

**Salisbury Conservation Commission**  
**January 15, 2014**  
**Colchester Auditorium, Town Hall**  
**5 Beach Road**  
**Salisbury, MA 01952**  
**7:00 P.M.**

**COMMISSIONER MEMBERS PRESENT:** Chairperson Sheila Albertelli (SA), Sally Laffely (SL), Matt Carignan (MC) and Joanne Perreault (JP) and Andria Nemoda (AN)

**COMMISSIONER MEMBERS ABSENT:** None

**ALSO PRESENT:** Michelle Rowden, Conservation Agent and Lori Robertson, Secretary

S. Albertelli opened the meeting at 7:10 pm under the Wetlands Protection Act & Open Meeting Law and informed the public that the meeting is being recorded.

**MINUTES:**

**December 18, 2013**

**MC** motions to accept the minutes from 12/18/13. **JP** seconded the motion. All members present voted in favor. **Motion Passed.**

**PUBLIC HEARINGS at 7:15 p.m.**

**NOI: Michael Larkin, 44 Railroad Avenue:** Applicant requested a continuance to the next meeting.

**SL** motioned to continue to the February 5, 2014 at 7:10 p.m. **JP** seconded the motion. All members present voted in favor. **Motion Passed.**

**RDA: Lou Fossarelli, 49 Commonwealth Avenue:** **MR** stated we are still waiting for another board member.

**MC** motioned to move #2 to the end of public hearings. **JP** seconded the motion. All members present voted in favor. **Motion Passed.**

**NOI: Harold Nabhan, 402 North End Blvd.** Mr. Elton Watkins (EW) attorney for the applicant. Stanley Humphries (SH), Senior Coastal Geologist addressed the board. The proposed project involves construction of a 48'x84' long single family dwelling elevated on timber pilings. The proposed work will occur within the coastal dune. Previously we filed for a Notice of Intent for a smaller house. We filed an amendment to increase the size of the house in 2010. The walls around the garage and lower level utility. There is an ongoing process for an easement through this property. We meet the performance standards for the coastal dunes. **SA** asked how this meets the dune standards. **SH** stated there is an ability for the waves to remove sediment. There is the ability for the dune to move laterally and land-ward. There is no destabilization of the landform visa via the destruction of vegetation. It is not a mapped bird nesting habitat. The storage of sand in the dune is and will be available continue to be exchanged with the beach. **SA** stated I know one of the dune performance structures would not allow for a structure so close to the dune. Initially when this project came before us DEP said it was too close to the dune. Now, this application is even closer. **SL** stated the concrete floors are required by ADA regulations but that applies to public buildings and not anything in private nature. I wouldn't see that as being a performance standard in that regard. As far as the lower level of the foundation area if you look at the Mass amendments for construction code there is a construction standard for coastal dunes and it says enclosures are not permitted under the lowest horizontal structural member of the lowest floor. I didn't think DEP allowed breakaway foundations. **SH** stated we can have a more pervious floor. They may need to have some planking for the wheel chair access. With regard to the elevation of the utilities and access we are looking at a velocity zone of 15 in the lower level and the grade elevation is 13.5. **MC** asked if the two properties are new next to the lot. **MR** stated they are new structures. They were permitted prior to 2005. **MC** asked what is preventing you moving it closer to the street. **SH** stated this is the applicant's desire. If the commission would like to continue to get an explanation of why he wants it's so close to the dune we don't have a problem with it. **SL** stated there is no comments from DEP yet. **MC** asked what you would do to protect the dune while building. **SH** stated we will use snow fencing. **MC** asked what kind of pilings? **SH** stated it would be wood pile. Most likely oak. **MC** stated I asked about the other homes because they all seem close to the

dune. **MR** stated the structure to the north was moved back. **JP** stated I would feel more comfortable continuing until DEP comments.

Abutter, Ms. Diane Dastoli of 401 North End Blvd addressed the board. I think it will be way too close to the dunes. I feel that the stairs will be somewhat blocked by the building. This is a public access.

**EW** stated we are awaiting a decision from the judge of the landcourt. There has been an agreement between the town and the Nabhans to grant the way to the beach to the town. The state is objecting because they believe a town cannot surrender an easement to a public beach. If the judge approves the agreement it will be owned by the town. **MC** asked if the easement is 50' wide. **EW** stated yes on paper. The lot is unbuildable with the easement the way it is.

Abutter, Debra Curtin of 406 North End Blvd addressed the board. I am concerned about our access to the beach from our building. I had a bench out near the stairs and Mr. Nabhan moved it. He said that it was on his property. It was located right at the snow fence. I thought it was public way. Is this going to interfere with us getting to the beach? **EW** stated that the town will own that strip of land if the easement goes through. You may have to talk to the town and open up the fence but Mr. Nabhan will no longer own it. **MC** stated it looks like the bottom stair of her deck will be on the beach access.

**SA** asked if continuing to February 5<sup>th</sup> work with your schedule? **EW** stated I will not be around but Stanley will be able to.

**JP** motioned to continue to the February 5, 2014 meeting at 7:10 p.m. pending DEP comments in line with the concerns with what the commission is looking at. 1. New design is close to the primary dune. 2. Solid walls/breakaway walls. **MC** seconded the motion. All members present voted in favor. **Motion Passed.**

**NOI: Daaboul and Sons Auto Repair, 76-78 Elm Street:** Applicant wishes to continue to the next meeting.

**MC** motioned to continue to the February 5, 2014 at 7:10 p.m. Seconded by **JP**. All members present voted in favor. **Motion Passed.**

### **NEW BUSINESS:**

**PARC grant request** Ms. Lisa Pearson (LP), Planning Director addressed the board. (Described grant). The town needs to match the funds we received from winning the grant. The town needs to come up with \$400,000.00. I am asking the Conservation Commission to vote on withdrawing \$20,000.00 from the Conservation revolving account. The Town will be building a new park/sports facility near the elementary school in the area of Partridge Brook and Pearson's Pit. In order to properly plan for the design, a wetland delineation must be completed. The Town would like to ask the Commission to expend funds from the revolving account to do some of this planning work. Any funds expended from the revolving fund must be related to the protection of wetlands and other resource areas within the jurisdiction of the Commission. **SA** stated I think this is an outstanding use. **MC** asked what portion of the plan the \$400,000 will cover. **LP** stated it covers an access road. We are looking to survey and wetland delineate the area. We would be looking to build field #8 and #9-or the utility field. We would connect the parking lot to the back trail. **SL** asked if this would be the maximum amount needed. **LP** stated yes. **SL** asked if we had enough money. **MR** stated yes. There is approximately \$53,000.00 left in escrow not included projects.

**JP** motioned to take up to the amount of \$20,000.00 from the Conservation Commission revolving fund to use for the PARC grant for wetland delineation and associated preservation work. **SL** seconded the motion. All members present voted in favor. **Motion Passed.**

(Andria Nemoda arrived-**SL** stepped down)

**RDA: Lou Fossarelli, 49 Commonwealth Avenue:** Ron Laffely (RL) of Laffely Architects addressed the board on behalf of the applicant. (passed out photos of existing conditions). The applicant is asking to modify his parking area to use an egg crate type paver. He has tried maintaining the current driveway for several years. In the past couple of years the commission has allowed these types of driveways. **MC** asked if he would fill the holes with pea-stone. **RL** stated yes. **AN** asked what if dune grass grew in there. **RL** stated the only thing that will grown in there would be moss. **AN** asked if any maintenance involved? **RL** stated no.

**JP** motioned to issue a negative determination. Seconded by **AN**. All members present voted in favor. **Motion**

**Passed.**

**True North Solar Farm, compliance:** **MR** stated this is for the enforcement order they have for the cutting of the wetland vegetation. They are requesting that we release another 20% of the bond. **AN** stated I would do a site visit.

**AN** motioned to continue to the February 5, 2014 at 7:10 p.m. **MC** seconded the motion. All members present voted in favor. **Motion Passed.**

**Request for a Certificate of Compliance, 77 Baker Road.** **JP** volunteered to do a site visit.

**MC** motioned to continue to the February 5, 2014 at 7:10 p.m. **AN** seconded the motion. All members present voted in favor. **Motion Passed.**

**Request for Certificate of Compliance, 188 North End Blvd.:** Mr. Tom Saab (TS) addressed the board. Ron Stelline of DEP came out and looked at the stairs and asked for the platform to be raised up. The stairs will remain the same direction. **AN** asked how high was the platform raised? **TS** stated he asked for 6" and we raised it 8-10.

**JP** motioned to grant the Certificate of Compliance. **MC** seconded the motion. Vote on motion. SA-yes. MC-yes. JP-yes. AN-abstain. **Motion Passed.**

#### **ENFORCEMENT ORDERS:**

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**20 Dock Lane-no action**  
**Salisbury Woods-no action**  
**2 Broadway-no action**  
**16 Hayes Street-no action**  
**4 Fanaras Drive-no action**  
**178 North End Blvd.-no action**  
**44 Lafayette Road-no action**

#### **COMMISSIONERS COMMENTS:**

- New Commissioner – George Rioux
- MACC-annual conference
- Beach \$300,000.00-dune work/I as well as other agencies have urged DCR to find more money. Many groups are involved with applying for 3 million dollars from the Hurricane Sandy Fund. It has to do with coastal resiliency.

#### **ADJOURNMENT:**

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**JP** motioned to adjourn at 8:50 p.m. **AN** seconded the motion. All members present voted in favor. **Motion Passed.**