



**Salisbury Conservation Commission
Meeting Minutes
June 5, 2019
Colchester Auditorium, Town Hall
5 Beach Road
Salisbury, MA 01952
7:00 P.M.**

COMMISSION MEMBERS PRESENT: Chairman Sheila Albertelli (**SA**), Jane Purinton (**JKP**), Julie Doughman-Johnson (**JDJ**), Joanne Perreault (**JP**) and Blake Leibert (**BL**).

COMMISSION MEMBERS ABSENT: Vice Chair Jessica Stucker (**JS**) and Emily Round (**EGR**).

ALSO PRESENT: Conservation Agent, Michelle Rowden (**MR**) and Conservation Secretary, Adriane Marchand (**AM**).

Chairman Sheila Albertelli opened the meeting at 7:08 pm under the Wetlands Protection Act & Open Meeting Law and informed the public that the meeting was being recorded.

- A. MINUTES:**
1. May 1, 2019-
2. May 15, 2019-

JDJ motioned to approve the minutes for May 1, 2019 and May 15, 2019.

JP seconded.

Vote: 5-0, unanimous. Motion Carried.

B. PUBLIC HEARINGS at 7:10pm:

1. RDA: Salisbury Department of Public Works, off Lena Mae Way (6/5/19)

Lisa DeMeo (**LDM**) Director of Salisbury's Department of Public Works presented the project. Prior RDA from 2013 had expired before work began. Reapplying with no change to the prior plan.

JKP motioned to issue a negative determination for the Request for Determination of Applicability for the Salisbury Department of Public Works, off Lena Mae Way.

JP seconded.

Vote: 5-0, unanimous. Motion Carried

2. NOI: Big Block Development Group, 6-28 Ocean Front South, 16-18 Broadway (11/1/17)

JP motioned to continue the Notice of Intent for Big Block Development Group, 6-28 Ocean Front South, 16-18 Broadway to June 19, 2019 at 7:10p.m.

BL seconded.

Vote: 5-0, unanimous. Motion Carried.

3. NOI: C&R Realty Trust, 110 Elm St. (7/18/18)

Brian Knowles (**BK**) represented the applicant. Informed the Commission the peer review has been underway. Have made a few alterations to the plan including:

- Excluding some of the proposed clearing from the application.
- Moving end of concrete away from the fence.
- Where the proposed fence crosses the wetland, they will ensure no fence posts fall in the wetland.
- Added stone around the edge of the building to catch water before it moves to the basin.
- Added stone edge to the basin.
- Removed two (2) parking spaces to expand basin.
- Minor grading change to accommodate storm water plan.
- The pipe under the lot is a 4-inch to an 8-inch pipe. They will replace with 8-inch pipe with a 4-inch reducer.

JKP would like to wait for the peer review to be completed. **MR** asked if they would be removing the old stone before they lay the new. **BK** replied they plan to lay the new stone over the existing. **MR** asked if the puddling in the middle would be eliminated. **BK** replied when they move the stone around they will eliminate the puddling

JKP motioned to continue the Notice of Intent for C&R Realty Trust, 110 Elm St. to June 19, 2019 at 7:10p.m. **JDJ** seconded.

Vote: 5-0, unanimous. Motion Carried.

4. NOI: Zap Development, LLC, 28 Rabbit Rd. and rear lots (10/17/18)

JP motioned to continue the Notice of Intent for Zap Development, LLC, 28 Rabbit Rd. and rear lots to June 19, 2019 at 7:10p.m.

JDJ seconded.

Vote: 5-0, unanimous. Motion Carried.

5. NOI: Northeast Properties & Investments, LLC, 187 Atlantic Ave. (1/2/19)

JP motioned to continue the Notice of Intent for Northeast Properties & Investments, LLC, 187 Atlantic Ave. to June 19, 2019 at 7:10p.m.

BL seconded.

Vote: 5-0, unanimous. Motion Carried.

6. NOI: Azar & Marian Korbey, 23 Commonwealth Ave. (1/16/19)

JKP motioned to continue the Notice of Intent for Azar & Marian Korbey, 23 Commonwealth Ave. to June 19, 2019 at 7:10p.m.

JDJ seconded.

Vote: 5- 0, unanimous. Motion Carried.

7. NOI: Outdoor Media Properties, Inc., 109 Rabbit Rd. (3/6/19)

JP motioned to continue the Notice of Intent for Outdoor Media Properties, Inc., 109 Rabbit Rd. to June 19, 2019 at 7:10pm.

BL seconded.

Vote: 5-0, unanimous. Motion Carried.

8. NOI: DPW Realty, LLC., 98 Elm St. & 5 Bartlett St. (4/17/19)

Matt Steinel (**MS**) from Millennium Engineering represented the applicant. Project has completed the Planning Board review. Preexisting swale will be removed and the proposed constructed wetland has been expanded to

accommodate all the runoff from new and existing parking lot. They have submitted a revised landscaping plan. **MS** explained the grading plan. Does not know what is under the hill they will be grading down but if any septic structures are found, they will document and removed them as required. The peer reviewer's comments have all been addressed except for the bottom grade of the constructed wetland. Peer reviewer suggested returning the grade to the original bottom grade of 32. They recommend keeping it at the proposed elevation of 31 due to the variable water table within the constructed wetland and the intended use.

JKP motioned to approve the Notice of Intent for DPW Realty, LLC., 98 Elm St. & 5 Bartlett St. with the standard special conditions and the conditions that a no disturb buffer zone of 10 feet from the wetland line is maintained and clearly demarcated and into perpetuity. No mowing or other disturbance in the area. The Operation and Maintenance manual will be kept on site at all times and provided to any landscaping or property maintenance workers. During work, DPW will be consulted on items in their jurisdiction and any changes will need to reviewed by the Commission.

JDJ seconded.

MS clarified grading for the constructed wetland intrudes into the 10 foot no disturb zone. Commission agreed to allow the constructed wetland to be built as depicted on the plans. Condition to apply to the remainder of the wetland.

Vote: 5-0, unanimous. Motion Carried.

9. NOI: Joseph Higgins, JFH Contracting, 35 Gardner St. (5/15/19)

Matt Steinel (**MS**) of Millennium Engineering represented the applicant. Site walk was completed. Applicant agreed to remove items pointed out during the site walk including yard waste and stumps. **SA** added the wetland review is still in process. **MS** asked on the applicants behalf is the process can be expedited as they have a closing scheduled.

Frank Carvelho, 37 Gardner, asked to review the plans.

JKP motioned to continue the Notice for Intent for Joseph Higgins, JFH Contracting, 35 Gardner St. to June 19, 2019 at 7:10pm.

JP seconded.

Vote: 5-0, unanimous. Motion Carried.

10. NOI: Downeast Building & Development, 3 Bridge Rd. & 4 Beach Rd. (6/5/19)

Matt Steinel (**MS**) of Millennium Engineering represented the applicant. Proposing to eliminate the existing lot line and create a condominium. Town Engineer has reviewed storm water plan for the Planning Board. **MS** reviewed the plans for the Commission for two (2) residential buildings (eight units and 5 units) and a mixed-use commercial building. Alex Parker did soil analysis to determine the water table. Storm water plan includes stormwater storage structure, that does not have the separation to infiltrate, but will hold and discharge water. Infiltration units are proposed across from the 8-unit condominium building with an overflow, accessible by a manhole, by the outlet. Proposed catch basins include vortex chambers to provide separation. **SA** asked for confirmation that the applicant has already asked Mary Rimmer to review the wetland line. **MS** confirmed. **BL** asked if there are wetlands not shown on the plan. **MS** replied when West Environmental delineated the line, they looked in the area but did not find additional wetlands. When Rimmer reviews, she will confirm. **JKP** spoke in favor of the project but had issue with the 8-unit condominium building that appears to be right on the wetland. **MS** responded they have proposed a retaining wall between the building and the wetland. **JKP** suggested they invert the plan, or remove of a couple the units to preserve the wetland. **MS** stated they would not prefer to do either of those. **JKP** questioned the cinder block wall as the best choice. **MS** stated the wall is a sturdy and atheistic cinderblock wall that interlocks.

Tom Defonzo (**TD**), 10 Beach Road, was also concerned about the development intruding onto the wetland. Asked if there was filling of wetland. **MS** stated there is a retaining wall and the filling will not exceed past the wall.

Joyce Tracy (**JT**), 12 Beach Road, also expressed concerns for the impacts on the wetland and increased traffic. Frank Carvelho (**FC**), 37 Gardner Street, asked the elevation of the lot in relation to the elevation of Coral Lane. **MS** replied he did not know the elevation of Coral Lane.

JKP expressed concern about the increase of impervious surface. **MS** agreed it is an increase of impervious surface but the drainage is designed to compensate and they are removing a large stand of Japanese Knotweed. **JDJ** asked for a site visit. Commission requested Joe Serwatka review the storm water plan for compliance with the Wetlands Protection Act and Rimmer Environmental review the wetland delineation. Joanne Skerry, 8 Emerald Way, asked if the stormwater would drain into the wetland and cause the water level to raise. **MS** reviewed the drainage system and how they will be treating runoff and improving the drainage onsite.

JDJ motioned to continue the Notice for Intent for Downeast Building & Development, 3 Bridge Rd. & 4 Beach Road to June 19, 2019 at 7:10pm with a site visit and the Town Engineer to review the stormwater plan for compliance with the Wetlands Protection Act in the interim.

BL seconded.

Vote: 5-0, unanimous. Motion Carried.

C. OLD BUISNESS:

1. Request for Certificate of Compliance, 167 Beach Rd.

Matt Steinel (**MS**) of Millennium Engineering represented the project. Commission requested items be cleaned up at the site visit. Have submitted photographs of the cleaned-up site. **JKP** wanted to wait and see if the grass will grow on the slope that is bare ground.

JKP motioned to continue the Certificate of Compliance, 167 Beach Rd to June 19, 2019 at 7:10pm.

JP seconded.

Vote: 5-0, unanimous. Motion Carried.

D. NEW BUSINESS:

1. Request for Certificate of Compliance, 69 Rabbit Rd.

Matt Steinel (**MS**) of Millennium Engineering represented the applicant. Deck and pipe were not on the plan. The driveway is slightly different but no closer to the wetland. **MR** asked if the drain is from a sump pump. **MS** stated no it is a foundation drain for clean ground water.

JKP motioned to approve the Certificate of Compliance, 69 Rabbit Rd.

JDJ seconded.

Vote: 5-0, unanimous. Motion Carried.

E. ENFORCEMENT ORDERS:

1. 81 Railroad Ave. – **MR** informed the Commission she met with the owner. They request the commission revisit after the plants have had the season to grow.
2. 438 N. End Blvd.
3. 565 North End Blvd.

4. 128 Bridge Rd.
5. 26 Sweet Apple Tree Ln.
6. 91 Bridge Rd.
7. 2 Linda Ln.
8. 157 Bridge Rd.
9. 30 Main St. – Commission requested a restoration plan in 30 days.
10. 86/88 Elm St. – Commission requested a restoration plan in 30 days.

JDJ motioned to amend the Enforcement Orders for 30 Main St. and 86/88 Elm St. to have 30 days to submit a restoration plan.

BL seconded.

Vote: 5-0, unanimous. Motion Carried.

11. 212 N. End Blvd.
12. 83 Atlantic Ave.
13. 9 Bayberry Ln.
14. 6 True Rd. Donald Pearson was present. Requested the Commission lift the Enforcement Order.

JKP motioned to lift the Enforcement Order for 6 True Rd.

JP seconded.

Vote: 4-0, JDJ abstained. Motion Carried.

15. 211 N. End Blvd.
16. 279 N. End Blvd.
17. 146 Central Ave.
18. 82 Lafayette Rd.
19. 16 Hayes St.
20. 11 Railroad Ave.
21. 37 Gardner St. – **MR** informed the Commission the wetland has been flagged and staked. Frank Carvalho was present to propose a restoration plan. Reviewed the approved NOI for the Commission. Commission would like a site visit. Commission continued to the June 19, 2019 meeting.
22. 109 Rabbit Rd.

F. COMMISSIONER COMMENTS:

G. ADJOURNMENT:

JDJ motioned to adjourn the June 5, 2019 Conservation Commission Meeting at 8:59 pm

JP seconded.

Vote: 5-0, unanimous. Motion Carried.