

**Salisbury Conservation Commission  
February 20, 2013  
Colchester Auditorium, Town Hall  
5 Beach Road  
Salisbury, MA 01952  
7:00 P.M.**

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

**COMMISSIONER MEMBERS ABSENT:** Larry O'Brien

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

S. Albertelli opened the meeting at 7:00pm under the Wetlands Protection Act & Open Meeting Law and informed the public that the meeting is being recorded.

**MINUTES:**

**February 6, 2013**

**MC** motioned to continue the minutes of February 6, 2013. Seconded by **JP**. All members present voted in favor. **Motion Passed.**

**PUBLIC HEARINGS at 7:10 p.m.**

**RDA: MassDOT, Rabbit Road (12/5/12)** Applicant requested continuance to the next meeting March 6, 2013 at 7:10 p.m.

**PF** motioned to continue to the March 6, 2013 meeting at 7:10 p.m. Seconded by **AN**. All members present voted in favor. **Motion Passed.**

**RDA: Peter Nett and Kevin Kimball, 79 North End Blvd (12/5/12)** **MR** stated a letter has been received asking for withdrawal so the applicant may file an NOI.

**JP** motioned to withdraw the application. Seconded by **AN**. All members present voted in favor. **Motion Passed.**

**LO** motions to approve the NOI with the condition the dune grass that will be removed will be reset. **Seconded by JP**. All members present voted in favor. **Motion Passed.**

**RDA: Lawrence and Laura Slepoy, 54 Forest Road (2/20/13)** I am here for a septic system upgrade. We have been approved by the Board of Health but part of their approval was for the applicant to come before you for the RDA. The wetlands were delineated as part of my design. However, some wetlands are located offsite. We couldn't get permission to go on the neighbor's property. We used MASS GIS to approximate the location. The system is 105' from the wetlands. The system is currently in failure. **SA** asked about a peer review from Mary Rimmer. Applicant we are locked into this area. The other locations are poor soil area. **MR** stated they are asking us to verify the wetland line. You have to determine if these boundaries are accurate. **SA** stated it would be a requirement of the applicant to pay for the peer review of our wetland scientist. Applicant asked if this was typical of the Board of Health. **MR** stated not very often. Applicant stated that he understood.

**JP** motions to continue to the March 6, 2013 at 7:10 p.m. to allow Mary Rimmer to verify the wetlands. Seconded by **SA**. All members present voted in favor. **Motion Passed.**

**RDA: Hugo Key & Sons, 114 Bridge Road (2/20/13)** Mr. Hugo Key (HK) addressed the board. We have a contract to do the tide gate work. We are trying to create a better access to do the work. **SA** asked the closet impact would be the gravel? **HK** stated yes. **AN** asked would you be providing snow removal? **HK** stated no our involvement is just during construction. **MR** stated there is no snow removal for the trail. **SA** asked what kind of erosion controls are being used? **HK** stated we are installing silt fence around the resource of the north of the access. **PF** asked how close are the wetlands? **HK** stated the gravel driveway is 20' from the wetland. **PF** asked if this has been reviewed by Mary Rimmer? **MR** stated these wetlands have been previously reviewed. **AN** asked will anybody be monitoring the site. **HK** stated we will be leaving it the way we see it here. **AN** stated I think there should be a condition that if it is adversely affected it would be their responsibility to repair the damage.

**MC** motioned that the work depicted is not subject to the Wetland Protection Act however if there is adversely areas they will need to be repaired by the applicant. There will be a site visit with completion of work done by Hugo Key and Sons. Seconded by **SA**. All members present voted in favor. **Motion Passed.**

**RDA: Jonathan Dragon, 22 Forest Road (2/20/13)** Jonathan Dragon (JD) addressed the board. A permit was issued on October 4<sup>th</sup> to build the garage. I received an email from Michelle that we were too close to a stream and Conservation should have signed off on it. I contacted Bill Decie to flag the wetlands. This house was built in 1955. (shows photographs to show where the wetlands are in relation to the garage. **SL** stated it looks like there is a signature line for Conservation. **JD** stated normally I do the permits but this time the contractor did it. **MR** asked are you paving the driveway? **JD** stated yes. **SA** stated we are looking to see if the applicant needs to file a Notice of Intent. **PF** stated a building was built within the 200' river protection act. I believe that it is needed to file a NOI. **MR** stated you still would have had to file even if it got caught in the beginning.

**AN** motioned to make a positive determination. **PF** seconded the motion. All members present voted in favor with the exception of **MC** who abstained. **Motion Passed.**

**NOI: MA Dept of Conservation and Recreation, 24 Oceanfront South (2/20/13)** Carl Chamberlain (CC) and Darryl Forgione (DF) addressed the board. CC state we are looking to demolition and site restoration for the former seaside café. The site consists of an abandoned building and beachfront. The site is coastal beach and coastal dune. (shows pictures of existing site). The two existing dune crossing on either side of the building will remain, and one additional dune crossing will be provided in the center of the property with a wooden walkway and a 14'x14' pergola. The contractor will be staging from the street. We don't plan on allowing the contractor to be on the beach. The type of equipment that will be used will be backhoes, excavators, dumptruck. Sand will have to be brought in from another site. It will be built up about 4'.

**AN** asked if the sand would be sifted. **DF** stated we will have the site as clean as possible. Michelle has been very clear about not having debris stray from the work. **DF** stated the front foundation wall will be staying to protect the town.

Mary Hatem 26 South Oceanfront South addressed the board as an abutter. I am here to see what was going to be done with the wall? Where is the wooden walkway going? **DF** stated in the center. (Discussion about where the wooden walkway would go).

**SA** asked about a timeline? **DF** stated we are thinking it will probably be starting near Memorial Day weekend. We will try not to impact the public. **SA** stated I just want you to be aware of the best time to plant the dune grass. Spring and fall. **MR** asked about the level of the dune in the middle. **CC** stated it was done like that to keep the level of the entrance walkway ADA compliant. **DF** stated we could do a switchback of some sort. **MR** asked about DCR requirement of stairs being at an angle, southwest. **DF** stated Mike and Ray reviewed the drawings. For the purposes of presentation it could be changed. **SA** asked if something is breaching we will work together to fix the plan. **MC** asked what is located inside the garages now? **DF** stated a formal environmental survey was done by GEI. There are some mastic materials that have asbestos. As far as the contents in the building are old water heaters, trash. **MC** asked about oil containers? **DF** stated no. **AN** asked about the height of the dune. **CC** stated we would plan on building up. It will be 4' above the existing elevation. **AN** asked if it is plausible to have one continuous dune across. **DF** stated yes we could move the dune crossing to the north side. (Discussion where is the busiest spot-appropriate for the dune crossing) **SA** stated I love that idea of one dune across.

Discussion regarding appropriate location of walkway.

Lance asked if you remove and don't put the one in the center would you still have a pergola. **DF** stated one end would be a hard structure and one would be a soft walkway.

**AN** made a motion to accept the NOI with the conditions: 1. The structure will not be in the center of the dune and the dune will be one continuous dune it is placed on either side. 2. The excavation will be followed with our standards order of conditions. 3. There will be a site visit at the end of construction to assess the flood and the condition of the dunes and also a site visit to make sure the dune grass is growing. 4. The sand that is used is compliant with the Salisbury Beach Management Plan. **PF** seconded the motion. All members present voted in favor. **Motion Passed.**

**MR** stated before the Order of Condition is issued final plans are submitted since there were many changes stated tonight. **DF** stated absolutely.

**SA** asked if a DEP # was issued. **MR** stated no.

**New Business:**

**Significance of change, 402 North End Blvd.** Applicant not present.

**AN** motions to continue to the March 6, 2013 at 7:10 p.m. Seconded by **SA**. All members present voted in favor. **Motion Passed.**

**ENFORCEMENT ORDERS:**

- - 1 Main Street-no action
  - 20 Dock Lane-no action
  - 148 Lafayette Road-no action
  - Salisbury Woods-no action
  - 14 Rabbit Road-no action
  - Broadway-no action
  - 16 Hayes Street-no action

**COMMISSIONERS COMMENTS:**

- AN will be attending the MACC conferences. SA said she would like to attend also.

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**ADJOURNMENT:**

**AN** motioned to adjourn at 8:45 p.m. Seconded by **PF**. All members present voted in favor. **Motion Passed.**