



**Salisbury Conservation Commission  
Meeting Minutes  
October 17, 2018  
Colchester Auditorium, Town Hall  
5 Beach Road  
Salisbury, MA 01952  
7:00 P.M.**

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**COMMISSIONER MEMBERS PRESENT:** Chairman Sheila Albertelli (**SA**), Vice Chair Jessica Stucker (**JS**), Emily Round (**EGR**) and Jane Purinton (**JKP**).

**COMMISSIONER MEMBERS ABSENT:** Joanne Perreault (**JP**) and Julie Doughman-Johnson (**JDJ**).

**ALSO PRESENT:** Conservation Agent, Michelle Rowden (**MR**), and Conservation Secretary, Adriane Marchand (**AM**).

Chairman Sheila Albertelli opened the meeting at 7:10p.m. under the Wetlands Protection Act & Open Meeting Law and informed the public that the meeting was being recorded.

**A. MINUTES:**  
**1. September 19, 2018**

**EGR** motioned to accept the minutes for September 19, 2018.

**JS** seconded.

**Vote: 3-0, 1 abstained. Motion Carried.**

**2. October 3, 2018**

**EGR** motioned to accept the October 3, 2018 minutes.

**JS** seconded.

**Vote: 3-0, 1 abstained. Motion Carried.**

**B. PUBLIC HEARINGS at 7:10pm:**

**1. NOI: James Zorbas, 32 Railroad Ave (LC Lot 480) (6/7/17)**

**SA** informed the Commission of the ongoing land court case that involves this property. Discussed the outstanding information that the Commission requested over a year and a half ago.

**EGR** will abstain from the vote.

**JKP** motioned to deny the Notice of Intent for 32 Railroad Ave, Land Court Lot 480 for extended time on the agenda with lack of information provided to the Commission, including dune restoration and landscaping plans, profile and elevation information, no snow storage on plan and the dispute over the label of dune.

**JS** seconded.

**Vote: 3-0, 1 abstained. Motion Carried.**

**2. NOI: James Zorbas, 32 Railroad Ave (LC Lots 478A, 479) (6/7/17)**

**JS** motioned to deny the Notice of Intent for 32 Railroad Ave, Land Court Lots 478A, 479 for extended time on the agenda with lack of requested documents provided to the Commission while the case is in land court.

**JKP** seconded.

**Vote: 3-0, 1 abstained. Motion Carried.**

**3. NOI: Big Block Development Group, 6-28 Ocean Front South, 16-18 Broadway (11/1/17)**

**JKP** motioned to continue the Notice of Intent for Big Block Development Group, 6-28 Ocean Front South, and 16-18 Broadway to November 7, 2018 at 7:10p.m.

**EGR** seconded.

**Vote: 4-0, unanimous. Motion Carried.**

**4. NOI: C&R Realty Trust, 110 Elm St. (7/18/18)**

**EGR** motioned to continue the Notice of Intent for C&R Realty Trust, 110 Elm Street to November 7, 2018 at 7:10p.m.

**JS** seconded.

**Vote: 4-0, unanimous. Motion Carried.**

**5. NOI: H&M Industries, Inc., 45 Old County Rd. (9/5/18)**

Mike Wolpert (**MW**) of H&M Industries was present. Rimmer Environmental Consulting reviewed the wetland delineation and provided a comment letter dated October 16, 2018. **MW** stated his engineer, Brian Knowles, has made all the changes recommended in the letter and he can submit the plans in the morning.

Tom Hughes (**TH**) of Hughes Environmental Consulting added that the label on the plans, of saltmarsh or bordering vegetated wetland, only change the standards the Commission would evaluate the plan using, if the project were in the resource area. This is in the buffer zone, so it does not make a difference on how they already reviewed the plan. The comment about the flood zone will be enforced by building code.

**EGR** motioned to continue the Notice of Intent for H&M Industries, Inc., 45 Old County Road, to November 7, 2018 at 7:10pm to receive updated plans that include the notes suggested by the comment letter provided by Rimmer Environmental Consulting.

**JKP** seconded.

**Vote: 4-0, unanimous. Motion Carried.**

**6. RDA: Waldot Realty, LLC, 111 Elm St. (9/19/18)**

Matt Steinel (**MS**) of Millennium Engineering represented the applicant. **MS** stated they received a comment letter from Joe Serwatka for the review of the stormwater plan and addressed the comments in their response letter.

**JKP** asked if eliminating the last four (4) parking spaces so the detention pond could be moved out of the buffer zone had been considered. **MS** stated the applicant requested the number of parking spaces based on the use of the building. In the MA Wetlands Protection Act, the use is allowed in the buffer zone. **JKP** asked if the trees in the tree line would be damaged by the construction of the parking lot. **MS** assured them they would not damage the trees. They moved the parking lot away from them already, to be sure they would not be damaged.

**JKP** motioned to issue a negative determination on the Request for Determination of Applicability for Waldot Realty, LLC, 111 Elm St.

**EGR** seconded.

**Vote: 4-0, unanimous. Motion Carried.**

**7. RDA: 13 Beach Road, LLC, 13 N. End Blvd. (9/19/18)**

Matt Steinel (**MS**) of Millennium Engineering represented the applicant. Submitted a written request to withdraw the application.

**JS** motioned to approve the request withdraw the Request for Determination of Applicability for 13 Beach Road, LLC, 13 N. End Blvd without prejudice.

**JKP** seconded.

**Vote: 4-0, unanimous. Motion Carried.**

**8. Amended NOI: Arakelian Family LLC, 195 – 201 Elm St. (10/3/18)**

**JS** motioned to continue the Amended Notice of Intent for Arakelian Family LLC, 195 – 201 Elm St., to November 7, 2018 at 7:10p.m for peer review.

**EGR** seconded.

**Vote: 4-0, unanimous. Motion Carried.**

**9. NOI: Peter Leighton, 84 Rabbit Rd. (10/17/18)**

Peter Leighton (**PL**) was present. There is currently a single-family home on site. Proposed to add an addition to the existing structure. All work will take place within the existing lawn. They are proposing to remove the old shed on the side of the property that is partially in the resource area. The shed is 8 feet by 10 feet and over 20 years old, raised on posts in a lightly wooded area.

**JKP** asked if the addition would have a basement. **PL** stated the addition would have a two-car garage underneath the living space. The garage floor will be on grade with the driveway. May require some small grading on the rear of the structure. No landscaping plan is proposed, though they do plan to do landscaping in the future. Closest point of work to the wetland is 85 feet. Proposed to use a double-staked hay barrier for erosion control.

**EGR** asked if, to remove the shed, heavy equipment would be required. **PL** replied it is a possibility.

Commission expressed concern about heavy equipment damaging the wetland.

**SA** informed the applicant that if hay is to be used as erosion control, it needs to be salt marsh hay.

**JS** motioned to close the public hearing and approve the Notice of Intent for Peter Leighton, 84 Rabbit Rd., with the standard special conditions and the following conditions:

There will be no clearing in the wetlands

No heavy equipment will be used to remove the shed.

Salt hay will be used for the erosion controls

**EGR** seconded.

**Vote: 4-0, unanimous. Motion Carried.**

**10. RDA: Ray Pike, 33 Elm St. (10/17/18)**

Commission member Jessica Stucker will abstain from the vote.

Ray Pike (**RP**) was present. Proposed to remove outbuildings from the property, as they are falling down, and restore the main structure. Intent is to file another Notice of Intent in the next year with the proposed plan for the lot; does not want to lose the square footage but needs proceed with cleaning up the lot.

**JKP** asked what equipment would be used to take the buildings down. **RP** replied the outbuildings will be removed by hand and placed into a dumpster.

**JKP** asked if any trees are to be removed. **RP** stated some box alder and other trees that would be removed as they are in the way of his planned work. Would be happy to replace them with trees that are more desirable.

**JKP** asked if the stumps would be removed. **RP** confirmed, most likely. **JKP** asked where the dumpster would be located. **RP** replied close to the house on the YWCA project side; will move the dumpster closer to the outbuildings as the site is cleared. **JKP** asked if there would be any stockpiling of fill. **RP** stated no, but he may save any lumber that could be reused and store it onsite.

**EGR** motioned to continue the Request for Determination of Applicability for Ray Pike, 33 Elm St., to November 7, 2018 at 7:10pm for a site visit.

**RP** asked if before approval, the dumpster could be put in place and some debris could be removed without doing any demolition. **SA** stated it would be ok as it is in the upland.

**JKP** seconded.

**Vote: 3-0, 1 abstained. Motion Carried.**

**11. RDA: Bruce & Sheri Lyn Dow, 85 Ferry Rd. (10/17/18)**

Evin Guvendiren (**EG**) of Derosa Environmental represented the applicant. Site currently has a single family home. Proposing a mudroom addition. Work area is in the buffer zone and bordering land subject to flooding but all work is to take place above elevation 9.

**EGR** asked if any siltation control would be used. **EG** said yes. **SA** asked if the limit of work was going to be marked. **EG** replied it is not marked on the plan but they would place the siltsocks as far from the wetland as possible to mark the work area.

**JS** motioned issue a negative determination the Request for Determination of Applicability for Bruce & Sheri Lyn Dow, 85 Ferry Road.

**JKP** seconded.

**Vote: 4-0, unanimous. Motion Carried.**

**12. NOI: Zap Development, LLC, 28 Rabbit Rd., Rear Lots (10/17/18)**

Tom Hughes (**TH**) of Hughes Environmental Consulting represented the project. Dave Pearson (**DP**) was also present. Proposed to construct a laydown yard for the applicant's business in the buffer zone of bordering vegetated wetland. Zap Development LLC is a nationwide demolition company in need a place in this area where they can store their equipment. An old unbuilt subdivision exists behind the property which be combined to accommodate the new plan. In laying the footprint for the yard, they tried to maintain a 25-foot buffer from the resource area but it does get closer in areas. Swales and infiltration basins will surround the yard and the landscaping plan proposed will screen the yard from view. **SA** asked if demo waste would ever be stored on site. **TH** replied there would be no demo waste on site, toxic or otherwise, only items of value occasionally salvaged would be stored onsite. **SA** asked for more information on how the site would be set up, photos from similar sites under their ownership would be helpful.

**TH** added there would be a spill kit kept onsite. There will be no vehicle maintenance onsite. No other buildings or sheds are proposed as part of the project but they will use conexes for storage. The address of 28 Rabbit Road is included in the NOI because it is the frontage for the lot though they are not proposing any changes to the lot. Site will be subject to a stormwater management plan and they agree to review. They will add snow storage to the plan but in general, the site not require very much plowing due to its use.

**JKP** motioned to continue the Notice of Intent for Zap Development, LLC, 28 Rabbit Rd., Rear Lots, to November 7, 2018 at 7:10pm for a review of the wetland delineation and impacts and an engineer review of the stormwater design and calculations for compliance with the Wetlands Protection Act. The Conservation Agent is authorized to coordinate the scope of the peer review with the Planning Board.

**JS** seconded.

**Vote: 4-0, unanimous. Motion Carried.**

### **C. NEW BUSINESS:**

#### **1. Request for Extension, 195 – 201 Elm St.**

**JKP** motioned to continue the request for extension to 195 – 201 Elm St to the next meeting of the Commission on November 7, 2018 at 7:10pm.

**EGR** seconded.

**Vote: 4-0, unanimous. Motion Carried.**

#### **2. Request for Certificate of Compliance, 56 Pike Street.**

Matt Steinel (**MS**) of Millennium Engineering represented the applicant. Site has been paved and grass is growing. There are four (4) deviations from the approved plan. Driveway was extended to meet the garage and a walking path was added. The deck is shaped slightly different, the entrance was slightly altered, and a bulkhead was added. Will remove the erosion controls when the Commission approves.

**JS** motioned to issue the Certificate of Compliance for 56 Pike Street with the condition that erosion controls will be removed.

**JKP** seconded.

**Vote: 4-0, unanimous. Motion Carried.**

#### **3. Request for Certificate of Compliance, 61 Cable Ave.**

Richard Carter (**RC**) was present. Closing Lawyer for the applicant. **SA** stated there were some issues that have been raised. There is a solid fence being installed. The owner applying does not own the fence; it is on the neighbors section of the property, 61 Cable Ave., unit B. There is also lattice on the house that was not on the plan but it was allowed in 2009 when it was approved. It cannot be extended.

**JS** motioned to issue the Certificate of Compliance for 61 Cable Ave with the condition the certificate is to be held and only released when the following conditions have been met:

1. The fencing on the property is to be removed or retrofitted to be 50 percent open and compliant with the Wetlands Protection Act
2. The deadline of 30 days will be placed on this action, November 16, 2018.
3. Communication on these actions will be done through the Conservation Commission's Agent Michelle Rowden
4. Any lattice under the house cannot be replaced or extended.

**JKP** seconded.

**Vote: 4-0, unanimous. Motion Carried.**

### **D. OLD BUSINESS:**

#### **1. Request for Certificate of Compliance, 11 Railroad Ave.**

David Manning (**DM**) was present representing the Condominium Association. Stated the cost of repairing the fence is prohibitive. Would like to appeal to DEP. **MR** responded the appeal period for an Order of Conditions is 21 days after the issuance of the Order of Conditions but he is welcome to contact them to discuss.

Commission continued the Certificate of Compliance for 11 Railroad Ave. to December 5, 2018

**E. ENFORCEMENT ORDERS:**

1. **81 Railroad Ave.**
2. **438 N. End Blvd.**
3. **128 Bridge Rd.**
4. **26 Sweet Apple Tree Ln.**
6. **2 Linda Ln.**
7. **565 N. End Blvd.**
8. **157 Bridge Rd.**
9. **30 Main St.**
10. **86/88 Elm St.**
11. **11 17<sup>th</sup> St. W**
12. **212 N. End Blvd.**
13. **83 Atlantic Ave.**
14. **9 Bayberry Ln.**
15. **6 True Rd.**
16. **146 Central Ave**
17. **209 N. End Blvd.** – **MR** informed the Commission feedback from last meeting had been passed on. Commission gave them the deadline of 30 days from this meeting, October 17<sup>th</sup>, to return to compliance.
18. **211 N. End Blvd.**
19. **276 & 277 N. End Blvd.** – **MR** informed the Commission that on inspection she noticed a section of the fence appeared to not have been made compliant. She will discuss completion with the owner.
20. **279 N. End Blvd.** - Cathy (**CD**) and Tim Duff (**TD**) were present. Informed the Commission they had spoken to Mike Abell at DEP about the fence. Mr. Abell informed them the memo provided by DEP to the Salisbury Conservation Commission offering guidance on how to interpret the Act in regards to fences is not a law. **MR** also followed up with Mr. Abell who confirmed that solid fences are not allowed on a coastal dune per the Massachusetts Wetlands Protection Act. Discussion continued to next meeting.

**F. COMMISSIONER COMMENTS:**

The Municipal Vulnerability Preparedness (MVP) workshop was held on October 10<sup>th</sup>. Environmental disaster issues were prioritized for the Town and a report will be put together and presented at public listening sessions, date to be determined.

A Hazard Mitigation Grant from FEMA is open. If you are in the flood zone, have received damage and want to raise your structure on piles contact the Planning & Development Department (978-463-2263).

**G. ADJOURNMENT:**

**JKP** motioned to adjourn the October 17, 2018 Conservation Commission Meeting at 9:38 pm  
**EGR** seconded.

**Vote: 4-0, unanimous. Motion Carried.**