



**Salisbury Conservation Commission**  
**Meeting Minutes**  
**July 18, 2018**  
**Colchester Auditorium, Town Hall**  
**5 Beach Road**  
**Salisbury, MA 01952**  
**7:00 P.M.**

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**COMMISSIONER MEMBERS PRESENT:** Vice Chair Jessica Stucker (**JS**), Jane Purinton (**JKP**), Joanne Perreault (**JP**) and Julie Doughman-Johnson (**JDJ**)

**COMMISSIONER MEMBERS ABSENT:** Chairman Sheila Albertelli (**SA**) and Emily Round (**EGR**).

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

Vice Chair Jessica Stucker opened the meeting at 7:10 p.m. under the Wetlands Protection Act & Open Meeting Law and informed the public that the meeting was being recorded.

**A. MINUTES:**  
**1. June 20, 2018**

**JDJ** motioned to approve the minutes for June 20, 2018.

**JP** seconded.

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

**B. PUBLIC HEARINGS at 7:10pm:**  
**1. 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 August 1, 2018 at 7:10p.m.

**JP** seconded

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

**2. NOI: 54 Beach Rd LLC, 56 Beach Rd. (6/6/18)**

Matt Steinel (**MS**) of Millennium Engineering represented the project. Reviewed the changes made.

**JKP** asked about the measures taken to protect the culvert. **MS** stated if the culvert is damaged during construction it will be replaced. At this time does not require replacement.

Town Engineer, Joe Serwatka, wrote a letter dated July 6, 2018 that states most of the concerns have been addressed.

**JKP** asked what their plan for snow storage is. **MS** stated the snow will be plowed to the end of the shared driveway. Home owners will be responsible for clearing their personal driveways and will likely pile it to the sides. Not shown on the plan. **JKP** requested it be added to the plan.

**JKP** motioned to motioned to close the public hearing and approve the Notice of Intent for 54 Beach Rd LLC, 56 Beach Road with the condition that the snow storage areas will be added to the plan and the standard conditions apply.

**JDJ** seconded.

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

**3. NOI: 54 Beach Rd LLC, 60 Beach Rd. (6/6/18)**

Matt Steinel (**MS**) of Millennium Engineering represented the project. Presented the changes made and the snow storage plan for the shared driveway and individual drives. Snow storage in marked area is limited. For regular plowing, snow will be pushed to the end and sides of the drive much like the prior filing. Added a PVC post and rail fence on the residential side of the detention pond.

**JKP** motioned to close the public hearing and approve the Notice of Intent for 54 Beach Rd LLC, 60 Beach Road with the condition that the snow storage area is added to the plan and the standard conditions apply.

**JDJ** seconded.

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

**4. NOI: David & Nicole George, 5 10<sup>th</sup> St. (7/18/18)**

**JS** stated there is no DEP number for this application, The Commission cannot vote tonight.

David George (**DG**) and Nicole George (**NG**) were present.

Proposed to install a permeable paver driveway. Triad Associates will be performing the work.

**JKP** asked if there will be a subsurface material used. **DG** stated the contractor will be very careful to use only permeable products. **JKP** asked if the loam removed will be taken off site. **DG** stated it would be disposed of by the contractor off site.

**JKP** motioned to continue the Notice of Intent for David & Nicole George, 5 10<sup>th</sup> Street to August 1, 2018 at 7:10p.m.

**JP** seconded.

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

**5. NOI: James Purtell, 534 North End Blvd. (7/18/18)**

Gregory Hochmuth (**GH**) with Williams & Sparages, LLC represented the applicant. Proposed to construct a second floor deck on the ocean side of the house. Project is located in the beach resource area on coastal bank, about 8 feet off the coastal dune. Supports will be sonotube concrete footings below grade.

**JKP** informed them the fence on property is illegal. **GH** replied he was not aware of the date of the fence erection. **JKP** stated it looks new and will need to be removed.

**MR** asked if the fence was going to be touched at all. **GH** stated it will not.

**JKP** requested a site visit.

**JKP** motioned to continue the Notice of Intent for James Purtell, 534 North End Blvd., to August 1, 2018 at 7:10p.m. with a site visit in the interim.

**JP** seconded.

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

**6. Amended NOI: David Daly, 46 True Rd. (7/18/18)**

Matthew Hamor (**MH**), Civil Engineer, represented the applicant. Order of Conditions was issued for the site and the house was built and stabilized but there were drainage complaints they would like to address though this amended NOI. Presented the amended plan which includes a riprap apron with a shallow swale (4 inches) that leads runoff to the wetland.

**JKP** asked for clarification on how this plan came to be warranted. **MR** stated there was water running from the new house on to the neighbor's property.

Anne Brissette (**AB**), 44 True Road, presented photographs of the damage the runoff was doing to her yard. On **AB**'s request **MH** described how the water will travel and avoid her yard.

**JP** motioned to accept the amended Notice of Intent for David Daly, 46 True Road with the standard special conditions.

**JKP** seconded.

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

**7. NOI: Thomas Smart, 175 Atlantic Ave. (7/18/18)**

**JS** stated there is no DEP number for this application, The Commission cannot vote at this time.

Cathy Smart (**CS**) was in attendance to present their project. Informed the Commission her house was damaged in the spring storms this year. Hired Apex Engineering to draft a plan to repair the foundation of the house by putting it on 8 helical piers, 4 for the house and 4 for the deck repair.

**JKP** asked if the foundation being replaced will be removed. **CS** replied it will be removed.

**JKP** motioned to continue the Notice of Intent for Thomas Smart, 175 Atlantic Ave., to August 1, 2018 at 7:10p.m. with a site visit in the interim.

**JP** seconded.

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

**8. NOI: Daniel Locapo, 115 Railroad Ave. (7/18/18)**

**JS** stated there is no DEP number for this application, The Commission cannot vote at this time.

Matt Steinel (**MS**) of Millennium Engineering represented the project. Informed the Commission of the existing conditions. Proposed to construct a single family home with a pervious paver driveway. Easement for his neighbors parking will not be altered. Will connect to available utilities. Partially built raised shed was included as part of proposal with note on the plan stating the lattice work requirements.

**MS** provided photos for the Commission's review.

**JS** requested a site visit. Asked if there was a landscaping area. **MS** stated there is not.

**JS** stated there is a significant loss of dune proposed with this project. **JKP** asked what was here before it was a vacant lot.

Dan Lacapo (**DL**), 105 Cable Ave, stated there was a trailer that was removed. The site was historically filled and there is no sand on the property. Would like to keep the parking as it exists.

**MS** added the construction is an alteration impact, not loss of dune. There is no dune grass disturbed so replication is not called for. There is no significant excavation other than what is called for to install the pervious pavers.

**JP** motioned to continue the Notice of Intent for Daniel Locapo, 115 Railroad Ave., to August 1, 2018 at 7:10p.m.

**JKP** seconded.

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

**9. NOI: Kathy & John Williams, 369 North End Blvd. (7/18/18)**

**JS** stated there is no DEP number for this application, The Commission cannot vote at this time.

Matt Steinel (**MS**) of Millennium Engineering represented the project. Presented photographs of the site. Site is mostly impervious surface with a small landscaped area. Proposing a 20x20 carport with deck above and stairs to access. No lattice work is proposed for one (1) foot above grade, will comply with flood regulations. Gelinas Structural Engineering will be working with them and the piles will be driven through the pavement. **JKP** asked if the stairway would be solid. **MS** replied the stairs will be open.

**JKP** motioned to continue the Notice of Intent for Kathy & John Williams, 369 North End Blvd., to August 1, 2018 at 7:10p.m. with a site visit in the interim.

**JP** seconded.

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

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

**JS** stated there is no DEP number for this application, The Commission cannot vote at this time.

Brian Knowles (**BK**) represented the application Chris Deluca was also present.

Proposing to remove vegetation and expand fence to the property line. Will regrade and maintain the existing gravel lot and repave the exiting pavement and construct and concrete pad with enclosure with a pipe running under the pad for dumpsters and storage containers. Wetlands were delineated by West environmental in 2016.

**JKP** asked if there is any stormwater treatment preexisting on site. **BK** stated there is a shallow basin by the proposed concrete pad.

**JKP** asked if any large trees were to be removed. **BK** replied nothing under 5 inches would be removed. **JS** asked what the purpose of the vegetation clearing was. **BK** replied the purpose would be to clean it up and allow for ease of moving the fence. **MR** reminded the applicant that the prior enforcement order for the property was in this area.

**JP** motioned to continue the Notice of Intent for C&R Realty Trust, 110 Elm Street to August 1, 2018 at 7:10p.m. with a site visit in the interim.

**JDJ** seconded.

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

**C. NEW BUSINESS:**

**1. Request for Certificate of Compliance, Salisbury State Beach Reservation, W Street**

Darrel Forgone, MASS DCR, was present to represent the project. **MR** confirmed the site was in compliance.

**JP** motioned to issue for Certificate of Compliance for Salisbury State Beach Reservation, W Street

**JDJ** seconded.

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

**2. Request for Certificate of Compliance, 26 Locust St**

The Commission would like to conduct a site visit.

**JP** motioned to continue the request for Certificate of Compliance for 26 Locust St. to August 1, 2018 at 7:10p.m. with a site visit in the interim.

**JDJ** seconded.

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

**3. Request for Certificate of Compliance, 212 North End Blvd.**

Kevin Boivan (**KB**) was present to request a Certificate of Compliance. The Order of Conditions was for an addition and deck that was completed in 2001. **JS** stated there was an illegal structure on the dune. **KB** responded the deck was placed in 2003 to make the house more accessible for a member of the family. **JKP** recommended the deck be raised up about 18 inches. **JKP** recommended that they look into diamond piers as they will allow them to adjust the height. **KB** stated he would prefer to remove the deck but the new owners would like to keep it.

**JS** motioned to issue for Certificate of Compliance for 212 North End Blvd.

**JKP** seconded.

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

**JS** motioned to issue an Enforcement Order for 212 North End Blvd. for the illegal structure on the dune to both parties (current and former owner)

**JKP** seconded.

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

#### **4. Request for Certificate of Compliance, 2 Denrael Dr.**

Agent and engineer have inspected the site and found it in compliance with its Order of Conditions.

**JP** motioned to issue for Certificate of Compliance for 2 Denrael Dr.

**JKP** seconded.

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

#### **5. Request for Determination of Significance of Change – 57 Railroad Ave.**

James McKenna introduced the site that has a pre-existing Order of Conditions. Proposed to change the layout to eight (8) residential units in four (4) structures. Proposed structures have the same density with about a 30 percent reduction with gravel cross ways within the building footprint. Complies with current regulations and dune performance standards. Ben Legare (**BL**) added the units are all raised with parking underneath with a utility chase and plies entering the ground. The site plan is the same.

**JS** asked if the unit numbers will remain the same. **BL** replied they will.

**JS** asked about snow storage. **BL** stated they are working on the snow storage plan. Worst case scenario the condos will have a management company that will hire a company to remove the snow.

**JKP** asked them to improve the landscape plan in addition to their other changes.

**JS** asked that the plans they submitted be improved, piling placement be added, and provided to the agent.

**JP** motioned to determine that that the changes as presented for 57 Railroad Ave are insignificant contingent on received updated detailed plans.

**JKP** seconded.

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

#### **6. Enforcement Order: 83 Atlantic Ave.**

**JKP** motioned to ratify the Enforcement Order for 83 Atlantic Ave.

**JP** seconded.

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

#### **7. Enforcement Order: 9 Bayberry Lane**

Scott and Jaclyn Stone (**SS** and **JS**) were present. Owners were in the process of landscaping and planting grass in the back yard when they were asked to stop work because of the proximity to the wetland. **JKP** asked if trees had been cut. **SS** stated he had cut about 3 trees and mostly sumac in the back. **JKP** asked if they are planning to bring in fill. **JS** stated they are planning to make the yard level.

**JP** motioned to ratify the Enforcement Order for 9 Bayberry Lane with the conditions no more trees are to be cut with the exception of the street side tree that is interfering with the power lines. Small vegetation can be removed. Clean loam fill only can be brought in.

**JDJ** seconded.

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

**8. Enforcement Order: 6 True Rd.**

**JDJ** recused herself from the Commission resulting in no quorum. Automatically continued.

**D. OLD BUSINESS:**

**1. Request for Certificate of Compliance, 77 Baker Rd**

Tom Newman (TN) was present. **JS** presented photographs of the finished work. The retaining wall is a little closer to the wetland line. Erosion controls need to be removed. **TN** stated he would do so.

**JDJ** motioned to issue the Certificate of Compliance for 77 Baker Road

**JP** seconded.

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

**2. Request for Certificate of Compliance, 537 N. End Blvd**

**JS** stated the site is in compliance with the Order of Conditions

**JKP** motioned to issue for Certificate of Compliance for 537 N. End Blvd.

**JDJ** seconded.

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

**3. Request for Certificate of Compliance, 11 Railroad Ave**

**JP** motioned to continue the request for Certificate of Compliance for 11 Railroad Ave. to September 5, 2018 at 7:10p.m.

**JKP** seconded.

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

**E. ENFORCEMENT ORDERS:**

**1. 28 CCC Rd. – MR** recommended lifting the Enforcement Order for 28 CCC Rd.

**JKP** motioned to lift the Enforcement Order for 28 CCC Rd.

**JP** seconded.

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

**2. 81 Railroad Ave.**

**3. 438 N. End Blvd**

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

**5. 128 Bridge Rd.**

**6. 26 Sweet Apple Tree Ln. – Commission** asked **MR** to approach owners on the getting a plan together to move forward.

7. **91 Bridge Rd.** – MR is planning to conduct a site visit.
8. **2 Linda Ln.**
9. **565 N. End Blvd** – Commission asked MR to send them a letter. Commission recommended a deadline of 30 days to comply.
10. **157 Bridge Rd.** – MR will be conducting a site visit.
11. **30 Main St**
12. **86/88 Elm St**
13. **11 17<sup>th</sup> St W**

**F. COMMISSIONER COMMENTS:**

**H. ADJOURNMENT:**

**JDJ** motioned to adjourn the July 18, 2018 Conservation Commission Meeting at 10:19pm

**JP** seconded.

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