

**Salisbury Conservation Commission**  
**May 1, 2013**  
**Colchester Auditorium, Town Hall**  
**5 Beach Road**  
**Salisbury, MA 01952**  
**7:00 P.M.**

**COMMISSIONER MEMBERS PRESENT:** Sheila Albertelli (SA), Chairperson, Joanne Perreault (JP), Matt Carignan (MC), Sally Laffely (SL) and Larry O'Brien (LO)

**COMMISSIONER MEMBERS ABSENT:** Patricia Fowler and Andria Nemoda

**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.

**Emergency Certificate:**

212 North End Blvd.

244 North End Blvd.

**MC** motions to ratify the emergency certificates with the conditions set forth by **MR**. **Seconded by JP**. All members present voted in favor. **Motion Passed.**

**MINUTES:**

**March 20, 2013**

**April 3, 2013**

**April 17, 2013**

**MC** motions to accept the minutes from 3/20/13, 4/3/13 and 4/17/13. **SL** seconded the motion. All members present voted in favor. **Motion Passed.**

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

**RDA: Sandra Foley of 154 North End Blvd.** Mr. Derek Wallace (DW) addressed the board on behalf of the applicant. This is a request for beach access stairs.

**SL** asked if they needed to file a NOI or RDA? **MR** stated in the 2007 storms, residents who needed to put in stairs did so through an RDA. If they don't do so in a year they are required to file a Notice of Intent. This storm we are once again allowing RDA's. I cleared it with DEP. **MC** asked if this was a private or public access. **DW** stated private. **LO** asked if he was building the deck. **DW** stated yes. This is compliant with the Salisbury compliant. The post is buried 4-5' deep.

**DW** asked if you would prefer a 45 degree angle or a 90 degree angle.

**SA** stated 45 degree southeast. **MC** asked about the DCR tracking sheet. **MR** stated it is a way for DCR to keep track of the stairs going up.

**LO** motioned to issue a negative determination with the condition 1) southeast facing stairs at a 45 degree angle. **SL** seconded the motion. All members present voted in favor. **Motion Passed.**

**RDA: Mark Battle of 104 Atlantic Avenue:** Mr. Mark Battle (MB) addressed the board. I am looking to put a 12'x24' deck on the rear of the house. **JP** asked how high the deck will be. **MB** stated on one end it will be 5' and on the other one it will be 3 ½'. **SA** asked if the applicant was aware that there could be no lattice. **MB** stated yes. **MC** asked if this was on the beach side. **MB** stated no we are across the street from the ocean. **LO** asked if there would be sonotubes. **MB** stated yes. **MC** asked if the deck would be pressure treated? **MB** stated yes.

**JP** motioned to issue a negative determination. **MC** seconded the motion. All members present voted in favor. **Motion Passed.**

**RDA: Ann and John McLaughlin for 362 North End Blvd:**

**SL** stepped down from this item.

Ron Laffely (RL) of Fulcrum Architects addressed the board on behalf of the applicant. We are planning on taking the top three coursings of an existing retaining wall off. There will be weeps (little holes) for drainage. **MC** asked if there would be vehicles to remove the wall. **RL** stated it's actually in a parking lot.

**LO** motioned to issue a negative determination. **JP** seconded the motion. All members present voted in favor. **Motion Passed.**

**RDA: Mark Audette, 177 Bridge Road:** Mark Audette (MA) and Dave Alves (DA) of Wayside Engineering addressed the board. We are attempting to bring this building up to code and open a water-side pub. We are looking to add a handicapped ramp/bathroom. **DA** stated this type of construction is going to have limited impact on the property. **SL** asked if there was going to be a frost wall there? **MA** stated near the handicapped bathroom there will be. It will all be on slab. **SL** stated in 10.58 CMR it stated- 200' riverfront proposed work shall not be located closer to the river than existing conditions. **MA** stated it is staying right as shown. **MC** asked how close to the waterfront is it? **MR** stated its 40' to the wetland. **SA** asked about erosion controls. I prefer salt hay because it's native to the area.

**LO** stated there is a question about if the area is subject to the Wetland Protection Act and the answer is yes.

No abutters present.

**LO** motioned to issue a negative determination. Seconded by **SA**. All members present voted in favor. **Motion Passed.**

**RDA: Matthew Peiniasek, 52 Ferry Road:** Mr. Dennis Quintal addressed the board on behalf of the applicant. (goes over pictures) There is an existing two bedroom house. The septic system is failing. The scope of work is to replace an existing septic system. The edge of the bordering vegetated wetland have been identified on site. We find the existing leach area within 20' of BVW. A replacement can be placed on site to meet the Board of Health requirements however, the septic tank and 20% of the leach area will be within the 100' buffer zone. The tank will be 61' and leach area will be 91' from the BVW. All proposed work will be in a lawn area and the grade will be raised up 2' over the leach area. Erosion control will be placed outside the work area and remain in place until the site is stabilized.

**SA** asked what will happen with the abandoned tank? **DQ** stated it will be filled with sand.

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

**Am. NOI: Michael Lacasse, 17 Ferry Lots Lane (5/1/13)** Mr. Jim Hanley (JH) of Civil Design Consultants addressed the board. We are moving the footprint to further away from the wetland. **LO** asked if the driveway would be moved. **JH** stated it is in the same location. **SL** asked about why wouldn't the applicant proceed through an insignificant change. **MR** stated this is what they filed.

**JP** motioned to amend the existing NOI with the original conditions. Seconded by **SL**. All members present voted in favor. **Motion Passed.**

## **NEW BUSINESS:**

**4 Fanaras Drive:** **SA** stated we received a visit from the Environmental Police (Michelle on vacation) Lisa Pearson and I went down. The wetland area that once was grassed in had been graded out with road base for asphalt. We spoke with the landlord. The company is planning on relocating the business in a couple of weeks. We did put an enforcement order out to stop the work.

Bob stated that the Conservation Commission asked to have a berm put in. I installed one all around.

**SA** stated Lisa Pearson was going to look at aerial photos to see if this is something that was done recently.

Jack Desmond (JD), owner of 4 Fanaras Drive. This area was never grass. If you look at the property/google maps we are in the same area 20 years ago. They may have smoothed things out a bit. They are prepared to re-loam the area.

(Michelle passed out an aerial from 2007-2008). **SA** stated it was grass during that time. If this enforcement goes over to the state they have quoted \$20,000.00 a day. I would like it to stay locally. **JD** stated we are more than happy to comply with what ever you want us to do.

**SA** asked for a site visit. **LO** stated the owner seems like he is willing to work with us. I think Michelle should let him know what needs to be done. **MR** stated I am not comfortable giving the order. I think it should come from the commission.

**SA** stated a site visit would be conducted Friday at 8:30 a.m.

**JP** motioned to ratify the enforcement order for 4 Fanaras Drive. Seconded by **LO**. 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:**

- - Re-organization of the board will be on the agenda next meeting
  - Michelle stated she had a pre-construction meeting with Darryl Forgione from DCR. They intend to start harvesting the sand at the jetty tomorrow. They will bring the sand to the beach center and replenish the dunes in the area at the top of Broadway from the sidewalk café building to surfside 5. Public Access #5 will be made more accessible-not sure if any sand will be placed in this location. Then, they will work on the area between Accesses #6&8. The sand fencing will be installed shortly along the entire beach front. They also indicated that they will be placing a large order for beach grass for next fall.
  - There are a number of illegal walkways to the beach. Residents need to file an RDA.

#### **ADJOURNMENT:**

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