



Salisbury Conservation Commission
December 3, 2014
Colchester Auditorium, Town Hall
5 Beach Road
Salisbury, MA 01952
7:00 P.M.

COMMISSIONER MEMBERS PRESENT: Chairman Sheila Albertelli (SA), Sally Laffely (SL), Matt Carignan (MC) Jane Purinton (JPK) and Joanne Perreault (JP)

COMMISSIONER MEMBERS ABSENT: Andria Nemoda

ALSO PRESENT: Michelle Rowden, Conservation Agent, 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:
November 19, 2014

SL motions to accept the minutes of the November 19, 2014 meeting. **JP** seconded the motion. Vote on motion 5 – 0 **Motion Passed.**

PUBLIC HEARINGS at 7:15 pm:

NOI: Jay Davis, 12 Wyman Greely Street: **SA** stated the applicant is looking for a continuance.

JP motioned to continue the NOI for 12 Wyman Greely Street to December 17, 2014 at 7:10 pm. **JKP** seconded the motion. All members present voted in favor 5 -0. **Motion Passed.**

SA stepped down as Chairperson.

NOI: Brad Kutcher, 20 Ferry Road: Brad Kutcher (BK) addressed the board. Joe Serwatka made some comments. We addressed all those comments. **MC** asked if item by item was addressed. **BK** stated yes. Mr. Paul Avery (PA) addressed the board as engineer for the applicant. We changed the storm water to porous pavement. **SL** asked about the property line. **BK** stated my engineer spoke with my abutters engineer we came to an agreement where the property line is. There were haybales on our abutter's property. We removed them. At this moment there should be no issue with property lines.

Abutter, Sheila Albertelli of 10 Douglas Street addressed the board. We did meet and the haybales were removed. The ownership of the right of way is still up in the air which is the jurisdiction of the Planning Board.

JKP stated I love the porous pavement.

BK stated we do have a legal opinion which we think will hold through. **MR** asked if this development going to have a Homeowners Association. **BK** stated yes. **MR** my recommendation would be to have an O and M plan for the porous pavement.

MC asked about Lot #5. Is that within the buffer zone? At a previous meeting wasn't there discussion about moving it out of the buffer zone. **JKP** asked wasn't that moved a little bit. **BK** stated yes it was. We moved it as much as we could to meet the setbacks of the lower village district.

JP motioned to approve the NOI for 20 Ferry Road with the following conditions: 1. The right of way situation is cleared. 2. The new residents will be provided with an O and M plan on the porous pavement. **JKP** seconded the motion. Vote on motion 4-0. **Motion passed.**

RDA: Brad Kutcher, 20 Ferry Road: **BK** stated my wetland scientist, Michael Seekamp is not here tonight. **MR** stated the wetland line was approved by Mary Rimmer, Rimmer Environmental.

No abutters present.

MC motioned to approve the RDA for 20 Ferry Road. **JP** seconded the motion. Vote on motion 4-0. **Motion passed.**

SA came back to chairperson.

NOI: Chris DeLuca, 106 Elm Street: Brian Knowles (BK) addressed the board on behalf of the applicant. We reviewed the wetland line with Mary Rimmer and we changed B-17 to B-19. Flag 17A-17F were added. We have met with departments and it seems like the Fire Department requires a minimum paved alley way of 18'. We modified the plan to accommodate that. There has been additional comments for Joe Serwatka as well. Joe had concerns about the runoff on Elm Street. We really don't have jurisdiction over this but the state has to make modification. The low spot is after our site.

Paul Alunni (PA), engineer for the applicant addressed the board. I understand Joe Serwatka had some concerns about the 44% TSS pretreatment. I came up with an unconventional method. There are site constraints which limit the BMPs which is a shallow ground water table. The peer review is correct and the pre-treatment is not listed in Volume 1 Chapter 2. I found it written for grass channels. He went over details of how he came up with this solution. **SA** stated the peer review states that it is not in compliance with state law. **PA** stated there is a section of the policy that states you can clearly use

JKP asked how we solve this problem. **SA** stated we really need the peer review in agreement with this design. **JP** asked if a meeting with DEP has taken place. **PA** stated I haven't. I have used unconventional methods before and they have accepted them. **JP** stated you should get in contact with DEP and get their approval because in the end they get the final say. **MR** stated what about raising the site. **PA** stated with adjacent landowners I don't think it's an option. **SL** stated I had a hard time finding the test pit locations? **PA** stated it's a ghosting image. **SA** stated there is some issue with the erosion control. The erosion controls have been placed in fill. The commission may want replacement of existing erosion control. Site work has been occurring without the proper erosion controls being installed. **MR** stated the site is already disturbed. **BK** stated we could put some up around the wetlands. A temporary one. **MR** stated that would be my recommendation. **SA** stated he also has concerns about the height of the berm being placed. **PA** stated we have elevation issues on the site. I offered to put a 4' wider edge so there wouldn't be any breaches in the slope. **JKP** stated the wetlands are moving forward towards Elm Street. **BK** stated yes. **MC** stated with regards to DPW I would strongly recommend that the peer review is all set with that. **BK** stated if we satisfy DEP do we still need to satisfy Joe regarding TSS. **SA** stated if DEP was okay with it I think the commission would be a lot more comfortable going forward. **MR** stated Joe Serwatka is hired by the Town and works for the Town's best interest. He has done a thorough review. It would seem like a waste of his time. **JKP** stated follow Joe's recommendations. Take care of those issues.

No abutters present.

MC motioned to continue the NOI for 106 Elm Street to the December 17, 2014 meeting at 7:10 pm. To allow applicant to resolve the outstanding matters with Joe Serwatka in a letter dated December 2, 2014. **JPK** seconded the motion. All members present voted in favor. 5 – 0. **Motion Passed.**

NOI: MassDCR, 218 Beach Road: Jeremy Fennell (JF), Epsilon Associates, addressed the board on behalf of the applicant. The playground is located just near the campground. Epsilon understands this whole area is coastal dune including where the limited work will be. Showed photos of playground area. At the center there is no vegetation. Shows proposed conditions. There is an existing concrete walkway. The new concrete walkway will connect to an upgraded swing structure. There will be a concrete base under the swing with a rubber tile over it. There will be new clean sand added. Site access will be coming from the south. The entire project will be surrounded by construction fencing. Shows the details of the foundations. We did receive a DEP file number. **SA** stated the existing concrete walkway is going to stay? **JF** stated yes. It will be extended 60' to the north. **SA** asked have you thought about a wooden walkway instead.

Matt Thurlow (MT) from DCR addressed the board. We looked at the wooden roll out mats. **SA** stated there are pervious materials out there. **MT** stated we are looking at cost. **MR** stated on the other side of the campground the SCA students put a wooden walkway that was ADA compatible. **MC** asked about the concrete, rubber mat on the bottom of the swing-set. Why can't you pack the sand down and put the rubber mats on top. **MT** stated it's a requirement of the manufacturer. **MC** asked how deep will you have to go to put the slab in and what will be done with the sand.

Tamara Zimmerman (TZ) of CSS addressed the board. The rubber tile is 4 ½" with tapered edges. **MT** stated a mini excavator. There will be nothing larger than a 1 ton dump. **JP** stated putting concrete down at the beach goes against what we tell other people doing construction at the beach. **SA** stated I understand the cost aspect but everyone is faced with the same problem when they are making improvements at the beach. **JF** stated if you look at 4.1 we went through all the coastal dune performance standards. Discussion about maybe using crushed stone and a mat. **MR** stated one of the major functions of a coastal dune is for the free flow of sand. When you harden the surface of the coastal dune you eliminate that function. **MR** asked about mitigation for the square footage. You will be removing 1,400 s/f of functioning dune.

JKP stated I am only 1 member but concrete is out with me. **MT** stated we would use crushed stone with poured rubberize mat for the swing set area. **MC** stated that should take care of that problem. **SA** asked if they had specs for the material used for under the swing. **TZ** stated it's called Dinavision.

JPK stated I would feel more comfortable if you could come back with more information. I do not want any poured concrete. **MC** stated it has to be a revised plan.

MC stated there is pavement there already and a cement walkway. I am very familiar with people in a wheelchair. I feel cement is the best way for a wheel chair to get through. Wood I believe would be difficult, more money and more maintenance.

No abutters present.

MC motioned to approve the NOI for 218 Beach Road. **JKP** seconded the motion. Vote on motion 1-4. **Motion Denied.**

JP motioned to continue to the December 17, 2014 at 7:10 pm. **JPK** seconded the motion. Vote on motion 4 - 1 (MC opposed). **Motion Passed.**

NOI: John Chasse, 46 Seabrook Road: Matt Steinel (MS) of Millelennium Engineering addressed the board on behalf of the applicant. Existing wooded lot. We did soil testing which was 100' from the wetlands. There is ledge all over the site. There is a Wood Road that cuts through the property. The driveway and well are out front out of the buffer zone. We are proposing an erosion control line. **JKP** asked how many trees would be cut down. **MS** stated only the minimum. He doesn't want to see the road. **JP** asked if the Fire Department has been notified. **MS** stated no. There is nothing in the permitting process that we have to deal with the Fire Department yet. **MR** stated it's just to make sure that the Fire Department would be able to get their truck

down there. **MS** stated I understand the need for that. We will need to visit them when they go through the permit process.

SA stated Mary Rimmer should review the wetland line. Discussion about money and how far the wetlands are away from the property. It's a BVW. I don't see the line moving much. **SL** stated I am comfortable without a peer review. My primary reason is because we approved a two stall garage down the road. **MR** stated I think someone should take a look to make sure the wetland line is reasonable. **MS** asked could the commission look at it. **MR** stated I could take a look at it and if I don't feel comfortable my recommendation would be to have Mary.

John Chasse of 46 Seabrook Road addressed the board. I want to leave everything as natural as I can.

No abutters present.

JP motioned to continue John Chasse, 46 Seabrook Road until the December 17, 2014 meeting at 7:10 pm to allow the agent to do a site walk. **MC** seconded the motion. All members present voted in favor. **Motion Passed.**

RDA: MassDOT, I95: Amy Lynch (AL), of MassDOT addressed the board. The area includes the I95 northbound and southbound at the Massachusetts/New Hampshire line. It includes the ramp system, Main Street, Toll Road to the intersection of Rabbit Road. The project will be micromilling and hot mix asphalt overlay. All the work will be within the edge of pavement. Any additional work is guardrail updating, clearing drainage structures, curbing and grading as needed. Erosion control will be maintained silt sacks will be provided at the catch basin locations. **SA** stated a concern we have is that the no-salt signs will be left. **AL** stated I don't see these being removed. No sign alteration proposed. **SA** asked if a wetland scientist has delineated the wetlands. **AL** stated no it hasn't been delineated. **SA** asked when the project will commence. **AL** stated its part of a larger project. **SA** stated the no salt area signs need to come down they need to immediately go back up once the project is complete.

No abutters present.

MC motioned to issue a negative determination for a RDA, MassDOT, and I95. **JP** seconded the motion. All members present voted in favor. **Motion Passed.**

Request for Certificate of Compliance, 8 Joy Road: **MR** stated I did the site visit. This was for a new single family home and a septic system. Both were installed correctly. I recommend a Certificate of Compliance. **SL** stated the deed reference that I saw referred to something else.

Request for Certificate of Compliance, 4 5th Street: Thomas Burke (TB) addressed the board. There was a question about not removing an old driveway. That was asphalt composite. It was all taken out. A brick driveway, patio, and walkway has been installed and it is permeable. The timber ramp was not installed. TB stated we have tremendous flooding. I have a statement here from Michael Seekamp stating nothing is going to grow there. I would have liked to put bushes there. **MC** asked if the property is getting the wall. **TB** stated no. **MR** stated maybe pulling back the gravel.

JP motioned to issue a Certificate of Compliance for 4 5th Street. **JKP** seconded the motion. All members present voted in favor 5 – 0. **Motion Passed.**

Request for Certificate of Compliance, 6 Joy Road: **MR** stated I recommend a complete certificate of compliance. (applicant was present).

SL motioned to issue a Certificate of Compliance for 6 Joy Road. **JP** seconded the motion. All members present voted in favor. **Motion passed.**

Request for Certificate of Compliance, 9 Bartlett Street: JKP stated she would do a site visit.

20 Dock Lane-no action

Salisbury Woods-settlement has been reached-next meeting we will vote to take off agenda

2 Broadway-no action

44 Lafayette Road-no action

100 Elm Street-no action

106 Elm Street-no action

COMMISSIONERS COMMENT:

ADJOURNMENT:

JP motioned to adjourn at 9:45 p.m. **JKP** seconded the motion. All members present voted in favor. **Motion Passed.**