



Salisbury Conservation Commission
Meeting Minutes
April 3, 2019
Colchester Auditorium, Town Hall
5 Beach Road
Salisbury, MA 01952
7:00 P.M.

COMMISSION MEMBERS PRESENT: Chairman Sheila Albertelli (**SA**), Emily Round (**EGR**), Jane Purinton (**JKP**), Julie Doughman-Johnson (**JDJ**) Joanne Perreault (**JP**) and Blake Leibert (**BL**).

COMMISSION MEMBERS ABSENT: Vice Chair Jessica Stucker (**JS**).

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

Chairman Sheila Albertelli opened the meeting at 7:08 pm under the Wetlands Protection Act & Open Meeting Law and informed the public that the meeting was being recorded.

A. MINUTES:
1. March 20, 2019

JDJ motioned to continue the minutes for March 20, 2019 to April 17, 2019.

EGR seconded.

Vote: 6-0, unanimous. Motion Carried.

B. PUBLIC HEARINGS at 7:10pm:

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

Mark West (**MW**), West Environmental represented the applicant. He walked the site with Mary Rimmer. They discussed aerial photos and prior reviews by Seekamp Environmental to designate the isolated wetland and came to the decision to re-designate it from isolated wetland to Bordering Vegetated Wetland. **MW** reviewed the locations of the different resource areas located on site for the Commission. **SA** asked **MR** if Rimmer Environmental had completed the impact review for the project. **MR** stated it was not yet complete.

Brian Knowles (**BK**) reviewed the scope of the project to improve the conditions of the site. Proposing to remove vegetation and repair the fence. Have since revised the plan to maintain a 25-foot buffer and only remove vegetation under 5 inches in diameter in the area marked in the plan (2,500sq.ft.). Proposing to put down concrete pads to support storage containers. A gate will be installed at the rear of the site, as marked, and will extend the fence to enclose the property. Proposing to convert the front building into a car rental facility and re-gravel the lot (28,000sq.ft.).

BL asked what the purpose is for removing the vegetation in the area marked. **BK** replied to clean-up and maintain the site. **EGR** asked if the wetland plants protruding through the fence that is located on the wetland line will be cut beyond the inside of the fence. **MW** added the vegetation to be cut is mostly pussy willow and speckled alder with some phragmites. **BK** added the vegetation will be cut back to the fence line, but the plants will not be removed. **JKP** asked if the fence is preexisting and therefore grandfathered, or if it will be removed and replaced. Chris Deluca (**CD**), property owner, stated it has been there for 25 plus years and has never been maintained, they will remove the overgrowth, fix the fence and maintain the vegetation going forward.

EGR asked what the purpose is of the gate to be installed. **MR** replied there is access to the rail trail behind the property that had an access gate before it was damaged.

Paul Alunni (**PA**), Engineer for storm water plan, added they would be expanding the pavement 800sq. ft. towards the front of the property and removing 1200sq. ft. of hard compacted gravel surrounding wetlands. Ground water table is 24 inches from the surface, which created some challenges in designing the stormwater system. Proposing to install a catch basin on the edge of existing pavement that will have a sump that drains to a manhole. This will take the older catch basin off line but leave it in place. Proposed to replace the existing culvert with new pipe in the same size.

SA asked if there was an operation and maintenance plan for the system. **PA** confirmed. **EGR** requested Joe Serwatka review the stormwater report. **JKP** asked for further clarification on the use of the front building. **BK** stated the current building is a residential building. They would like to remove it and rebuild as a commercial car rental facility. **JKJ** asked where the fence is being added to enclose the property. **BK** showed on the plan where the fence will go, which is being placed over the marked wetland line. **MW** added the wetland the fence crosses is more of a grass swale that connects to the culvert. **MR** asked where proposed car rental spaces would be. They should be separate, and remain separate, from where the boat storage will be. **BK** showed on the plan and confirmed.

EGR motioned to continue the Notice of Intent C&R Realty Trust, 110 Elm St. to April 17, 2019 at 7:10pm with, in the interim, a storm water review by the Town Engineer and completion of the impacts review by Rimmer Environmental. The Commission will do a site walk to follow.

JP seconded.

Vote: 6-0, unanimous. Motion Carried.

2. NOI: Northeast Properties & Investments, LLC, 187 Atlantic Ave. (1/2/19)

EGR motioned to continue the Notice of Intent for Northeast Properties & Investments, LLC, 187 Atlantic Ave. to May 1, 2019 at 7:10pm

JP seconded.

Vote: 6-0, unanimous. Motion Carried.

3. NOI: Azar & Marian Korbey, 23 Commonwealth Ave. (1/16/19)

JDJ motioned to continue the Notice of Intent for Azar & Marian Korbey, 23 Commonwealth Ave., to May 1, 2019 at 7:10pm.

JP seconded.

Vote: 5-0, 1 abstained. Motion Carried.

4. NOI: Richard Bourne, 412 North End Blvd. (3/20/19)

John Hargraves (**JH**), GA Consultants, represented the applicant. Introduced the project for stairs, on the ocean side of the structure, which will need to be removed and replaced in kind. The stair foundation will be helical piles, as recommended by the Building Inspector. The smallest excavator possible will be used to drive the piles.

JKP asked if they could be hand dug. **JH** stated they cannot, but they will use a small bobcat like machine to drive them. The bobcat will have to drive over the dune. **JKP** asked how they would approach the work area without damaging the dune, suggested mats as an option. **JH** stated they would entertain the idea but do not believe it will be necessary. It is a very light machine and they will plant grass if needed. **SA** asked if they have received permission to use the neighbor's property to access the work area. **JH** replied they had, they have a good relationship. **EGR** suggested they protect the grass all along the side of the house and replace more grass than they effect. **JKP** requested a site visit.

EGR motioned to continue the Notice of Intent for Richard Bourne, 412 North End Blvd., to April 17, 2019 at 7:10pm with a site walk in the interim and the path of travel to be marked on the plan, as short as possible to avoid excessive damage.

JP seconded.

Vote: 6-0, unanimous. Motion Carried.

5. NOI: Gary Jaffarian, 8 Poor Farm Rd. (3/20/19)

Matt Steinel (**MS**) of Millennium Engineering represented the applicant. Proposed to raze and rebuild a single family home with septic and well installation and gravel driveway improvement. **JDJ** asked him which trees will be removed. **MS** showed on the plan the tree in the leach field that will be removed. Other trees will need to be removed outside of the buffer zone. Will also be removing the additional debris piles when they remove the existing structure.

JKP added an abutter submitted a letter as they wanted to be sure the road would not be damaged, as it was with the construction of the last house. **JDJ** specified any damage caused by the construction of the house will need to be repaired by them. **EGR** asked that the flood zone be shown on the plan. **MS** replied the only place the property that is in the flood zone is at the base of the driveway. All the work is outside of the flood zone.

JKP motioned to approve the Notice of Intent for Gary Jaffarian, 8 Poor Farm Road, with the standard conditions including when the house is razed, all glass and hazardous material will be removed from the structure prior to demolition. All debris on the property will be removed and the heavy equipment will be trailered to and from the site. If the road is damaged for any reason, it will be repaired immediately. Please add FIRM information to the plan.

JDJ seconded.

Vote: 6-0, unanimous. Motion Carried.

6. NOI: Linda Joaquin, 76 Central Ave. (4/3/19)

Matt Steinel (**MS**) of Millennium Engineering represented the applicant. **MR** stated she spoke to Mike Able who consulted Rachel Freed about the application. DEP would entertain approval with the conditions the project is to meet all applicable building codes, the elevator will be dismantled and removed should they permanently vacate the residence and the elevator should always be in the up position when resting. **MS** added they would like to have the option of leaving the elevator intact should they leave the property if the buyer is handicapped and needs the elevator. If the buyer is not handicapped and does not need the elevator, it will be dismantled and removed.

EGR motioned to move C. 4. Request for Certificate of Compliance, 76 Central Ave. to be discussed and voted on under B. 6. NOI: Linda Joaquin, 76 Central Ave (4/3/19).

JDJ seconded.

Vote: 6-0, unanimous. Motion Carried.

C. 4. Request for Certificate of Compliance

EGR motioned to issue the invalid Certificate of Compliance for 76 Central Ave.

JDJ seconded.

Vote: 6-0, unanimous. Motion Carried.

6. NOI: Linda Joaquin, 76 Central Ave. (4/3/19)

JDJ asked how the Commission would make a perpetual condition. **MS** informed them it would be recorded on the deed. **JDJ** stated the condition to remove the elevator should stand as DEP recommended. **SA** would disagree and would like the new buyer to come to the Commission to for approval to leave the elevator should they have need of it. **JKP** would also like to stay with DEP recommendation. **MS** would like to discuss with DEP to see if they would revise their recommendation and if the commission would consider amending the approval accordingly.

EGR motioned to approve the Notice of Intent for Linda Joaquin, 76 Central Ave., with the standard special conditions and the condition that (1) Project shall meet all applicable Mass State Building codes. (2) When not in use, the elevator shall be in the up position and only on the lower level when called. (3) There will be a restriction on the deed that the elevator shall be dismantled and removed should the applicant ever leave the unit permanently.

JDJ seconded.

Vote: 6-0, unanimous. Motion Carried.

7. RDA: Grant and Linda Donahoe, 3 Commonwealth Ave. (4/3/19)

Ron Laffely (**RL**) of Fulcrum Architects represented the applicant. Proposing a remodel that will not exceed 50 of the value of the structure. Changes include a galvanized spiral staircase that will be replaced with a switchback stair and the addition of one (1) posthole to the front porch that will dissect the already paved drive. **JDJ** asked if there is a vinyl fence on the property onsite currently or if one is proposed. **RL** replied there is a fence onsite existing when they purchased the house and is outside the proposed scope of work. **JDJ** informed them that if something were to damage the fence and it needed to be replaced it cannot be replaced with a like fence but would need to be replaced with a 50 percent open fence.

EGR motioned issue a negative determination for the Request for determination for Grant and Linda Donahoe, 3 Commonwealth Ave

JDJ seconded.

Vote: 6-0, unanimous. Motion Carried.

C. NEW BUSINESS:

1. Emergency Certificate, 189 A Atlantic Ave.

EGR motioned to issue the Certificate of Compliance 189 A Atlantic Ave., with the same conditions as the previous Emergency Certificate.

JDJ seconded.

Vote: 6-0, unanimous. Motion Carried.

2. Request for Significance of Change, 22 – 24 First St.

Tom Hughes (**TH**) of Hughes Environmental represented the applicant. During work, they discover a wall that was to remain on the approved plan but is not in stable condition and needs to be replaced. Also, request a partial replacement of another wall to be changed to a complete replacement wall with terracing between the two new walls. Drainage layers will be placed behind each wall.

Larry O'Brian (**LB**) asked if there was a storm water plan. **TH** stated this site is not subject to storm water standards so the engineer did what they felt was best for the site.

LB showed where the water that is running onto his property by providing photographs. Does not see on the plan that the water flow is not going to enter his property. Would like the storm water plans to be reviewed and sealed by a professional engineer.

Also concerned for the wall between the properties. Would like to wall to be labeled as a retaining wall and have it be reviewed and stamped by an engineer. Feels the wall joint between his wall and theirs is weak and would like it to be repaired; requests access be from the applicant's property.

TH replied the work is not complete; they are mid work on the walls and before the Commission tonight to rectify the wall issues. **TH** offered to provide a wall detail to the Commission on the wall between the properties. Added that storm water was dealt with thoroughly during the public hearing and they are not proposing to change the plan tonight. **SA** asked if the wall would be a retaining wall or just a wall. **TH** referred to the plan, which shows the wall retaining the grades. Labeled as a proposed masonry wall on the plan, the abutter would like it to be labeled a proposed masonry retaining wall.

LB again asked for the storm water plan to be improved. **TH** replied the storm water plan was created and stamped by an engineer during the approval process. He is willing to work with abutters on understanding the plan; he is not proposing to change it.

EGR motioned to find the changes to 22 – 24 First Street as insignificant with the conditions they include on the revised plan drainage layers installed behind the wall and a perforated pipe will be added behind the wall. The retaining wall will be marked on the plans and the plans will be stamped by an engineer.

JDJ seconded.

Vote: 6-0, unanimous. Motion Carried.

SA added her understanding is if there is any clarification needed between the applicant and the abutters the will be in contact with each other to discuss.

3. Request for Certificate of Compliance, 29 Cable Ave.

JKP motioned to issue the Certificate of Compliance for 29 Cable Ave.

EGR seconded.

Vote: 6-0, unanimous. Motion Carried.

D. OLD BUSINESS:

1. Request for Certificate of Compliance, 52 Forest Road

MR informed them the area was re-seeded and hay was spread over it to protect the seeds.

JKP motioned to approve the Certificate of Compliance, 52 Forest Road.

JP seconded.

Vote: 5-0, unanimous. Motion Carried.

D. ENFORCEMENT ORDERS:

1. 81 Railroad Ave.
2. 438 N. End Blvd.
3. 565 North End Blvd.
4. 128 Bridge Rd.

5. 26 Sweet Apple Tree Ln.
6. 91 Bridge Rd.
7. 2 Linda Ln.
8. 157 Bridge Rd.
9. 30 Main St.
10. 86/88 Elm St.
11. 11 17th St. W – **MR** informed the Commission the site should be ready to have the Enforcement Order lifted for the next meeting.
12. 212 N. End Blvd.
13. 83 Atlantic Ave.
14. 9 Bayberry Ln.
15. 6 True Rd.
16. 211 N. End Blvd.
17. 279 N. End Blvd.
18. 146 Central Ave.
19. 82 Lafayette Rd.
20. 16 Hayes St.
21. 11 Railroad Ave.

G. COMMISSIONER COMMENTS:

H. ADJOURNMENT:

JKP motioned to adjourn the March 20, 2019 Conservation Commission Meeting at 9:35 pm
EGR seconded.

Vote: 5-0, unanimous. Motion Carried.