



**Salisbury Conservation Commission
Meeting Minutes
August 15, 2018
Colchester Auditorium, Town Hall
5 Beach Road
Salisbury, MA 01952
7:00 P.M.**

COMMISSIONER MEMBERS PRESENT: Chairman Sheila Albertelli (**SA**), Jane Purinton (**JKP**), and Julie Doughman-Johnson (**JDJ**) Joanne Perreault (**JP**).

COMMISSIONER MEMBERS ABSENT: Vice Chair Jessica Stucker (**JS**), Emily Round (**EGR**).

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

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

A. MINUTES:
1. August 1, 2018

JDJ motioned to approve the minutes for August 1, 2018.

JP seconded.

Vote: 4-0. 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 September 5, 2018 at 7:10p.m.

JP seconded.

Vote: 4-0, unanimous. Motion Carried.

2. NOI: David & Nicole George, 5 10th St. (7/18/18)

JP motioned to continue the Notice of Intent for David & Nicole George, 5 10th Street, to September 5, 2018 at 7:10p.m.

JDJ seconded.

Vote: 4-0, unanimous. Motion Carried.

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

Matt Steinel (**MS**) of Millennium Engineering represented the project. DEP issued a number and updated their comments to "received". Added dune improvements (native vegetation) on the side of the property that does not have a parking easement.

SA addressed the "permeable paver" which is not itself permeable, but only permeable if it is installed per the instructions. **SA** warned them they need to make sure it is installed correctly or they could install open cell design pavers.

JKP questioned the retaining wall on the property. **MS** replied they are not proposing any work with the wall and its existence predated the Wetlands Protection Act. **JKP** asked if they would consider removing the wall, as this project is located in the V zone.

JKP asked if they will be maintaining the lawn as is or putting down seed. **MS** replied they will just continue to mow and will not be putting down seed.

JP motioned to approve the Notice of Intent for Daniel Locapo, 115 Railroad Ave., with the standard order of conditions and with the condition that the planting of the dune vegetation will be done as proposed and that permeable open celled pavers are preferred.

SA asked if the retaining wall investigation can be added.

JP withdrew her motion.

JKP motioned to approve the Notice of Intent for Daniel Locapo, 115 Railroad Ave., with the standard order of conditions and the condition that permeable open celled pavers are to be used and the timber retaining wall on site is to be investigated by a qualified individual to see if the wall can be removed without damaging the structural wall behind it, if it can be removed, it will be removed.

JP seconded.

Vote: 4-0, unanimous. Motion Carried.

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

JKP motioned to continue the Notice of Intent for C&R Realty Trust, 110 Elm Street to September 5, 2018 at 7:10p.m.

JDJ seconded.

Vote: 4 -0, unanimous. Motion Carried.

5. NOI: 17-19 North End Boulevard Development, LLC, 17 N. End Blvd. (8/15/18)

Matt Steinel (**MS**) of Millennium Engineering represented the applicant. Still waiting on a DEP file number. Gino Ranaldi (**GR**) was also present. **MS** informed the Commission of the site history which included a prior Notice of Intent. Site is completely impervious. Proposing to construct an elevated structure on piles. Removing all pavement that is not needed for the neighbors to access their generator.

JKP asked what species they are proposing to plant. **MS** stated they will be native and salt tolerant but the species have not been chosen yet. **JKP** asked if they would act as a buffer between the units and prevent people from accessing the marsh or if they are putting up any fences. **MS** stated no fences are proposed. Plantings are as depicted on the plans.

JDJ motioned to continue the Notice of Intent for 17-19 North End Boulevard Development, LLC, 17 N. End Blvd., to September 5, 2018 at 7:10p.m.

JP seconded.

Vote: 4-0, unanimous. Motion Carried.

6. NOI: 17-19 North End Boulevard Development, LLC, 19 N. End Blvd. (8/15/18)

Matt Steinel (**MS**) of Millennium Engineering represented the applicant. No DEP number has been received. Property located adjacent to the above public hearing. Similar plan proposed. Lot is partially impervious. Will be removing much of the impervious site. Proposing to build a raised structure with gravel parking underneath. **SA** asked if the property will need to go before the Zoning Board. **MS** stated it will not, as it meets setbacks.

JKP motioned to continue the Notice of Intent for 17-19 North End Boulevard Development, LLC, 19 N. End Blvd., to September 5, 2018 at 7:10p.m.

JDJ seconded.

Vote: 4-0, unanimous. Motion Carried.

7. NOI: James Miller, 17 Black Snake Road (8/15/18)

Bob Grasso (**BG**) of Engineering Land Services represented the applicant. Proposing to replace a failed septic system. Norse Environmental delineated the wetland. Site is within the buffer zone of Lucy Brook and BVW. Current system to be crushed and removed and replaced with a distribution box to a Presby pump system surrounded by Title V sand. Silt socks proposed for erosion control with loam and seed to finish. Poly liner will be used around system.

Michael Deloge (**MD**), 15 Black Snake Road, asked if changes will contribute to the flooding in the area. **BG** replied it will not. Mound is only two (2) feet above existing grade with no other grading on site. **MD** asked how close this will be to his property line. **BG** stated it will be ten (10) feet from the property line with five (5) feet grading.

JKP motioned to approve the Notice of Intent for James Miller, 17 Black Snake Road, with the standard special conditions.

JP seconded.

JKP added she would like to close the public hearing.

JP seconded.

Vote: 4-0, unanimous. Motion Carried.

8. NOI: Atlantis Investments, LLC, 17 Bayberry Lane (8/15/18)

Bob Grasso (**BG**) of Engineering Land Services represented the applicant. Norse Environmental delineated the wetlands. Proposing to replace a failed septic. Will pump and crush the tank. Will be replaced with a distribution box to a Presby pump system surrounded by Title V sand. A stone block wall will be built one (1) foot above grade. Slit sock will be put around the work area.

JKP motioned to approve the Notice of Intent for Atlantis Investments, LLC, 17 Bayberry Lane for septic repair with the standard special conditions and to close the public hearing.

JP seconded.

Vote: 5-0, unanimous. Motion Carried.

9. NOI: Brian Mullen, 8 Friedenfels Street. (8/15/18)

David Smith (**DS**) of GZA Environmental represented the applicant who was also present. Proposing to add a new boat slip to the preexisting marina. Described the site. Currently has a timber bulkhead. Boat storage at site is very limited. No boat lift on site. Boats have to be launched offsite. Others in area all have lifts would like be able to accommodate his customers. Will remove section of bulkhead and replaced with a steel bulkhead. Metal sheeting will be placed on slope. 342 sq. ft. of salt marsh will be removed and replanted (almost 2:1). Ledge will be removed to +1 elevation. 23 timber or steel piles placed. Construction will take place in late fall with restoration proposed in the spring. Boat wash pad is also proposed, will be a closed system with water recycled. **SA** stated this project is in many different resource areas. The Commission has only received response from Division of Marine Fisheries but has not had time to review their comments. Asked to hear from DEP, NHESP, and Army Core of Engineers on the project. **SA** stated there are several species habitats that will be destroyed and wanted to know how long he believes it will take for these species to recover. **DS** stated he feels any species impacted will regenerate in the spring. Not removing the ledge in its entirety. Will be restoring the area

including the previously covered area. Stated shading will not have any inverse effects. **JKP** requested a site visit.

JKP motioned to continue the Notice of Intent for Brian Mullen, 8 Friedenfels Street to September 5, 2018 at 7:10p.m.

JDJ seconded.

Vote: 4-0, unanimous. Motion Carried.

10. NOI: Frank Carvalho, 37 Gardner Street (8/15/18)

Matt Steinel (**MS**) of Millennium Engineering represented the applicant. NO DEP number has been received. Proposing to construct a two-family residential structure. Proposing to fill sections of wetlands (325 sq ft.) marked on the plan. **JKP** asked if the lawn is wet. **MS** stated it does get wet sometimes but there is good drainage, it never stays wet long. Frank Cavalho confirmed. Replication areas are almost 4:1. There is a wet lawn that they would like to keep as lawn. Silt sock is proposed as erosion control.

JP motioned to continue the Notice of Intent for Frank Carvalho, 37 Gardner Street, to September 5, 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 Determination on Significance of Change, 345 N. End Blvd.

Matt Steinel (**MS**) of Millennium Engineering represented the applicant. Mobil home and a two-family structure were removed from the site. Received Order of Conditions to place three (3) raised residential structures in their stead. Now proposing to remove one (1) of the structures and relocate the two footprints. Building is one (1) foot closer to wetland than on the approved plan. To mitigate this change also proposing to build a post and rail fence to demarcate the wetland that was not on the approved plan. Less hardscaping and more natural landscaping being done.

JP motioned to determine that that the changes as presented for 345 N. End Blvd. are insignificant

JDJ seconded.

Vote: 4-0, unanimous. Motion Carried.

2. Enforcement Order, 146 Central Ave

JKP motioned to ratify the Enforcement Order for 146 Central Ave.

JDJ seconded.

Vote: 4-0, unanimous. Motion Carried.

JKP motioned to continue the discussion for 146 Central Ave., to the next Conservation Commission meeting on September 5, 2018 so the property owner may attend.

JDJ seconded.

Vote: 4-0, unanimous. Motion Carried.

3. Enforcement Order, 211 N. End Blvd.

Property Owner was contacted a year ago when the new fence was reported to the Conservation Agent. No action has been taken resulting in enforcement.

Anthony Rosse (**AR**) was present. Fence on property fell down and was replaced with the illegal fence. No permit was needed. Cannot cut panels to make it comply. Many have the same type fences, doesn't understand why they would be held to a different standard. **SA** explained the how these issues arise and what and why the Dune Performance Standards are as they are.

JKP motioned to ratify the Enforcement Order for 211 N. End Blvd. amended to include a deadline the non-compliant fence needs to be removed by, October 1, 2018.

JDJ seconded.

Vote: 4-0, unanimous. Motion Carried.

4. Enforcement Order, 209 N. End Blvd.

Jeffery and Lynn MacGill (**JM** and **LM**) were present. Briefed on the history of the illegal fence. Removal began after notice was received that the fence was in violation of the Dune Performance Standards but was never completed. Had built the fence high to allow water and sand to flow under the solid fence. Stated they are on the far side of the dune where there is not much sand flow. **SA** agreed that the abundance of the solid structures in the area has limited the movement of sand, wind and water but the area is still dune and is protected as such. **JDJ** read the Coastal Dune Policy Memo provided to the Commission from the Commonwealth clarifying the 50% open stance on fencing.

JDJ motioned to ratify the Enforcement Order with the deadline of October 1, 2018 for compliance of an illegal fence for 209 N. End Blvd.

JP seconded.

Vote: 4-0, unanimous. Motion Carried.

5. Enforcement Order, 279 N. End Blvd.

Katheryn and Tim Duff (**KD** and **TD**). Hired North Atlantic Fence in Amesbury, they inquired and were told there was no permit required. Asked who she can appeal the enforcement order to. Feels they did everything correctly, is not right to penalize them. **SA** informs her she can contact DEP. **MR** clarified she cannot appeal it to DEP but would need to contest it in superior court, though she is welcome to call DEP.

JDJ motioned to ratify with the deadline of October 1, 2018 the Enforcement Order for 279 N. End Blvd.

JP seconded.

Vote: 4-0, unanimous. Motion Carried.

6. Enforcement Order, 276 & 277 N. End Blvd.

Benton Smith (**BS**) was present. Replaced fence as a result of the March 2018 storms. Since being notified, he has removed every other wooden picket from the wood fence at 277 North End Blvd., believes the other solid fence on 276 North End Blvd. is a repair not a replacement.

JDJ motioned to ratify the Enforcement Order for 276 & 277 N. End Blvd with a deadline of October 1, 2018 for the completion of work.

JP seconded.

Vote: 4-0, unanimous. Motion Carried.

7. Request for Extension, 473 N. End Blvd.

Ron Laffely (**RL**) was present to request a 1 year extension. Plantings have taken place with slight variation from the plan and the pilings are in. Asked if the salt marsh hay placed can continue to function as erosion control.

JKP motioned to issue the Extension for 473 N. End Blvd., for a 1 year extension.

JP seconded.

Vote: 4-0, unanimous. Motion Carried.

D. ENFORCEMENT ORDERS:

1. **81 Railroad Ave.**
2. **438 N. End Blvd** – **MR** provided an update. Having trouble getting vegetation to grow. Going to hire a landscape architect to help them with their plan.

- 3. **128 Bridge Rd.**
- 4. **26 Sweet Apple Tree Ln.**
- 5. **91 Bridge Rd.**
- 6. **2 Linda Ln.**
- 7. **565 N. End Blvd**
- 8. **157 Bridge Rd.**
- 9. **30 Main St**
- 10. **86/88 Elm St**
- 11. **11 17th St W**
- 12. **212 N. End Blvd**
- 13. **83 Atlantic Ave.**
- 14. **9 Bayberry Ln**
- 15. **6 True Rd.**

E. COMMISSIONER COMMENTS:

MR informed the Commission the Tree Bylaw has been updated and will be going to fall town meeting Meetings should being to review it shortly before that time.

Town received the MVP grant will be hiring a consultant to complete grant. Will give us tools and recommendations on increasing our resiliency.

F. ADJOURNMENT:

JP motioned to adjourn the August 15, 2018 Conservation Commission Meeting at 10:17 pm

JKP seconded.

Vote: 4-0, unanimous. Motion Carried.