

Salisbury Conservation Commission

**August 20, 2014
Colchester Auditorium, Town Hall
5 Beach Road
Salisbury, MA 01952
7:00 P.M.**

COMMISSIONER MEMBERS PRESENT: Chairman Sheila Albertelli, Sally Laffley (SL), Joanne Perreault (JP), Jane Purinton (J.Purinton) and Matt Carignan (MC)

COMMISSIONER MEMBERS ABSENT: Andria Nemoda

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

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:

July 16, 2014

SL motions to accept the minutes of the July 16, 2014 meeting. **JP** seconded the motion. All members present voted in favor. **Motion Passed.**

August 6, 2014

JP motions to accept the minutes of the August 6, 2014 meeting. **SL** seconded the motion. All members present voted in favor. **Motion Passed.**

PUBLIC HEARINGS at 7:15 pm:

NOI: Town of Salisbury, Off Lafayette Road: Mary Rimmer (MR) of Rimmer Environmental Consulting addressed the board on behalf of the applicant. (passed in Certificate of mailings). The project is under review by DEP. It is a 13.7 acre parcel. The project drains in two different directions, northeast towards Partridge Brook and southern part towards Small Pox Brook. We did the delineation in the spring. On the site we are proposing a football, 2 baseball and 5 multi-purpose fields. They are also accessory buildings, playground area, dugouts and small structures. There is very little impervious surface. The site right now is very wooded and that will all have to be cleared. The property will be accessed from the parking area of the elementary school. There will be a series of footbridges to cross the wetlands. The football because of the size there is only one place this can go. There is about 2500 s/f of wetland alteration. The replication ratio for this wetland would be 1:1 in order to minimize unnecessary buffer zone impacts. There is an isolated wetland in the middle of the baseball field. The drainage is fairly simple. There is a series of catch basins. **SL** asked how vehicles will access this property. **MR** stated construction vehicles will access through Pearson Pit. There is no vehicle access unless they are golf carts. **SL** asked if fill would be brought in. **MR** stated we don't anticipate bringing it in. **JP** asked if the foot bridges would be handicapped access. **MR** stated yes. **SA** asked how many trees would be taken down. **MR** stated we don't have a number. It is very densely forested. **SA** stated I would like to do a site visit. **MC** asked what the wetland impact is bordering vegetation. **MR** stated yes. **MC** asked if there are brooks and streams running through there. **MR** stated there are channels running through. They are intermittent stream. **MC** asked about the structures and on the plan it states "by others". **MR** stated they are just showing the footprint and location. The actual detailed design hasn't been developed.

MC motioned to continue the NOI for Town of Salisbury, Off Lafayette Road until the September 3, 2014 at 7:10 pm to allow for a site walk and DEP comments. **JP** seconded the motion. All members present voted in favor 5 – 0. **Motion Passed.**

NOI: Jay Davis, 12 Wyman Greely Street: **SA** stated the applicant is requesting a continuance to the September 17, 2014.

JP motioned to continue to the September 17, 2014 meeting at 7:10 pm. **SL** seconded the motion. All members present voted in favor. **Motion Passed.**

SL stepped down.

ANRAD: Myrna Davis, 77 Rabbit Road, Patrick Seekamp (PS) of Seekamp Environmental addressed the board on behalf of the applicant. This is an ANRAD. A small portion of the site is upland. Most of the site is an emergent marshland. We reviewed the wetland boundary with Mary Rimmer and made flag changes. The changes are depicted on the revised plan we submitted to you. Mary now agrees that the plan is accurate. The site has an existing foundation. Inside the wall there is area of wetland vegetation, hydric soil. We will delineate those inside the foundation. Pointed on plan the wetland boundary. Pointed out flag changes on plan. This will be a single family house lot. **SA** stated we did receive pictures from an abutter showing items that were dumped in this area. We would like to encourage this to be cleaned up. **PS** stated I will make sure the owners are aware and we pick that up. **MC** asked if it was on 77 Rabbit Road? **PS** stated if its there we will pick it up and get it out. It's further down towards Eaton's property.

Abutter, Marie Blais (MB) of 71 Rabbit Road addressed the board. The dumping that is occurring is half way between the house being built and the abutter. Because people are constantly throwing computers, monitors, you really don't know how many are there now. I walked with Emily from the Northeast mosquito control and this area is a haven for mosquito larvae. I can't see how this dumping will stop. You have to close the windows because the stench is horrific. You shouldn't have to live like that.

PS stated we will pick it up. Sometimes beaver homes after they are broken, the smell can be horrible. **MC** asked about an isolated wetland inside the foundation. **PS** stated there is enough of a topsoil and then there is a pretty dense plant community. **SA** stated its acting like a big planter. **PS** stated I believe they will want to remove the foundation.

JP motioned to accept the ANRAD for Myrna Davis, 77 Rabbit Road...

SA stated could we add that the site will be cleaned up.

JP motioned to accept the ANRAD for Myrna Davis, 77 Rabbit Road with the condition that the debris and trash is cleaned up to everyone's satisfaction.

MC stated I don't agree with that unless it's these two items. What if they go back their property and they find out its 100's of TVs, car, etc. **SA** stated in good faith what is in the pictures at least cleaned up. **SA** stated if it continues then along with the owner, Conservation and maybe DPW could work for signage.

JP motioned to accept the ANRAD for Myrna Davis, 77 Rabbit Road with the condition that the debris and trash in the pictures submitted is cleaned up to everyone's satisfaction. **Jpurinton** seconded the motion. All members present voted in favor 4 – 0. **Motion passed.**

SL came back and **SA** stepped down.

NOI: Brad Kutcher, 20 Ferry Road, Michael Seekamp (MS) of Seekamp Environmental addressed the board on behalf of the applicant. There were two items from the last meeting that needed to be taken care of. We reviewed the wetland line with your consultant Mary Rimmer. Abutters had concerns about contamination. I did receive a report from Ramson. They did do a site evaluation and the executive summary states that they found 1 plastic barrel that had oily substance in it. They contacted Enpro Services to remove the barrel. The contamination of the soil was considered d-minims which means there wasn't enough to report or require a cleanup. They recommend when the site is developed and if any oily areas are found should be dug out and hauled away. (gave copy of executive summary). The commission also stated they would like to have a site walk. We would be happy to set that up. **MC** asked if the commission asked for a soil sample to be done. **MR** stated you asked for a phase I site assessment. **MC** asked if the barrel was above ground? **MS** stated yes. **Jpurinton** asked wasn't the site cleared? **MS** stated yes as far as I can see. **MR** stated it would be appropriate for Joe Serwatka to review the storm water calculations.

Abutter, Sheila Albertelli of 10 Douglas Avenue addressed the board. There was evidence of barrels of

oils. I have brought some pictures tonight. There was speculation whether these pictures were taken on 20 Ferry Road. I found this structure that had been demolished and pushed to the side of the woods that matched the photo. (Went over pictures of what was coming out of the barrel.) I superimposed the picture to read the label on the barrel. It states that it is from Wynn Oil Company. Showed picture of area where nothing is growing back. I also, have two property line issues. It is not the jurisdiction of the Conservation Commission it's the jurisdiction of the Planning Board. This area (pointed to picture) under review with my Attorney and has not been filed with the Planning Board yet. Brad Kutcher had stakes put in. One of the arguments we are having is who owns the right of way. Is there a domain owner. I have been maintaining this property for 11 years. This is now on the plan as a paved road. This will provide private access to four private driveways. There has been some markings outside the lines. I had a personal meeting with Mr. Kutcher the first day I saw these put out. He couldn't answer my questions and assured me that he would follow up with his attorney. I didn't hear from him in a week. We had a private meeting in Town Hall with Lisa Pearson, Isa Cann, Isa's attorney and Mr. Kutcher. I let him know at that time that we had an issue about who owns the private way and what the rights are and what the access rights are. You have also staked out my private property, which now meets the width of the road. This property has been surveyed countless times. This is the first time anyone has come up with the markings. I had my surveyor come and put markings in. I have had no response or follow-up. I've spent more money to have surveyor come back and proves it is on the wrong property. (shows picture with haybales) there are no reason for these haybales. They are just there marking property. The haybales follow through to a paper road that was never accepted by the town. In 2003, property was surveyed and it showed the same survey marks as previous. The new marks are off by more than a foot in favor of 20 Ferry Road. I also have questions about the drainage and where it is proposed. There is a catch basin which goes nowhere on Douglas Avenue. My sump pump runs except for July and August. I am getting a lot of puddling in this area from the water.

SL asked who placed the flags? **SA** stated I hired Northpoint Survey to come out and place the flags. **Jpurinton** asked so right now it's not a Conservation issue? **SA** stated no. It's a civil issue, Planning Board and Police issue. No plan has been submitted through planning board yet. This is the area where you are looking at for the stormwater and I'm also concerned about where this water is going. **Jpurinton** stated so you think the grading will cause more problems with water issues. **SA** stated the grading and water plan in place. What is there right now is just a catch basin. There is no pipe outlet. I am not in agreement with the storm water plan that they have submitted. **Jpurinton** asked that you believe what is proposed by Mr. Kutcher needs to be modified. **SA** stated yes. There is a downward slope and I don't want to see anymore extra water added to a problem that already exist. **Jpurinton** asked are we sure this is going to worsen this situation. **SA** stated yes, if all the water is planned to come out to Douglas Ave from this subdivision. **Jpurinton** stated I think the issue is a Town issue. **SA** stated absolutely, I don't want to continue this issue.

MR stated there is a stormwater report. You need to vote tonight to have Joe Serwatka review it.

Abutter, Isa Cann (IC) of 22 Ferry Road addressed the board. My lawyer and I contend that Brad Kutcher has no right to that road. Not only are we dealing with an issue of crossing over to Sheila's property but there is no right to that road. The Town Manager has said that the Town does not own the road. Brad Kutcher knows that he doesn't own the road. I know that he marched into the Planning Board, witnessed by several people stating that he owns the road now. I think it's inappropriate to discuss plans that was supposed to be just access for the Barton Family. Considering the amount of money that has gone into these plans and no developer in their right mind would do this without having a discussion with the town as he goes along. When Lisa Pearson, SA, Brad Kutcher, myself and my attorney met Lisa Pearson stated that my Planning Board has approved it (I'm paraphrasing). She indicated very clearly that they would consider this road for the property. It already has been discussed. It feels like we are jumping way ahead of things. I provided you with a letter. It's more of a preparation for you to let you know that we are on the wrong track. **SA** stated Isa and I have both said we are not against a development.

SL stated I understand where you are coming from. I am just uncomfortable talking about these relative to any legal discussion.

Abutter, Bruce Weiker (BW) of 14 Ferry Road addressed the board. The land abutting me, Lot C is up for sale as well. There is a working functional storm drain on Ferry Road (in front of the Barton property) why can't they have the water from the subdivision run down to that catch basin. A developer has taken pictures of the land next to me and my property to see how it floods. I am here because when I asked Michelle when this is done what will my recourse be, and she said you don't. I said I am going to speak now. My property is dry as a bone. There is clay throughout all the properties in the area.

Jpurinton asked if all parties (including Don Levesque) could go to this property.

JP stated there are a lot of opinions. I see three main issues 1. Joe Serwatka needs to do the stormwater assessment. 2. Site visit. 3. Property right of way issue. 4. Possible site contamination. Have the things in the pictures been removed? **IC** stated I don't know about the plastic barrel. I only know about the metal one. The metal ones may have been removed before Brad bought the property. The damage to the ground would still be there. I remember the building, it was behind the first building. **JP** stated this may require an additional look since we are not certain of the area. **MS** stated in the executive summary it is noted that they walked the entire site. Notwithstanding the property dispute. The stormwater management will be reviewed by Joe Serwatka. You are not allowed to increase flow off of the site. You are not allowed to increase the rate of flow. This is the reason for the rain gardens.

Abutter, Mark Jakes (MJ) of 5 Douglas Avenue addressed the board. I feel the same way about the drainage as Sheila. The storm drain always floods. We get run-off from Ferry Road. I have a shallow well. When the season is wet I pump 5-6 gallons of water every 30 seconds. I also have a leach field for septic and washing machine. If it wasn't for my neighbor next door letting me pump my water into the street. I would flood his property. As far as the barrels, there was a machine shop in the second building. There was an old wooden toy shop that carried stains and chemicals there also my concern is the runoff. I don't see why he has to use that right of way. Douglas Avenue is a private way and always has been. The pavement was paid for by the owners. I just feel there will be a lot of wear and tear if all the construction vehicles are going on it. If you look at his plans he has added more catch basins because I think he assumes there will be a water problem. I don't understand why he doesn't put them up on his property. My two concerns are the flooding and right of way.

MR stated I urge Mr. Kutcher to work on the property issues. **MS** stated I wasn't aware about the dispute about the area. I will talk to him about it. With regards to the site walk, any idea when you would like to do that. **MS** stated how about September 2nd at 5:30 pm.

JP motioned to continue Brad Kutcher, 20 Ferry Road to the September 3, 2014 meeting at 7:10 pm with the condition 1. Allow Joe Serwatka to conduct his storm water assessment. 2. Allow for the Conservation Commission site visit. **MC** seconded the motion. All members present voted in favor 4- 0. **Motion Passed.**

RDA: Brad Kutcher, 20 Ferry Road:

MC motioned to continue Brad Kutcher for 20 Ferry Road to the September 3, 2014 meeting at 7:10 pm. **Jpurinton** seconded the motion. All members present voted in favor 4 -0. **Motion Passed.**

SA came back to the meeting.

SA stated I read the minutes from the previous meeting.

RDA: Michael Anness, 2 Kairos Way, Mr. Michael Anness (MA) and Deborah Anness (DA) addressed the board. **MR** stated I did a site visit. From my measurements it looks like the wetland is about 50' away and 75' from the stream. During the rain storm I went out and looked at the stream. It was running but there was no swell. **MR** stated in the recent history work more than 50' away has been allowed as long as it is minor in nature. I would suggest erosion controls. I feel that it is a fairly minor project. **MA** stated we are connecting our sunroom to our pool by the deck. Should be about 18 sonotubes put in.

No abutters present.

JP motioned to issue a negative determination for 2 Kairos Way with the condition that erosion control which should be silt fence, salt hay or silt sock. **Jpurinton** seconded the motion. All members present voted in favor. **Motion Passed.**

ENFORCEMENT ORDERS:

- **20 Dock Lane-no action**

Salisbury Woods-waiting to install water-main gate valve.

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 COMMENT:

- **SL** asked about going down to a site if there is a complaint and challenging the owner/applicant. I just worry about safety. **MR** stated in my absence anyone of you can go out and see something that is a violation. You can ask if they received approval for this. **SA** stated my only concern is we don't have any identification. **SL** stated you have to be careful because you don't know who you are encountering. **MR** stated you can always call the Building Department or Lisa Pearson.

ADJOURNMENT:

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