



**Salisbury Conservation Commission
Meeting Minutes
August 21, 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**), Julie Doughman-Johnson (**JDJ**), Jane Purinton (**JKP**) and Joanne Perreault (**JP**).

COMMISSION MEMBERS ABSENT: Blake Leibert (**BL**).

ALSO PRESENT: Director of Planning & Community Development Lisa Pearson (**LP**), Conservation Secretary Adriane Marchand.

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. August 7, 2019 -

EGR motioned to approve the minutes for August 7, 2019.

JDJ seconded.

Vote: 5- 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)

Continued to September 18, 2019 at 7:10p.m at 08/07/19 Conservation Commission meeting.

2. NOI: Downeast Building & Development, 2 Gravel Way (8/7/2019)

Matt Steinel (**MS**) represented the applicant.

JDJ asked if the pine grove behind the mobile home could be preserved. **MS** replied not as the plan currently stands. There is only a small clearing around the house. **SA** asked if they could receive a variance from the Zoning Board to move the house out of the tree line. **MS** replied it is difficult to receive a variance for wetlands hardship. **JKP** requested they move the house north, away from the wetland or into the already cleared area of the lot. **JKP** asked him to address the legality of paving the road "Gravel Way". **MS** replied the road is paper road and the road standards are not met as it serves a single family home and functions only as a driveway. **JKP** asked if the drive would be paved all the way to Beach Road, including the portion off the lot. **MS** replied it would be. **JKP** asked whose owns the road. If they are making improvements, they will need permission from the property owners. **MS** stated he was not sure but would verify.

JKP motioned to continue the Notice of Intent for Downeast Building & Development, 2 Gravel Way to September 4, 2019 for information gathering and an additional site visit.

EGR seconded.

Vote: 5-0, unanimous. Motion Carried.

1. RDA: Jeff Knowles, 7 True Road (8/21/19)

Mark West (MW) of West Environmental represented the project. Reviewed the resource areas by the proposed single family home. Resource areas are greater than 50 feet from the edge of clearing.

EGR motioned to continue the Request for Determination of Applicability for Jeff Knowles, 7 True Road to September 4, 2019 for a site visit in the interim.

JKP seconded.

Vote: 5-0, unanimous. Motion Carried.

2. NOI: James Purtell, 536 North End Blvd. (8/21/19)

Gregory Hochmuth (GH) of Williams & Sparages, LLC represented the applicant. Introduced the proposed project to remove a single family home and rebuild a new single-family home on piles. The site is located in the AE zone. **SA** requested a piling plan. **GH** stated he would submit the architectural plan, which includes the piling locations. **GH** added the parking surface under the house is proposed as pervious pavers. There is a knee wall proposed to keep the dune from undermining the parking area. **EGR** asked them to remove the wall from the plan; such structures in the resource area are not permitted. **JDJ** reminded them any fence, existing or proposed, would need to be fifty percent (50%) open. **JKP** asked why they need so many parking spaces as it is a single-family structure. **GH** replied to accommodate visitors. **SA** stated she would like to confer with DEP about the pavers on the beach, believes cells are preferred. **JKP** asked why there are two utility chases proposed; the Commission traditionally approves one. **JDJ** asked for confirmation that after the basement is removed, the appropriate sand be imported to fill the space. **GH** confirmed the concrete would be removed and the appropriate fill will be brought in.

Commission requested more information on the concrete pathway in the dune. Would like to bring the entire site into compliance. **LP** requested they contact DEP to correct an error in the address. **GH** stated the existing shed would be removed. Commission clarified the existing walls will need to be removed and cannot be replaced.

EGR motioned to continue the Notice of Intent for James Purtell, 536 North End Blvd. to September 4, 2019 with a site visit in the interim.

JP seconded.

Vote: 5-0, unanimous. Motion Carried.

3. NOI: McSmiley LLC, 86-88 Elm Street (8/21/19)

Joel Favazza (JF) of Seaside Legal Solutions presented the application. Requested the Enforcement Order be heard with this public hearing as the two are connected. Commission agreed.

JF introduced the restoration plan for the Enforcement Order that includes a Phragmites control plan and a replanting plan for the disturbed areas. The restoration plan shows the restoration of the disturbed finger wetlands that are proposed to be filled in the Notice of Intent. They would not restore them just to fill them, but will complete the two plans concurrently. Replication is proposed at 2:1 ratio, with a ten foot (10') no disturb zone demarcated by a post and rail fence. Some trees are also proposed to be removed.

Tyler Ferrick (TF) of DeRosa Environmental stated they would be removing the historic filling in the proposed replication areas. **JKP** asked if the concrete bins in the center of the site would be relocated. Owner James Mackechnie (JM) stated if this plan is approved, removing the center bins is likely, as it would increase room for shrub storage and maneuverability for tractor-trailers. **JKP** asked if the post and rail fence would go around the concrete bins. **JM** replied they would go up to the concrete blocks blocking all access to the wetlands.

Arthur Theophilopoulos, 91 Elm Street, expressed concerned for water displacement from the filling effecting their property. Have already experienced flooding from alterations to this property and other properties surrounding them.

JKP motioned to continue the Notice of Intent for McSmiley LLC, 86-88 Elm Street to September 4, 2019 with a peer review and site visit in the interim of both the restoration plan and the Notice of Intent.

EGR seconded.

Vote: 5-0, unanimous. Motion Carried.

4. Amended NOI: David Elgart & Brittany DeFlumeri, 10 Bartlett Street (8/21/19)

EGR motioned to continue the Amended Notice of Intent for David Elgart & Brittany DeFlumeri, 10 Bartlett Street to September 4, 2019 at 7:10pm

JDJ seconded.

Vote: 5-0, unanimous. Motion Carried.

A. NEW BUSINESS:

1. Request for Significance of Change, 1 True Road

Daniel Ottenhimer (**DO**) of Mill River Consulting represented the applicant. Proposed an alteration to the approve Order of Conditions that includes a retaining wall around a landscaped area. Proposing to also add a post and rail fence surrounding the wetland. The wetland has been treated as mowed lawn and the applicant would like to allow it to return to its natural state. **EGR** asked if there is a shed on the wetland line. **DO** confirmed, it is preexisted the plan.

EGR motioned to find the changes as proposed for 1 True Road as insignificant.

JKP seconded.

Vote: 5-0, unanimous. Motion Carried.

2. Request for Extension, 345 North End Blvd.

Matt Steinel (**MS**) of Millennium Engineering introduced the request for extension. Briefed the Commission on the project approval and the subsequent amended Order of Conditions. Contractors are preparing to start work but the Order of Conditions is due to expire in September. They would like to request a 1-year extension. **SA** asked the status of the project and when they plan to start work. **LP** informed the Commission they were planning to drive piles this week but at the preconstruction meeting, the erosion control was not properly installed and needed to be altered.

EGR motioned to approve the Extension for 345 North End Blvd to for 1 year.

JP seconded.

Vote: 5-0, unanimous. Motion Carried.

3. Certificate of Compliance, 16 Seabrook Road

Mark West (**MW**) presented the project. Informed the Commission of the items that were not in compliance with the Order of Conditions. The main item is that the retaining wall was not installed as shown on the approved plan. Instead, the shoulder was sloped and stabilized. **MW** visited the site and confirmed the slope is planted and stabilized and does not intrude on the wetland.

EGR motioned to approve the Certificate of Compliance for 16 Seabrook Road.

JKP seconded.

Vote: 5-0, unanimous. Motion Carried.

F. ENFORCEMENT ORDERS:

1. 81 Railroad Ave.
2. 438 N. End Blvd.
3. 565 North End Blvd.
4. 30 Main St.
5. 86/88 Elm St.
6. 212 N. End Blvd.
7. 83 Atlantic Ave.
8. 9 Bayberry Ln.
9. 211 N. End Blvd.
10. 279 N. End Blvd.
11. 82 Lafayette Rd.
12. 16 Hayes St.
13. 11 Railroad Ave. – **JDJ** asked for an update. **SA** stated they do not comply with their Order of

Conditions. They do not comply with their Enforcement Order and it has expired. Would like to contact Town Council and not issue a Certificate of Compliance for this property.

F. COMMISSIONER COMMENTS:

Lisa Pearson addressed the job search for the new Conservation Agent.

G. ADJOURNMENT:

JKP motioned to adjourn the August 21, 2019 Conservation Commission Meeting at 9:16 pm

EGR seconded.

Vote: 5-0, unanimous. Motion Carried.