

**Salisbury Conservation Commission**  
**October 2, 2013**  
**Colchester Auditorium, Town Hall**  
**5 Beach Road**  
**Salisbury, MA 01952**  
**7:00 P.M.**

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

**COMMISSIONER MEMBERS ABSENT:** Andria Nemoda, Pat Fowler

**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.

S. Albertelli stated she was not present at the prior meeting but did review the minutes and tape.

**MINUTES:**

**September 18, 2013**

**LO** motions to accept the minutes from 9/18/13. **SL** seconded the motion. All members present voted in favor. (MC-abstained) **Motion Passed.**

**PUBLIC HEARINGS at 7:25 p.m.**

**NOI: 44 Railroad Avenue Realty Trust, 44 Railroad Avenue:**

**MC** motions to continue to the November 6, 2013 meeting at 7:10 p.m. **LO** seconded the motion. All members present voted in favor. **Motion Passed.**

**NOI: Barbara Knight, 11 March Road**

**NOI: Barbara Knight, 13 March Road**

**NOI: Barbara Knight, 15 March Road**

Mr. John Paulson (JP) of Atlantic Engineering addressed the board on behalf of the applicant. Mary Rimmer of Rimmer Environmental reviewed the property and project. She suggested adding flags at B51 and B52. **MR** stated the DPW Director would like to review the plans. **JP** stated that is fine. **LO** asked about the question #5 by Mary Rimmer the necessity of installing the culvert in the cross driveway. **JP** stated we put the cross the drain to maintain the overall elevation. **LO** stated she also had a comment about the siltation control barrier: is currently depicted through the barn proposed to be removed on the boundary between lots 2 and 3. The barrier should be adjusted to provide siltation protection during the removal of the barn and a note should be added to the plan specifying how the area will be restored upon removal of the structure. It is not clear whether any special conditions relating to this work should apply to lot 2 or 3 or both. Should the lots be sold separately, the removal or non removal of the structure may affect the ability to obtain a Certificate of Compliance for one or both of the lots. **LO** stated also we have approval of the Division of Fisheries and Wildlife. Do they look at vernal pools? **MR** stated they only look at it if it is a certified vernal pool and this is not. **JP** stated I would suggest that you put a restriction that those areas cannot be altered without Commission approval.

No abutters present.

**11 March Road**

**JP** motion to accept the NOI for 11 March Road with the conditions: 1. Letter dated September 25, 2013 by Rimmer Environmental Consulting, LLC as applicable to the lot. 2. DPW specifications for utilities. 3. Revised plan dated September 30, 2013. Seconded by MC. All members present voted in favor. **Motion Passed.**

### **13 March Road**

**JP motion to accept the NOI for 13 March Road with the conditions:** 1. Letter dated September 25, 2013 by Rimmer Environmental Consulting, LLC as applicable to the lot. 2. DPW specifications for utilities. 3. Revised plan dated September 30, 2013. Seconded by SA. All members present voted in favor. Motion Passed.

### **15 March Road**

**JP motion to accept the NOI for 13 March Road with the conditions:** 1. Letter dated September 25, 2013 by Rimmer Environmental Consulting, LLC as applicable to the lot. 2. DPW specifications for utilities. 3. Revised plan dated September 30, 2013. Seconded by SA. All members present voted in favor. Motion Passed.

**RDA: Janet and Eugene Bazile, 130 Cable Avenue:** Mrs. Janet Bazile (JB) addressed the board. **SA** asked if this is a removal of decks and reconstruct a deck. **JB** stated yes. **SL** asked about the 8' setback. Will this set a precedent? **MR** stated its up to the building inspector to enforce that. **LO** stated you are removing the decks and stairs and replacing with a 24x24 deck.

**MC** made a motion for a negative determination. **SA** seconded the motion. All members present voted in favor. **Motion Passed.**

### **OLD BUSINESS:**

**SL** stepped down.

**Request for Certificate of Compliance, 27 Commonwealth Avenue:** **JP** and **SA** went on the site visit. **SA** stated that the applicant has done a great job. **JP** stated it came out great. Air conditioners were up off the dune.

**JP** motioned to issue a Certificate of Compliance for 27 Commonwealth Avenue. **MC** seconded the motion. All members present voted in favor. **Motion Passed.**

### **NEW BUSINESS:**

**SL** stepped down.

**Request for Certificate of Compliance, 564 North End Blvd.:** **MR** stated I did the site visit. My recommendation is for a complete certification.

**MC** motioned to issue a Certificate of Compliance for 564 North End Blvd. **SA** seconded the motion. All members present voted in favor. **Motion Passed.**

**Request for a Certificate of Compliance, 188 North End Blvd.** **LO** stated that **MR** and I did a site walk on 9/27/13. The house appears to conform to the Order of Condition. I did notice that the vegetation along side of the house wasn't present. Michelle and Mr. Saab had discussion about brining in plants. The property has an open enforcement order and that enforcement has been sent to the DEP. **MR** stated the vegetation was put on the dune. **MC** asked how can we issue a full certificate of compliance if there is an outstanding enforcement order. **TS** stated the stairs have been there since 1992. Mr. Laffely should have been shown on the stairs on the plan. That is where they were and that is where they are. I don't understand why I wouldn't get a certificate of compliance. **MC** asked what's the status of DEP? **TS** stated I haven't heard from them. **MC** asked if the stairs were on the Order? **TS** stated no. **JP** asked if you have to rebuild you have to put the new ones in to conform. **MR** stated correct. **JP** stated even though your stairs were there before and they were destroyed and now you need to conform. (**TS** showed a picture) **MC** asked what was on the original order **MR** stated the demolition of existing structure and building of house and installation of gravel driveway and plantings on north and south side of house. **JP** asked if we are able to separate the enforcement from the Certificate of Compliance. It is the same property. **MC** asked if they could grant the Certificate of Compliance and still have the enforcement order? **MR** stated I wouldn't recommend it.

**LO** motioned to deny the Certificate of Compliance for the non-compliance of the beach stairs. **JP** seconded the

motion. All members present voted in favor. **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-MR** stated she has been in contact with the owner and they are working on getting the issue resolved.

**COMMISSIONERS COMMENTS:**

**ADJOURNMENT:**

**LO** motioned to adjourn at 8:10 p.m. **Seconded by MC.** All members present voted in favor. **Motion Passed.**