



**Salisbury Conservation Commission
Meeting Minutes
September 19, 2018
Colchester Auditorium, Town Hall
5 Beach Road
Salisbury, MA 01952
7:00 P.M.**

COMMISSIONER MEMBERS PRESENT: Vice Chair Jessica Stucker (**JS**), Emily Round (**EGR**), Julie Doughman-Johnson (**JDJ**) and Joanne Perreault (**JP**).

COMMISSIONER MEMBERS ABSENT: Chairman Sheila Albertelli (**SA**) and Jane Purinton (**JKP**).

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

Chairman Sheila Albertelli opened the meeting at 7:07p.m. under the Wetlands Protection Act & Open Meeting Law and informed the public that the meeting was being recorded.

A. MINUTES:
1. September 5, 2018

EGR motioned to continue the minutes for September 5, 2018.

JDJ seconded.

Vote: 4-0, unanimous. Motion Carried.

EGR motioned to add the Emergency Certificate for 178 North End Blvd to the agenda.

JDJ seconded.

Vote: 4-0, unanimous. Motion Carried.

Emergency Certificate, 178 North End Blvd.

MR informed the Commission of the conditions that have led to the re-issuing of a previous emergency certificate.

EGR motioned to ratify the Emergency Certificate, 178 North End Blvd., for an egress deck.

JDJ seconded.

Vote: 4-0, unanimous. Motion Carried.

B. PUBLIC HEARINGS at 7:10pm:

1. NOI: James Zorbas, 32 Railroad Ave (LC Lot 480) (6/7/17)

Commission agreed to send a letter to applicant, calling for movement on the application or closing the public hearing, as it has been on the agenda for over a year.

EGR motioned to continue the Notice of Intent for 32 Railroad Ave, Land Court Lot 480, to October 3, 2018 at 7:10p.m. with a letter to be sent to the applicant asking for movement on the application at the next meeting.

JP seconded.

Vote: 4-0, unanimous. Motion Carried.

2. NOI: James Zorbas, 32 Railroad Ave (LC Lots 478A, 479) (6/7/17)

EGR motioned to continue the Notice of Intent for 32 Railroad Ave, Land Court Lot 478A, 479, to October 3, 2018 at 7:10p.m with a letter to be sent to the applicant asking for movement on the application at the next meeting.

JP seconded

Vote: 4-0, unanimous. Motion Carried.

3. NOI: Big Block Development Group, 6-28 Ocean Front South, 16-18 Broadway (11/1/17)

JP motioned to continue the Notice of Intent for Big Block Development Group, 6-28 Ocean Front South, and 16-18 Broadway to October 3, 2018 at 7:10p.m.

JDJ seconded.

Vote: 4-0, unanimous. Motion Carried.

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

EGR motioned to continue the Notice of Intent for C&R Realty Trust, 110 Elm Street to October 3, 2018 at 7:10p.m.

JP 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. Application has received its DEP file number. Have added a 50 percent open fence to the plan; may not install but would like the option.

JDJ asked if there is going to be any fill brought in. **MS** replied there is no fill planed at this time, but if needed, they will returned to the Commission for a modification.

EGR asked if there was a planting plan, other than the bushes shown on the plan. **MS** stated he would add a note to the plan that any planting proposed will need to be native, salt tolerant and approved by the Commission's Agent

EGR motioned to approve the Notice of Intent for 17-19 North End Boulevard Development, LLC, 17 N. End Blvd., with the standard special conditions and the condition that a plan for revegetating the disturbed area will be submitted to, and approved by, the Conservation Commission's Agent. Any soil brought in will be sandy soil with gradation that meets the Salisbury Beach Management Plan.

JDJ seconded.

Vote: 4-0, unanimous. Motion Carried.

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

EGR motioned to approve the Notice of Intent for 17-19 North End Boulevard Development, LLC, 19 N. End Blvd., with the standard special conditions and the condition that a plan for revegetating the disturbed area will be submitted to, and approved by, the Conservation Commission's Agent. Any soil brought in will be sandy soil with gradation that meets the Salisbury Beach Management Plan.

JP seconded.

Vote: 4-0, unanimous. Motion Carried.

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

David Smith (**DS**) for GZA GeoEnvironmental represented the applicant. Refreshed the Commission on the proposed plan to install a boatlift for Cove Marina. Includes removal of 333 sq. feet of salt marsh and 125 sq. feet of ledge outcrop removed to 1 ft. elevation in the rocky intertidal zone. Restoration is proposed in select areas shown on plan. Have received comments from Division of Marine Fisheries and site visits were conducted. Filed with MESA and NHESP. Resulted in conditions that will be incorporate into the plans, if needed. Received their DEP file number.

JDJ asked if the Salt Marsh Performance Standards allowed for disturbance. **MR** replied it does not allow for alteration of the salt marsh, even including replication. **JDJ** asked if the Commission denied the application based on the regulations, could it be appealed to DEP. **MR** replied it could. **EGR** asked if there was any way they could accomplish this plan without disturbing the saltmarsh. **DS** stated it is not possible. DEP issued no comments.

EGR motioned to deny the Notice of Intent for Brian Mullen, 8 Friedenfels Street on the grounds that it does not fall under 3 10 CMR §10.32 - 3 “A proposed project in a salt marsh, on lands within 100 feet of a salt marsh, or in a body of water adjacent to a salt marsh shall not destroy any portion of the salt marsh and shall not have an adverse effect on the productivity of the salt marsh.”

JDJ seconded.

Vote: 4-0, unanimous. Motion Carried.

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

JP motioned to continue the Notice of Intent for Frank Carvalho, 37 Gardner Street, to October 3, 2018 at 7:10p.m.

EGR seconded.

Vote: 4-0, unanimous. Motion Carried.

9. NOI: H&M Industries, Inc., 45 Old County Rd. (9/5/18)

Mike Wolpert (**MW**) H& M Industries, Inc., was present.

ERG requested review of the wetland line.

MW requested to replace the proposed gravel driveway with a paved driveway and concrete under the house.

EGR preferred the pervious surface previously proposed due to the close proximity to the wetland.

JDJ asked if any retaining walls were proposed. **MW** said no.

JDJ asked if there was any landscaping to protect the wetland proposed. The results of illegal dumping are obvious in the area, garbage including table in the wetland; requested **MW** remove the garbage from the resource area as part of this application.

Commission agreed they would like the line reviewed and the wetland reflagged. Reminded **MW** the flags need to be maintained for the duration of the project.

EGR motioned to continue the Notice of Intent for H&M Industries, Inc., 45 Old County Rd., to October 3, 2018 at 7:10 pm with a review done by the commission’s wetland scientist in the interim.

JP seconded.

Vote: 4-0, unanimous. Motion Carried.

10. NOI: Kent Stoddard, 159 Atlantic Ave. (9/5/18)

Matt Steinel (**MS**) of Millennium Engineering represented the applicant. Have received DEP number.

Commission requested elevation be added to plan at the last meeting, has been done. DEP commented with the request for a profile view, have address the comment.

EGR asked if there could be a person responsible for disposing of construction debris as litter was present on the site. **MS** stated the contractor would be responsible for maintaining the site.

MS added the pile driver informed them the equipment needed can fit through the access way, so they will not need to go on DCR property to make repairs.

EGR motioned to approve the Notice of Intent for Kent Stoddard, 159 Atlantic Ave., with the standard special conditions and the condition that if any equipment needs go on DCR property they will receive the approval first.

JP seconded.

Vote: 4-0, unanimous. Motion Carried.

11. NOI: Downeast Building and Development, 84 Ferry Rd. (9/19/18)

Bob Grasso (**BG**) of Engineering Land Services represented the applicant. Proposed a septic system repair with razing of the current structure and construction of a new single family home. Wetland flagged by Norse Environmental. Existing dwelling is 25 feet from wetland line. New structure will be 40 feet from line. Presby septic system as far from wetland as possible. The system will be about three (3) feet above grade when finished. Silt sock proposed for erosion control. Wetland has been maintained as a lawn; will cease and allow the area to revegetate.

EGR asked if any tree clearing needed. **BG** stated the driveway will require the removal of shrubs and small caliper trees. **JDJ** asked if there are any retaining walls needed. **BG** replied there is not.

JS requested they add a permanent demarcation to the wetland line to prevent the area from being mowed accidentally.

EGR asked to do a site visit.

EGR motioned to continue the Notice of Intent for Downeast Building and Development, 84 Ferry Rd., to October 3, 2018 at 7:10p.m with a site visit in the interim.

JP seconded.

Vote: 4-0, unanimous. Motion Carried.

12. RDA: Waldot Realty, LLC, 111 Elm St. (9/19/18)

Matt Steinel (**MS**) of Millennium Engineering represented the applicant. Proposed to do grading work within the buffer zone. All work will be done greater than 50 feet from the wetland.

EGR asked if there were any low impact development practices that could be used outside of the buffer zone instead of the proposed design. **MS** replied curbing was required by the Planning Board making a detention pond necessary.

JS requested Joe Serwatka review the storm water calculations to be sure it complies with the MA Wetlands Protection Act.

EGR asked if there is an open OOC on the property. **MS** confirmed there is. They were unaware and are now working on closing it out.

Commission requested a site visit.

EGR motioned to continue the Request for Determination of Applicability for Waldot Realty, LLC, 111 Elm St., to October 3, 2018 at 7:10p.m to allow for a site visit and a review of the storm water calculations for compliance with the act in the interim

JP seconded.

Vote: 4-0, unanimous. Motion Carried.

13. RDA: 13 Beach Road, LLC, 13 N. End Blvd. (9/19/18)

Matt Steinel (**MS**) of Millennium Engineering represented the applicant. Proposing to repave over an existing paved surface without expanding or disturbing the ground.

EGR asked what the square footage is of the area that is paved. **MS** replied he does not have an exact measurement at this time.

JS asked if the parking lot would be used for commercial purposes. **MS** replied it is likely.

JS asked if there is any stormwater treatment proposed. **MS** replied there is not. **JP** asked if the parking lot floods. **MS** replied there is a low area that puddles. **JS** asked if it floods at spring high tide. **MR** confirms it does flood with the spring high tide.

JS asked if there erosion control proposed. **MS** replied there is a silt sock proposed surrounding the property.

JS would request more information including, how many parking spots, if the spots are to be painted, the square footage, and plans showing exactly what is to be paved. **EGR** asked that the applicant be consulted on adding storm water management to the plan.

EGR motioned to continue the Request for Determination of Applicability for 13 Beach Road, LLC, 13 N. End Blvd., to October 3, 2018 at 7:10p.m with a site visit in the interim and a more detailed plan provided.

JP seconded.

Vote: 4-0, unanimous. Motion Carried.

C. NEW BUSINESS:

1. Request for Certificate of Compliance, 16 CCC Rd.

MR visited the site and confirmed for the Commission the replication area is growing satisfactorily. Photos provided

JP motioned to issue the Certificate of Compliance for 16 CCC Road.

EGR seconded.

Vote: 4-0, unanimous. Motion Carried.

2. Request for Significance of Change, 135 Beach Rd.

Nick Mihelis (**NM**). 135 Beach Road, C1 was present. Tree removal in the order of conditions required trees to be dropped; this tree was instead cut into pieces and left on the wood line. Would like to remove the debris.

JS asked if the debris would be put in the wetland or removed from site. **NM** replied removed from the property.

JP motioned to approve the changes as presented for 135 Beach Rd as insignificant.

EGR seconded.

Vote: 4-0, unanimous. Motion Carried.

3. Request for Certificate of Compliance, 318 N. End Blvd. (formally 342 N. End Blvd.)

MR informed the Commission a site visit was conducted with Commission members. The house built in compliance with the flood zone, there is lattice is under house but it was allowed at the time of approval. There is an old stockade fence on property that is very small. No retaining walls on site.

JDJ added there is a pile of lumber and fence pieces left on the property that would be a hazard in a storm event. Asked the letter be provided to the owner that tells them the fence when replaced needs to comply with the Dune Performance Standards, they also cannot replace the lattice under the house should they choose to remove it. **ERG** requested the Certificate of Compliance not be released until the site has been cleaned of debris

EGR motioned to issue the Certificate of Compliance for 342N. End Blvd., with the condition a letter be sent to the owners that states any new fence on the property will need to be 50 percent open, the lattice cannot be replaced and the wood and lattice debris will need to be removed from the site.

JP seconded.

Vote: 4-0, unanimous. Motion Carried.

D. OLD BUISNESS:

1. Request for Certificate of Compliance, 62 Cable Ave.

Site visit was conducted. Raised question about a tree that was removed on the far side of the fence. Investigation showed that the tree was removed in compliance with their OOC.

EGR motioned to approve the Certificate of Compliance for 62 Cable Ave.

JP seconded.

Vote: 4-0, unanimous. Motion Carried.

2. Request for Certificate of Compliance, 11 Railroad Ave.

EGR motioned to continue the Certificate of Compliance for 11 Railroad Ave. to October 3, 2018 at 7:10pm with a letter sent to the applicant in the interim asking them to attend the next meeting.

JDJ seconded.

Vote: 4-0, unanimous. Motion Carried.

D. ENFORCEMENT ORDERS:

- 1. 81 Railroad Ave.**
- 2. 438 N. End Blvd.**
- 3. 128 Bridge Rd.**
- 4. 26 Sweet Apple Tree Ln.**
- 6. 2 Linda Ln.**
- 7. 565 N. End Blvd. – MR informed the Commission the file was sent to the DEP for review.**
- 8. 157 Bridge Rd.**
- 9. 30 Main St. – MR visited the site to see the delineated wetland line. Owner is preparing a presentation for the Commission.**
- 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.**
- 16. 146 Central Ave**
- 17. 209 N. End Blvd.**
- 18. 211 N. End Blvd.**
- 19. 276 & 277 N. End Blvd.**
- 20. 279 N. End Blvd.**

E. COMMISSIONER COMMENTS:

JDJ asked the public not to chase marine mammals. **JS** requested **MR** link on the Town's webpage the graphic circulating that shows the proper distance to stay away from marine mammals.

F. ADJOURNMENT:

EGR motioned to adjourn the September 19, 2018 Conservation Commission Meeting at 8:47 pm
JP seconded.

Vote: 4-0, unanimous. Motion Carried.