



**Salisbury Conservation Commission  
Meeting Minutes  
May 3, 2017  
Colchester Auditorium, Town Hall  
5 Beach Road  
Salisbury, MA 01952  
7:00 P.M.**

**COMMISSIONER MEMBERS PRESENT:** Chairman Sheila Albertelli (**SA**), David Arel (**DA**), Jane Purinton (**JKP**), Jessica Stucker (**JS**), and Alison Novello (**AN**).

**COMMISSIONER MEMBERS ABSENT:** Jennifer Troisi (**JT**).

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

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

**A. MINUTES:**

- 1. April 5, 2017-**
- 2. April 19, 2017-**

**AN** motioned to approve the minutes for April 5, 2017 and April 19, 2017.

**DA** seconded.

**Vote: 5-0, unanimous. Motion Carried.**

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

**1. NOI: Mark Wojcicki, 170 Bridge Rd (11/2/16)**

**DA** motioned to continue the Notice of Intent for Mark Wojcicki, 170 Bridge Road to the May 17, 2017 meeting at 7:10pm.

**JS** seconded.

**Vote: 5-0, unanimous. Motion Carried.**

**2. NOI: James Sullivan, 447-449 N. End Blvd (3/1/17)**

**JS** motioned to continue Notice of Intent for James Sullivan at 447-449 North End Blvd to May 17, 2017 meeting at 7:10p.m.

**DA** seconded.

**Vote: 5-0, unanimous. Motion Carried.**

**3. NOI: Chris DeLuca, 100 Elm St. (3/15/17)**

**AN** motioned to continue the Notice of Intent for Chris DeLuca at 100 Elm St to May 17, 2017 at 7:10p.m

**DA** seconded.

**Vote: 5-0, unanimous. Motion Carried.**

**4. NOI: Tracy Scott Grab, 286 No. End Blvd (4/5/17)**

**DA** motioned to table the Notice of Intent for Tracy Scott Grab at 286 No. End Blvd to the end of public hearings.

**JS** seconded.

**Vote: 5-0, unanimous. Motion Carried.**

**5. RDA: Eliel Deoliveira, 128 Bridge Rd. (4/5/17)**

**AN** motioned to table the RDA for Eliel Deoliveira at 128 Bridge Rd to the end of public hearings.

**DA** seconded.

**Vote: 5-0, unanimous. Motion Carried.**

**6. NOI: Li Realty Trust, 139 Elm St. (4/19/17)**

Chris York (**CY**) of Millennium Engineering was present to represent the project. **CY** updated the Board on the site visit that had occurred and the change they made to the swale: it was three (3) feet wide, it is now five (5) feet wide.

**SA** would like to discuss items three (3), five (5), and nine (9) from the letter provided to the Commission from Joe Serwatka, Town Engineer dated May 1<sup>st</sup>, 2017.

Item three (3) from the letter stated that the Commission did not feel a swale was necessary. **JKP** stated she had no memory of making that statement. **SA** and **DA** agreed. **SA** quoted from the minutes that they did not issue that statement.

**DA**, in reference to bullet five (5), asked about the existing concrete wall that is to be removed and the wall proposed to replace it. **CY** explained the concrete wall will be removed and may be reused or replaced on the rear of the property. The tree line will be moved back almost to the wetland line. Granite curbing will be installed along the parking on the front side of the property. **DA** asked how high the granite curbing is. **CY** responded it is 6 inches. **DA** asked if the pavement is going to remain at the same elevation. **CY** confirmed. Described how the water will run to the rear of the site and into the constructed wetland before being discharged into the wetland. **JKP** stated that the abutters from the east side have not made any concerns known which may indicate they may not have concerns about flooding. **CY** clarified there are two swales being discussed. The proposed swale leading into the constructed wetland and a naturally occurring ditch that runs down the east side of the property. **JKP** added that the curbing will also guide the runoff into the constructed wetland.

**DA** asked what the proposed swale will be constructed of. **CY** replied grass. **DA** asked if riprap might be a better option to prevent wash out. **CY** replied that the grass can sustain normal storms. Offered to include riprap at the beginning of the swale.

**DA** asked if the dumpsters on site are normal use. **CY** responded they are not. They were brought in for the construction. **JKP** stated when construction is complete only the dumpster on the plan will be allowed to stay.

**DA** added that during the site walk they noticed construction debris, looked like curbing in the wetland that will need to be cleaned up.

**SA** asked **CY** to address bullet number 9 from Joe Serwatka's letter. **CY** described the test pit situation. One test pit showed the water table at 12 inches and the other at 15 inches. Does not believe digging another test pit is necessary. **MR** clarified that the engineer is likely worried about the constructed wetland being dry. **JKP** and **SA** stated they don't believe the difference is significant.

Larry Cuddire (**LC**) informed the Commission that the applicant agreed to do a seeded fence, barricades for the parking spots, and a gravel buffer to prevent the grassed area from catching fire from cigarette butts. Thanked the applicant for his quick and gracious response.

**DA** motioned to approve the Notice of Intent for Li Realty Trust, 139 Elm Street with the conditions that the proposed swale is fortified on the easterly edge with riprap. At the conclusion of construction one (1) dumpster will remain onsite as depicted on the plans and any construction debris will be removed from the wetland and the habitat restored.

**AN** seconded.

**DA** amended to include that standard conditions also apply.

**JKP** seconded.

**Vote: 5-0, unanimous. Motion Carried.**

#### **7. RDA: US Fish & Wildlife Service, Great Marsh (5/3/17)**

David Tibbetts (**DT**) with the US Fish and Wildlife, Parker River National Wildlife Refuge was present to represent the project. Have been treating invasive perennial Pepperweed for 10 years. Have seen progress in eradicating. Their permit is expiring in June and they would like to renew. **DT** at **JKP's** request reviewed the 4 herbicides they use (renegade, escort, habitat, rodeo) and the situations they are best suited for.

**JKP** asked how this treatment effects bee populations. **DT** replied they do not spray the same time of year that the plants are in bloom. During the bloom they pull by hand.

**JKP** asked if *Phragmites* is included in the treatment. **DT** responded that due to budgetary constraints it is not.

**JKP** motioned to issue a negative determination for the US Fish & Wildlife Service, Great Marsh pepperweed treatment.

**AN** seconded.

**Vote: 5-0, unanimous. Motion Carried.**

#### **8. NOI: Kevin Karpenko, 20 Folly Mill Rd (5/3/17)**

**DA** motioned to continue the Request for a Notice of Intent for Kevin Karpenko, 20 Folly Mill Rd to May 17, 2017.

**JS** seconded.

**Vote: 5-0, unanimous. Motion Carried.**

#### **9. RDA: Town of Salisbury, Pleasant St. (5/3/17)**

Eric Botterman (**EB**) of Millennium Engineering was present representing the project.

**SA** Asked if this item and item number one (1) under new business, Emergency Certification, Pleasant St, could be discussed in tandem.

**JKP** motioned to move D: 1 Emergency Certification, Pleasant St. to be conjoined for the purpose of discussion with B: 9 RDA: Town of Salisbury, Pleasant St.  
**AN** seconded.

**Vote: 5-0, unanimous. Motion Carried**

**EB** described the layout of Pleasant Street and the plan to replace the sidewalk on the north side of the road and install new sidewalks on the opposing side of the road. Described the old drainage system and the concern about the culvert collapsing.

**SA** asked if work had started yet. **EB** replied it will start next week.

**JKP** motioned to ratify the Emergency Certification, Pleasant St.

**DA** seconded.

**Vote: 5-0, unanimous. Motion Carried**

**EB** continued with the RDA. The telephone poles and grass strip are going to remain. The culverts ultimately drain to the Bridge Road drainage system. The drainage will run down pipes in the center of the road. Will not negatively impact the sewer. **EB** stated construction will start in June after the Memorial Day parade, will last for about 2 weeks.

**DA** asked if the destination drainage system is owned by the town or the state. **EB** explained it is a Town owned system the only state permit is for the sidewalks near RT 1.

**DA** motioned to issue a negative determination for the RDA for the Town of Salisbury, Pleasant St.

**JS** seconded.

**Vote: 5-0, unanimous. Motion Carried**

#### **10. NOI: Zorbas Realty Trust, 69 Rabbit Rd (5/3/17)**

Eric Botterman (**EB**) of Millennium Engineering described the site which abuts a property that recently went through the commission. The work area at its closest point to the wetland is 22 feet. Will have town sewer and water. Erosion control is proposed.

**SA** asked is they had established a limit of clearing. **EB** replied they will not be clearing.

**DA** asked if the slab was going offsite. **EB** confirmed.

**JKP** motioned to approve the Notice of Intent for Zorbas Realty Trust, 69 Rabbit Rd with the standard conditions.

**DA** seconded.

**Vote: 5-0, unanimous. Motion Carried**

#### **11. NOI: Eric & Melissa Corkum, 304 N. End Blvd (5/3/17)**

Tom Hughes (**TH**) of Hughes Environmental Consulting presented the Notice of Intent for a dune crossing. The crossing will be three (3) feet wide and three (3) feet high, installed by hand and constructed using Thruflow decking. They propose not to use the existing path. The Thruflow decking installed over a healthy dune will not harm the grass, it will continue to grow

under the deck. Will fill the existing path with compatible sand to dune height and it will naturally rejuvenate as the path is narrow. DEP had issue with the crossing's elevations not being tied into a datum. They also need DCR approval as the crossing extends onto state land. **SA** asked why they believe the path will naturally revegetate. **TH** described the planting distances required for dune grass. If it does not naturally rejuvenate they will be willing to plant. **DA** asked how the beach end of the walkway will be supported in the case of extreme erosion. **TH** replied the posts will extend deeply and they can extend the stairs if they need to or remove them in preparation of storms.

**JKP** motioned to continue the Request for Notice of Intent for Eric & Melissa Corkum, 304 N. End Blvd to May 17, 2017 at 7:10 p.m.

**JS** seconded.

**Vote: 5-0, unanimous. Motion Carried**

#### **4. NOI: Tracy Scott Grab, 286 No. End Blvd (4/5/17)**

Mike Wolpert (**MW**) of H&M Industries was present to represent the applicant. **MR** stated she had visited the site and identified the unknown vegetation as a native species that was far enough from the wall as to not be effected. **SA** asked how the sand will be managed during construction. **MW** stated the sand will be stockpiled in a 30 yard truck. Some may be stockpiled on site but will be contained. The wall will be built with stackable blocks in the same footprint with gravel and filter fabric to provide additional drainage and then the sand replaced.

**DA** motioned to approve the Notice of Intent for Tracy Scott Grab, 286 No. End Blvd with the standard special conditions.

**JKP** seconded.

**Vote: 5-0, unanimous. Motion Carried.**

#### **5. RDA: Eliel Deoliveira, 128 Bridge Rd. (4/5/17)**

Patrick Seekamp (**PS**) of Seekamp environmental was present representing the applicant. Eliel Deoliveira (**ED**) was also present. **PS** stated the preexisting conditions of the site do not match the current conditions. The site is heavily utilized which makes it more difficult to determine what happened but filling took place and that needs to be repaired. They will excavate to try to locate the wetland line.

**SA** asked how long the restoration will take. **PS** stated it would take about 1 week for planning and one week for excavation and seeding.

**JKP** asked about the container replacement. **PS** stated they will be placed on the wetland line but they will try to maintain some kind of buffer.

**MR** asked about property ownership. **PS** described the rental situation.

**PS** requested a 1 month continuation.

**AN** motioned to continue the RDA for Eliel Deoliveira at 128 Bridge Rd to June 7, 2017 at 7:10 p.m.

**JS** seconded.

**Vote: 5-0, unanimous. Motion Carried.**

**C. OLD BUSINESS:**

**1. Request for Certificate of Compliance, 44 Railroad Ave.**

JS motioned to continue the Request for Certificate of Compliance for 44 Railroad Ave to May 17, 2017 at 7:10 p.m.

DA seconded.

**Vote: 5-0, unanimous. Motion Carried.**

**2. Request for Certificate of Compliance, 47 Commonwealth Ave.**

Randel Bennett, 47 Commonwealth Ave was present.

MR found the site to be in compliance with its Order of Conditions, Recommended granting the Certificate of Compliance.

DA motioned to issue the Certificate of Compliance for 47 Commonwealth Ave.

JKP seconded.

**Vote: 5-0, unanimous. Motion Carried.**

**D. NEW BUSINESS:**

**1. Emergency Certification, Pleasant St. –**

Moved to be heard with Public Hearing #9 RDA: Town of Salisbury, Pleasant St.

**E. ENFORCEMENT ORDERS:**

**1. 100 Elm St.**

**2. 28 CCC Rd. – MR** conducted a site visit and found a few remaining items to be cleaned up but great progress made overall.

**3. 126 N. End Blvd**

**4. 13 Commonwealth Ave**

**5. 73 Mudnock Rd. - MR** briefed on the beaver activity that caused some issues.

Stated the culverts have been cleaned out to reestablish flow. The water is moving and the other issues have been resolved, would recommend lifting.

AN motioned to lift the enforcement order for 73 Mudnock Rd.

DA seconded.

**Vote: 5-0, unanimous. Motion Carried.**

**6. 81 Railroad Ave.**

**7. 105 Rabbit Rd.**

**8. 438 N. End Blvd**

**9. Pearson's Pit Access Rd**

**10. 128 Bridge Rd.**

**E. COMMISSIONER COMMENTS:**

**MR** made a public service announcement to remind the public that any work that occurs within 100 feet of a wetland needs to have conservation approval. Information is available at [samlisburyma.gov](http://samlisburyma.gov) and through the conservation agent. Please call if you have any questions.

**F. ADJOURNMENT:**

**JKP** motioned to adjourn the May 3, 2017 Conservation Commission Meeting at 8:54 p.m.

**DA** seconded.

**Vote: 5 -0, unanimous. Motion Carried.**