

Salisbury Conservation Commission
September 4, 2013
Colchester Auditorium, Town Hall
5 Beach Road
Salisbury, MA 01952
7:00 P.M.

COMMISSIONER MEMBERS PRESENT: Sheila Albertelli (SA), Chairperson, Larry O'Brien (LO), Sally Laffely (SL) Joanne Perreault (JP)

COMMISSIONER MEMBERS ABSENT: Andria Nemoda, Pat Fowler and Matt Carignan

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

S. Albertelli opened the meeting at 7:25 pm under the Wetlands Protection Act & Open Meeting Law and informed the public that the meeting is being recorded.

S. Albertelli stated she was not present at the prior meeting but did review the minutes and tape.

MINUTES:

August 21, 2013

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

PUBLIC HEARINGS at 7:25 p.m.

NOI: Windgate at Salisbury Condo Trust, 135 Beach Road: Mr. Paul Cardaci (PC) and Ms. Jill Tapper (JT) addressed the board. We brought the additional information you were looking for.

LO noted at the last meeting an abutter came forward regarding a safety issue. I would suggest that you have a bonded, licensed tree cutter. The town is not responsible for any of that. **SA** asked about a mitigation plan. **JT** stated we got estimates for tulip poplars. **PC** stated we figured 1 tree per tree that is to be cut down. **SA** noted the Tulip Poplar has the ability to reach 80-100' high and grow rapidly.

No abutters present.

JP motions to issue an Order of Conditions for the 135 Beach Road with the following conditions: 1. 1.1 mitigation of the trees being cut. 2. No heavy machinery. 3. Review of tree growth and development over the 3 years. **LO** seconded the motion. All members present voted in favor. **Motion Passed.**

NOI: 44 Railroad Avenue Realty Trust, 44 Railroad Avenue: **MR** noted this was not supposed to be on this agenda. It will be at the next Conservation Meeting: September 18th at 7:00 p.m.

RDA: Joseph and Sharon DiDio, 115 Atlantic Avenue: **MR** stated the applicant is out of town. They are looking for beach access stairs. He shares with the neighbor and the DiDios are selling their house and the neighbor does not want to share anymore.

No abutters present.

JP motions to issue a negative determination. Seconded by **SL**. All members present voted in favor. **Motion Passed.**

NOI: Barbara Knight, 11 March Road

NOI: Barbara Knight, 13 March Road
NOI: Barbara Knight, 15 March Road

Mr. John Paulson (JP) of Atlantic Engineering addressed the board on behalf of the applicant. This is a project for three single family houses. (passed in botanist report, notice to abutters, and certificate of mailing cards.) The low-lying areas in the botanist report were looked at for possible vernal pools. They were determined not to have any. It was determined as wet pockets. The wetland were delineated. We are proposing 3 driveways. The utilities, water and sewer is going up to the three houses. The houses are probably going to be built mostly on slabs. Some may partial or no basement. There will be very little grading around lot 4. The flood plain is elevation 9. Everything we are doing is elevation 9. Except were the driveway is a hair under 9. We are trying to put a pipe across the driveway the two driveways. Elevation 9 is marked on the plan. There are remains of a barn, and trail dirt road that comes across the property.

SL asked about number 11, what is that vacant area? Also, why does that driveway hug the wetlands line? It seems like you have some room to the right. **JP** stated we are trying to stay away from elevation 9. **LO** asked the maximum grade of the driveways? **JP** stated probably Lot 4 is about 8% in that one area. **MR** asked if the gravel area is going to stay? **JP** stated it will be removed. **SL** asked who did the delineation for you? **JP** stated Lisa Basbane. **SA** stated we have a lot of information to digest with the just getting this botanist report. **LO** stated just getting the report and the size of the project we should have a peer review.

Abutter, Lance Wisniewski (LW) of 2nd Street addressed the board. I am within ear shot of this property. For nearly 20 years I have known that spring has arrived because these pools are full of amphibians. I am not sure what species are named in the report to classify a vernal pool.

SA read the April 16, 2013 BasBanes Wetland Consulting report **a section** *“Both areas were observed for the presence of frog and amphibian egg masses. They were also inspected for the presence of fairy shrimp or other invertebrates, such as caddisflies, diving beetles and water striders, etc. A dip net was also used to take several samples of the leaf and detritus layers at the bottoms of the wetland areas to be observe any other aquatic species. No obligate vernal pool species were observed or heard. No adult, juvenile or egg masses of any frog, salamander species were observed in either area. The only aquatic fauna observed were 2 types of Caddisflies larvae, ptilostomus caddisflies which use leaves as their protective casing and log cabin caddisflies which use sticks; aquatic snowbug nymphs, and small spiral snails (lymnaeidae). The most abundant species observed were mosquito larvae and water striders. Through all of the species utilize temporary pools as well as a variety of other wetland types, their presence does not constitute a vernal pool.*

LW asked when the inspection was done? **SA** stated April 14, 2013. **LW** stated I would question those findings. That pool to the east is full of amphibians. **SL** asked are you talking about peepers? **LW** stated yes, wood frogs, etc. More and more habitat is being lost all the time in Salisbury. I think its important to look at these areas carefully. That is a wonderful natural area. What does non-jurisdictional mean? **SA** stated would be determining an isolated wetland. When the Town of Salisbury had its bylaw was voted out we lost jurisdiction over isolated wetlands. That is under DEP. **SA** stated I also think it will be a good idea because some of the language in the report states: **Flagging Series:** *The A series defined the edge of the large salt marsh wetland system which surrounds the property. The B series defines a small isolated area to the west of the house. Jurisdiction of this area is questionable as it does not bordering a stream or pond, and may be too small to be an ISLF (to be determined by survey). The C series defines a pond and associated BVW on the far western side of the property. This area may also be an ILSF. The boundaries for the A and C series are very well defined by topography, though soils and vegetation were observed as well. The B series is less defined so vegetation and soils were used more heavily.* I say a little lack of commitment. I would be more comfortable with a peer review. **JP** stated part of the determination is 10,000 s.f and holds a .25 acre of water. Neither of these do that's why they are not jurisdictional. **SA** stated we also have to know if it provides flood storage. **JP** stated as far as flood storage its below elevation 9. If they are flooded everything else is flooded. **LW** stated any peer review is someone more extensive than a botanical background. Someone with more zoological background. I can assure you it's a breeding ground for amphibians.

LO asked if this was an old quarry? **JP** stated it was some type. **LO** asked does it dry out? **JP** stated yes, even the low areas.

SA noted the peer review is at the cost of the applicant. **JP** stated I will have to run it by the applicant. **MR** stated we always send an estimate before going forward with the review. If she decides that she doesn't want it done then we will come back to the meeting and report that. That is also grounds for denial.

LO motioned to continue the NOI for 11 March Road to the September 18, 2013 meeting at 7:10 p.m. **SL** seconded the motion. All members present voted in favor. **Motion Passed.**

LO motioned to continue the NOI for 13 March Road to the September 18, 2013 meeting at 7:10 p.m. **SL** seconded the motion. All members present voted in favor. **Motion Passed.**

LO motioned to continue the NOI for 15 March Road to the September 18, 2013 meeting at 7:10 p.m. **JP** seconded the motion. All members present voted in favor. **Motion Passed.**

NEW BUSINESS:

Request for Significance of Change, 13 Commonwealth Avenue: Mr. Bernard Christopher addressed the board on behalf of the applicant. We would like to add permeable pavers instead of the crush stone we were approved for. He will enter into a company called sand castle. They have done many driveways around the seacoast. They will be blocks with crush stone in the middle. **SL** stated that she lived at the beach and was told they could not do permeable pavers. Has something changed? **SA** stated I think the product has gotten better. **SL** stated I see a lot of benefits to it for plowing, etc.

No abutters present.

JP motioned to issue an insignificant change for 13 Commonwealth Avenue. **LO** seconded the motion. All members present voted in favor. **Motion Passed.**

Request for Certificate of Compliance, 9 Atlantic Avenue: **MR** stated the applicant came before the board many years ago and filed a NOI. They never received a Certificate of Compliance. A new owner moved in and filed a new NOI and received a Certificate of Compliance. The old file never got closed out.

No abutters present.

SL motioned to issue a Certificate of Compliance for 9 Atlantic Avenue. **SA** seconded the motion. All members present voted in favor. **Motion Passed.**

ENFORCEMENT ORDERS:

- **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-**Mr. Roy Pukos addressed the board on behalf of the owner he stated we are here to give you an update. We have a wetland scientist and he is advising us on how to remove the cut trees. He indicated to us that he is able to place the wetland flags. I need to find a surveyor. **SA** stated we appreciate your effort.

COMMISSIONERS COMMENTS:

- Ethics test
- Nice when people work with the Conservation Agent

ADJOURNMENT:

JP motioned to adjourn at 8:40 p.m. **Seconded by LO.** All members present voted in favor. **Motion Passed.**