



December 17, 2014
Colchester Auditorium, Town Hall
5 Beach Road
Salisbury, MA 01952
7:00 P.M.

COMMISSIONER MEMBERS PRESENT: Chairman Sheila Albertelli (SA), Sally Laffely (SL), Matt Carignan (MC) Jane Purinton (JPK) and Andria Nemoda (AN)

COMMISSIONER MEMBERS ABSENT: Joanne Perreault (JP),

ALSO PRESENT: Michelle Rowden, Conservation Agent, 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.

Emergency Certifications:

4 Oceanfront: SA stated the concrete was damaged underneath the building, threatening the structural integrity of building. They will be importing medium to coarse beach sand. Repair concrete support wall by removing the damaged portion of the wall and rebuilding it in kind with new concrete.

SL motioned to ratify the emergency certification for 4 Oceanfront. JKP seconded the motion. All members present voted in favor. **Motion Passed.**

Oceanfront South (dunes) SA stated the dune were breached during the nor'easter caused damage to road. They are looking to import beach sand to rebuild blowouts in dunes adjacent to Oceanfront South.

JKP motioned to ratify the emergency certification for Oceanfront South (dunes). SL seconded the motion. All members present voted in favor.

MINUTES:

December 3, 2014

JPK motions to accept the minutes of the December 3, 2014 meeting. SL seconded the motion. All members present voted in favor. **Motion Passed.**

PUBLIC HEARINGS at 7:15 pm:

NOI: Jay Davis, 12 Wyman Greely Street: Matt Steinel (SL) of Millennium Engineering and Mark West (MW) of West Environmental addressed the board on behalf of the applicant. MW stated wanted to go over the changes to the wetland boundary with our review with Mary Rimmer. (went over plan). Adjustments were made to the fresh water wetlands along the edges. The site itself is wooded. We did testing to see if the soil was hydric and non-hydric. The data forms verified that there was a presence of uplands verses wetlands. MS stated we dropped off a revised plan. The first couple of comments were stating that the wetland line had been reviewed. Comment #3 says there is limited topographic information. We did add a few additional ones. Comment #4 she indicates that we are showing the

utility shaft now. Comment #5 a profile of the building has been included. We added the note she was looking for. Comment #6 the foundation plan is schematic only. We added a note to the plan. She made a recommendation to get the structural design in hand before any approval. Comment #7 she indicated that no new information has been provided for the extension of Wyman Greely. There is already gravel, no filling proposed. Just vegetation removal. We would leave the road as is with the vegetation removed. **MC** asked what type of vegetation. **MS** stated some mature trees. **MC** asked what type of trees. **MW** stated quaking aspen and a few red maple and a few speckled alder. **SL** asked how deep does the gravel go? **MS** stated we went down 10-14". **MC** asked who would maintain the road? **MS** stated at this point it is listed as a public roadway. We will be extending it approximately 70-100'. Comment #8-work on roadway is proposed land not owned by the applicant. I asked her about this she narrowed it down to say that the roadway its self is not owned by the applicant. It's a public road. The owner maintains rights to cross over and pass. **SA** asked if you had a discussion with Mary Rimmer. **MS** stated just through email. She sees it as a separate lot. I can tell you my boss, sat with Don Levesque a year ago. He didn't at that time indicate any issue. **SL** stated as part of the building permit process, DPW must sign off on it too. Comment #9-snow storage locations. We have indicated two areas on the plan. Comment #10 indicates notice of intent that work is located no closer than 11' to wetland resources. That is the case for the house. The roadway however, is about a 1' off of the wetland line. We can correct that on the paperwork to reflect that. Comment #11 shows a stockade fence its not clear if that is to be removed. We labeled the fence to be relocated. The applicant will work with the neighbor. Comment #12 talks about the limit of clearing for construction and post construction should be shown on the plan. Should show it as limit of clearing and to include those numbers in our overall disturbance area. We have the silt fence labeled. We added proposed limit of clearing as well. Comment #13 indicates the plan should include measurers to clearly depict the limits of clearing. Our silt fence line is shown as the limit of clearing. Mary makes a comment about the area of the clearing to be quantified. Her final comment on that is the removal of the vegetation. She is concerned about the cumulative impacts. **MS** stated we did update the area of disturbance. If she gets more specific we could count the number of trees. DEP considers this entire site a coastal dune. Its marsh grass, it's not sand. **MR** stated dune grass is good on the frontal dune. There are many other coastal dune species that you can plant on this property. **MS** stated Mary comments about the seawall. The seawall has nothing to do with this project. That statement basically tells me that anything below elevation 9 goes against the reasoning for this. The entire marsh side is below elevation 9. **MR** stated that is not the reason why she brought it up she is saying that the town went to get a variance from the wetland protection act for the flood wall. The reason why is there is infrastructure. We need it to protect this neighborhood from the damage of flood water. **JKP and AN** stated if you have a heart-attack it's not just the first aid can't get to you if there is flood. It's also the first responders we would be putting in danger. **MS** stated our position representing the applicant this is no different of any houses being built on piles in a flood zone. Comment #15 and 16 – the plan should be stamped. She received the PDF copy by email that wasn't stamped. DEP hasn't issued a DEP #. They have issued a number now. Comment #14 talks about the vegetation of disturbed areas. We briefly touched upon what maybe appropriate to plant in this area.

Abutter, Joe Sampson (JS) of Wyman Greely Street addressed the board. You can't walk to this lot, what he is talking about. Passed out pictures taken December 12th. The abutter states that there are 96 trees that need to be cut. There is 4' of water under my house. **SA** asked if it was coming up from the ground or is the water getting washed in. **JS** stated its both. It's more coming up from the ground. Spoke with a gentleman from the Army Corps of Engineers. He said they are studying and measuring the salinity on a moon tide. They are saying they are not approving anything. We are dealing with tons of issues down there, flooding property. We are going to approve more buildings down there?

MC asked if lot 7 was on piling. **MR** stated yes. **JS** stated my architect told me to build to the 400 year flood plain. The water has gone up and touched the bottom of the house. **SA** asked if **AN** went down to a site walk. **AN** stated yes. I don't think this should be approved. I saw the flooding and it was

substantial. I feel like the removal of vegetation will impact the flooding. **JKP** stated I am not a fan of building on a barrier beach.

MW stated this is an upland. We verified it with Mary Rimmer. It is close to the marsh but it's an upland plant community and soils. The roadway is gravel where as the site itself is sandy loam soil. **SA** stated at the end of the day it is likely that DEP would over-rule any time of approval. **SL** stated we are still waiting for DEP. **MS** asked if anything below elevation 9 (which has the potential to flood) is a safety issue for police and we can't allow any type of development within that. We are in an area if we get the house up and we are out of the flood plain. **MR** stated most of the houses that you are talking about being built out there are on previously disturbed lots. According to the records this is unbuildable land. **MS** stated being taxed as unbuildable only indicates that it hasn't been proved that it can be buildable. **AN** stated we also had an abutter state that he was told by the town government that that his house was the last buildable lot. **MR** stated I looked into that and I didn't find any legal document that says it was the last house. **JS** stated when I bought my lots as far as Conservation was concerned those were the last buildable lots on the street.

SL motioned to continue the NOI for 12 Wyman Greely Street to January 7, 2015 at 7:10 pm. **MC** seconded the motion. All members present voted in favor 5 -0. **Motion Passed.**

NOI: Chris DeLuca, 106 Elm Street: Brian Knowles (BK) addressed the board on behalf of the applicant. Paul Alluni (PA) was also present. **PA** stated that he spoke with Joe Serwatka on the stormwater report. Joe felt we had to include a BMP to comply. We included a grass channel. **MC** asked about Joe's comments stating it is my understanding that DPW has recommended that the condition of the existing roadway be addressed. **BK** stated we met with Don at the site. It is owned by MassHighway. It is plowed by Salisbury DPW. Chris doesn't own this but is willing to work with the town. We decided that we would grind the existing pavement, resurface it. Since it is MassHighway we will need to get something from them to allow us to do this work. **MR** asked about information on the easement. **BK** stated I can give you something with meets and bounds. **SA** asked about the erosion control. **BK** stated he has put in silt fence. He ordered the straw waddles. Probably in the next week or so it will be in.

No abutters present.

MC motioned to accept the NOI for 106 Elm Street with the condition. 1. A detail description of the easement. 2. MassDOT approval for the old Elm Street work. **SL** seconded the motion. All members present voted in favor with 1 abstained. 4 – 1. (AN abstained). **Motion Passed.**

NOI: MassDCR, 218 Beach Road: Jeremy Fennell (JF), Epsilon Associates and Matt Thurlow (MT) from DCR, addressed the board. We came up with a composite material. **MC** asked if it was approved by DEP. **MT** stated yes. **AN** asked about maintenance. **MT** stated yes. **AN** stated maybe we need a maintenance plan to make sure it doesn't get imbedded with sand.

No abutters present.

MC motioned to approve the NOI for 218 Beach Road. **SA** asked are you going to include the maintenance for 218 Beach Road.

MC amended his motion to approve the NOI for 218 Beach Road with the special condition to have maintenance to keep sand off of permeable polyurethane surface. **JKP** seconded the motion. All members present voted in favor. Vote on motion 5- 0. **Motion Passed.**

NOI: John Chasse, 46 Seabrook Road: **MR** stated she did a site visit with Mr. Chasse. I mostly agree with the wetland line. What I would've proposed would not have affected the design.

SL motioned to approve the NOI for 46 Seabrook Road. **MC** seconded the motion. All members present voted in favor. Vote on motion 4-1 (AN abstained). **Motion Passed.**

Brendan Doherty for 82 Lafayette Road: Mr. Mark West of West Environmental addressed the board. (went over wetlands on plan). Chris York (CY) of Millennium Engineering addressed the board on behalf of the applicant. They will be parking and loading area in front of the building. (went through drainage on the plan). **SL** asked if the applicant has been through planning? **CY** stated yes. **SL** stated seems like a lot of pavement to get to a small building. **CY** stated the Planning Board seemed happier with the design. **MW** stated we did replication areas below the crossing. This is a fairly marginal wetland. **SA** stated it is currently under review with DEP. We have the proposed replication because there will be some fill. **CY** stated yes. We are proposing 2490 s/f of fill and 4000 s/f of replication. **SL** asked if the applicant was replacing the culvert? **CY** stated yes, we are adding a second culvert as well. That is included in the replication. **MR** stated I didn't find any filing for the existing road through the wetland. Do you know the story? **CY** stated no, I haven't found anything. **JKP** asked what is going to be stored in the buildings? **MR** stated self-storage. **SA** asked about a peer review for the wetland line?

(AN left the meeting)

No abutters present.

SL motioned to continue the hearing for Brendan Doherty for 82 Lafayette Road until the January 7, 2015 meeting at 7:10 pm to allow for review of the letter by Joe Serwatka. Also to allow for a peer review by Mary Rimmer to review the wetland. **MC** seconded the motion.

MR stated the scope of Mary's review is the wetland line and replication. A full review. **SL** stated I agree.

SL motioned to continue the hearing for Brendan Doherty for 82 Lafayette Road until the January 7, 2015 meeting at 7:10 pm to allow for review of the letter by Joe Serwatka. Also to allow for a peer review by Mary Rimmer to review the wetland line and replication. **MC** seconded the motion. All members present voted in favor. Vote on motion 4-0. **Motion passed.**

Request for Certificate of Compliance, 9 Bartlett Street, **JKP** did the site visit. The lawn surrounding the home looks really healthy. I would recommend a certificate of compliance.

JKP motioned to issue a Certificate of Compliance for 9 Bartlett Street. **MC** seconded the motion. All members present voted in favor. Vote on motion 4 -0. **Motion Passed.**

2015 hearing deadlines

MC motioned to approve the 2015 hearing deadlines. **SL** seconded the motion. All members present voted in favor. Vote on motion 4 – 0. **Motion passed.**

15 CCC Road, Conservation Restriction, **MR** stated we approved a single family home on 15 CCC Road. MassDEP appealed the decision. They have been working with the applicant. DEP required a conservation restriction on the entire property except for the immediate area of the house. **SA** asked if it would be demarcated. **MR** stated its recorded at the Registry of Deeds.

SL motioned to sign and accept the conservation restriction for 15 CCC Road. **MC** seconded the motion. All members present voted in favor. Vote on motion 4-0. **Motion Passed.**

20 Dock Lane-no action
Salisbury Woods-lifting soon
2 Broadway-no action
44 Lafayette Road-no action
100 Elm Street-no action
106 Elm Street-no action

COMMISSIONERS COMMENT:

ADJOURNMENT:

MC motioned to adjourn at 9:34 p.m. **JKP** seconded the motion. All members present voted in favor. **Motion Passed.**