated we can't guarantee anything. **LO** stated I don't see anything outstanding here outside of the regular comments that came through. **SL** asked if they were able to get preliminary calculations on drainage. **JS** stated I have my plans pretty far along. We will be showing more green space. **MC** stated all these items need to be looked at: storm water calculations. Fee Improvement/reduction of impervious area. FEMA NAVD 29 and FEMA NAVD 89. Remove pavement and dune grading is not to the performance standards.

JP motioned to continue the NOI for 44 Railroad Avenue until Wednesday, September 18, 2013 at 7:10 p.m. **SL** seconded the motion. All members present voted in favor. **Motion Passed.**

NEW BUSINESS:

1. **Significance of Change, 191 Beach Road** Mr. Joel Kahn (JK) of Equity Alliance addressed the board on behalf of the applicant.

No abutters present.

LO stated he had comments: This is a big job. I did my review of information and it was fast and scanning. I would like to go over quickly what I viewed in the geotechnical report and in the soil management plan. The geotechnical report talks about the existing soils. The top soils are 4". The fill that is existing that you drive on is 2-6' deep. The organic materials below that (old marshland) is 7-9' deep and the glacial marine goes down 145'. The recommendations of the design and construction the geotechnical considerations were explained. The existing fill and peat are not suitable building materials and need to be removed from the footing bearing zones. This requires excavation 8' below the ground water. The flow is expected to be significant from this discharge. There is an alternative to that (which has been explained and you are going to use) is a rammed aggregate pier. That is a preparatory item or method. That is presented as a capsule and doesn't talk about whether there is ground flow or how much discharge there will be from that. The proposed fill is 6-8' grade rise and will cause 5-9" of primary settlement in 30 days. Also, 3-5" of long term settlement over 20 years. It talks of this kind of settlement on the footings and piers that are going to have the rammed aggregate or removal of the silt. That necessarily does not apply to the utilities that we will put right on the soil. They won't have significant bedding for that. The report says the utilities could have a greater differential settlement. Also, the settlement is 30 days from the limited experience that I have with this stuff usually you don't measure it within days. It's usually by the rate of settlement. The 30 days is worrying to me because as you said it's important to get to the November date and if you get to the November date...(you are going to have frozen ground) I would be concerned that there will be more secondary settlement than there is projected. The settlement will impact all soil elements added surcharge can reduce the settlement 2-3" but still we are looking under piers and not necessarily the utilities and the drainage aspects that this board is responsible for. Soil supported underground utilities will under go more severe differential settlement. The settlement that is going to happen...there is a hinge slab below the utilities on the outward side of the buildings that stuck out 8'. I envision a pipe that if it settles will shear off. Construction Consideration there is a possibility of deep excavation and safety was mentioned which was a good thing. Dewatering for excavation below 6' and contractors should lower the groundwater 2' below the excavation to minimize bearing surface disturbances during construction of footings and utilities. The building foundation and floor slabs—I didn't have much time for that and wanted to concentrate on the utilities end of the world. My concerns are: 1. the dewatering and if you are going to dewater do you have settlement basins that are designed to take a significant amount of water. Beyond that the primary settlement and the long range settlement of utilities are to me an exposure for the long term. You are the constructed and on the site plan under storm water it states the project will considered completion as soon as the pavement goes down. The town is going to be looking at this for the next 20 years as a possible problem and complaints from owners. I don't see this as insignificant. Something needs to be hammered out as to how this is going to be approached if there is a problem in the future. If there starts to be separation of sewerage and drain water what is going to happen 10-15 years from now.

JK stated some information of the geotechnical aspects of the site someone comes in and tells us information regarding the site. We have changed our geo-sphere structure. We have changed the geosphere structure where I am told that settlement is down from 20 years to an inch. I don't believe we are excavating 8' we are only taking a small part of it. The surcharging is a controlled job. The comment about November being the target date. We are not going to rush it. We are not forcing something to happen.

Bob Clark (BC) of Allan and Major Associates addressed the board. Part of the surcharge of the soil there is actually leveling platforms where it will be surveyed. That 30 day window is a laboratory classification that they expect 30 days if it takes longer to surcharge they will leave the surcharge on longer. **LO** stated that was not in the report. My overall view is an exposure to the town in the long run.

JK passed out letter from an attorney George Haller. We hire a lot of experts. Under current DEP regulations regarding plan changes. We showed him what the changes were and he came back with "Here, the plan change does not significantly modify the project configuration and which result in increased impacts to wetland resource areas. Here, the plan change does not significantly modify the project configuration. Ratherm the proposed changes

simply minimally modify the building design on the property, which necessitates changing the grading in the small areas surrounding the buildings. Further, the proposed plan changes does not result in an increased impact to wetland resource area, as it instead merely offers a building design change with minor changes to the adjacent grading.

LO stated I also reviewed the soil management plan. The license site professional takes care of hazmat. In this case this is the geotech. I think these needs to be tightened up also. **JK** stated we are subject to a fill permit.

Discussion about the soil and soil testing pits.

MC stated I think its difficult for me to grasp everything since I wasn't on the original board who made a decision. **LO** stated the Geotechnical Report is dated April 2013. **MR** stated fairly standard order of conditions. **MC** stated I haven't read anything about the original decision. **SL** stated I understand where you are coming from Matt. For me, it seems significant because I wasn't part of the original process. **JK** stated the grading, parking have remained the same. We are here tonight to see if these are minor changes. **LO** stated I agree with you I think the changes are minor but the impacts are great. **JK** stated this will be back in front a lot of departments still.

BC stated we have an existing Order of Conditions on this project. We can start tomorrow and build what was previously approved.

LO stated I think there is more to this. **MR** stated in January 2012 when you issued an amended order of conditions that was open up again. There were many changes back in 2012. **LO** stated I think everyone knows how I am going to vote. **JK** stated I would ask that you continue to the next available meeting.

SL motioned to continue to the Wednesday, September 4, 2013 at 7:10 p.m.

MR stated the majority of the people are here so I vote can be taken.

SL withdraws the motion.

JP motioned to issue a insignificant change on 191 Beach Road with the standard order of conditions. **MC** seconded the motion. 3-in favor. 1-opposed. **Motion Passed.**

Request for Certificate of DCR (piling removal): Darryl Forgione (DF) of DCR addressed the board.

No abutters present.

JP motioned to issue the Certificate of Compliance. **SL** seconded the motion. All members present voted in favor. **Motion Passed.**

ENFORCEMENT ORDERS:

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20 Dock Lane-no action
Salisbury Woods-no action
2 Broadway-no action
16 Hayes Street-no action
4 Fanaras Drive-no action
178 North End Blvd.-no action
44 Lafayette Road-no action

COMMISSIONERS COMMENTS:

ADJOURNMENT:

MC motioned to adjourn at 10:00 p.m. **Seconded by SL.** All members present voted in favor. **Motion Passed.**

