



**Salisbury Conservation Commission
Meeting Minutes
June 7, 2017
Colchester Auditorium, Town Hall
5 Beach Road
Salisbury, MA 01952
7:00 P.M.**

COMMISSIONER MEMBERS PRESENT: Chairman Sheila Albertelli (**SA**), David Arel (**DA**), Jane Purinton (**JKP**), Jessica Stucker (**JS**), and Alison Novello (**AN**).

COMMISSIONER MEMBERS ABSENT: Jennifer Troisi (**JT**).

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

Sheila Albertelli opened the meeting at 7:12 p.m. under the Wetlands Protection Act & Open Meeting Law and informed the public that the meeting is being recorded.

A. MINUTES:

1. May 3, 2017
2. May 17, 2017

DA motioned to continue the minutes for May 3, 2017 and May 17, 2017 to the June 21, 2017 meeting.

JKP seconded.

Vote: 5-0, unanimous. Motion Carried.

B. PUBLIC HEARINGS at 7:10pm:

1. **NOI: Mark Wojcicki, 170 Bridge Rd (11/2/16)**

JKP motioned to accept the withdrawal the Notice of Intent for Mark Wojcicki, 170 Bridge Rd without predigest.

AN seconded.

Vote: 5-0, unanimous. Motion Carried.

2. **NOI: Chris DeLuca, 100 Elm St. (3/15/17)**

AN motioned to accept the continuance the Notice of Intent for Chris DeLuca at 100 Elm St to June 21, 2017 at 7:10p.m

DA seconded.

Vote: 5-0, unanimous. Motion Carried.

3. NOI: Kevin Karpenko, 20 Folly Mill Rd (5/3/17)

JKP motioned to withdraw the Notice of Intent for Kevin Karpenko, 20 Folly Mill Rd without predigest.

DA seconded.

Vote: 5-0, unanimous. Motion Carried.

4. RDA: Elite Builders Realty Trust, 20 Ferry Rd. (5/17/17)

SA recused herself from the Commission as a direct abutter to the project.

Scott Cameron (**SC**) of Morin Cameron Group represented the applicant. Introduced the project that had been approved through the Planning Board. Tonight they are asking for permission to remove debris from the prior contracting use. The goal of work is to return the area to a vegetated state and remove the invasive species. **JKP** asked if there was still debris present on site from the original contracting use. She was under the impression there was not. **SC** replied there is in the form of broken asphalt and concrete.

AN motioned to issue a negative determination for the Request for Determination of Applicability for Elite Builders Realty Trust, 20 Ferry Rd.

JKP seconded.

Vote: 4-0, unanimous. Motion Carried.

5. NOI: Town of Salisbury, Rail Trail off Gardner St. (6/7/17)

Ann Martin (**AM**) LEC Environmental Consultants and Elise D'Onofrio (**AD**) of Stantec represented the applicant. Introduced the project which proposes to do five (5) exploratory soil borings to provide geotechnical information for possible future construction of piers.

Woody plants may need to be cut back along the trail. All will grow back. Will be planting a woody seed mix in the disturbed area. **MR** confirmed the plan is the least invasive method to complete this work.

JKP motioned to approve the Notice of Intent for the Town of Salisbury for the Rail Trail off Gardner St. for soil borings.

AN seconded.

Vote: 5-0, unanimous. Motion Carried.

6. Amended NOI: Steve and Renee D'Agati, 222 N. End Blvd (6/7/17)

Ron Lafferly (**RL**) of Fulcrum Architects was present to represent the applicant. Present to amend the Notice of Intent. Changes highlighted in yellow on the plan include:

- The copula is going to be removed and a simpler roof line added.
- The height will be 2 feet shorter.
- Fencing will be 50 percent open.
- The number of piles and snow fencing have been reduced.
- Added a "Y" shaped beach access that will allow the neighbors to continue to access the beach from their property. The access will be 4 feet wide. Will be elevating the entrance walkways and the decks.

JKP asked how they are going to prevent the sand from blowing into the street. **RL** replied they will have snow fencing and beach grass to hold the sand in place.

DA motioned to approve the Amended Notice of Intent for Steve and Renee D'Agati at 222 N. End Blvd.

AN seconded.

Vote: 5-0, unanimous. Motion Carried.

7. NOI: Habitat for Humanity, 22 Old County Rd. (6/7/17)

JKP motioned to continue the Notice of Intent for Habitat for Humanity, 22 Old County Rd to June 21, 2017 at 7:10p.m.

JS seconded.

Vote: 5-0, unanimous. Motion Carried.

8. NOI: James Zorbas, 32 Railroad Ave (LC Lot 480) (6/7/17)

There is no DEP number for this project so the Commission will not vote at this meeting.

Matt Steinel (MS) of Millennium Engineering represented the applicant. There are three (3) land court lots that make up 32 Railroad Ave. One (1) in this NOI and two (2) in the following Notice of Intent. The site is currently an impervious parking lot with a small strip of grass along the rear property line. Propose to remove 2053 sq. ft. of impervious surface. Build 3 units with a shared roof that will create 1500 sq. ft. impervious surface which is a net decrease. Under the building is gravel which extends out to a drip edge. There will be a shared entrance to service all three land court lots that will continue to be impervious pavement. Connecting to existing utilities if possible.

DA asked about the site plan for snow storage. **MS** replied the driveway will be plowed to the capacity of the site and the excess will need to be removed from the site.

SA asked about the plan for trash removal. **MS** stated trash can be stored under the buildings with scheduled private pickup. Not much excess space to utilize.

MR suggested redesigning the plan to leave space for these items.

JKP asked about the dune not being mentioned in the NOI. **MS** stated he disagreed with it being called a dune. Thinks if it as a barrier beach. **JKP** requested they provide a landscaping plan and a profile view showing the lowest structural member. **SA** requested that anything that can be left as natural sand area is left. **MS** stated there is not room onsite. **SA** requested a site visit.

JKP motioned to continue the Notice of Intent for James Zorbas, 32 Railroad Ave (LC Lot 480) to June 21, 2017 at 7:10p.m.

DA seconded.

Vote: 5-0, unanimous. Motion Carried.

9. NOI: James Zorbas, 32 Railroad Ave (LC Lots 478A, 479) (6/7/17)

MS stated he will apply the comments from the prior Notice of Intent to this NOI as well.

JS motioned to continue the Notice of Intent for James Zorbas, 32 Railroad Ave (LC Lot 478A, 479) to June 21, 2017 at 7:10p.m.

AN seconded.

Vote: 5-0, unanimous. Motion Carried.

10. NOI: Robert & Joyce Smith, 577 N. End Blvd. (6/7/17)

There is no DEP number for this project so the Commission will not vote at this meeting. Michael Seekamp (**MS**) of Seekamp Environmental Consulting was present to represent the applicant. Proposed a first (1st) floor addition resulting in a 141 square feet increase in impervious surface. Also adding a second (2nd) floor addition of a three (3) season porch and deck. First (1st) floor elevation is at 8.79, the flood zone is 9 feet. Robert Smith (**RS**) owner, stated the current elevation is 10.95.

JKP pointed out a non-compliant fence on the property and asked how long it has been in place. **RS** answered a long time. **JKP** would like to see it made compliant. **AN** stated it was not included in the project. **JKP** asked for a site visit. **RS** agreed. Offered his Elevation Certificate to the Commission for the record.

AN motioned to continue the Notice of Intent for Robert & Joyce Smith, 577 N. End Blvd. to June 21, 2017 at 7:10 pm.

JKP seconded.

Vote: 5-0, unanimous. Motion Carried.

11. Amended NOI: John Gorman, 30 Elm St. (6/7/17)

Matt Steinel (**MS**) of Millennium Engineering was present to represent the applicant. Requested to modify the original Notice of Intent with a drainage plan due to flooding issues in the area. Have had abutter complaints. Put in downspouts to direct the water and would like to add an infiltration basin.

JKP requested the Town Engineer, Joe Serwatka, review the infiltration basin and for an operation and maintenance plan to be in place. **MS** replied they will add the operation and maintenance plan to the condominium documents. Requested not to be reviewed by Serwatka as they can demonstrate the basin to be significantly larger than required and would like to limit the cost.

Abutter Anita Musante-McMahon (**AMM**), 3 Maple Street, stated the property in this area was wet to begin with and the change of grading created a large problem for her property and also 1 Maple Street.

Abutter Keith Theberge (**KT**), 1 Maple Street, also raised the issue of the knee wall which is 36" tall. The trees removed caused dust issues. Stated the pitch is not 5 percent. Expressed concerns about the retention pond is going to cause mosquitos. **MS** refuted. **KT** asked to be present at the site visit. Commission agreed on having a site visit and asking the town engineer to assess the infiltration basin. **AMM** asked if there was an environmental impact study done on the site. **MR** responded that was not a requirement.

JKP motioned to continue the Amended Notice of Intent for John Gorman, 30 Elm St., until June 21, 2017 at 7:10pm to allow for a site visit and for the Town Engineer to review pending the applicant's agreement to pay.

JS seconded.

Vote: 5-0, unanimous. Motion Carried.

C. OLD BUSINESS:

1. Request for Certificate of Compliance, 44 Railroad Ave.

AN motioned to continue the Request for Certificate of Compliance for 44 Railroad Ave to June 21, 2017 at 7:10 p.m.

DA seconded.

Vote: 5-0, unanimous. Motion Carried.

2. Enforcement Order, 91 Bridge Rd.

AN recused from the Commission due to conflict of interest.

Tim Anderson (TA) was present. Provided a picture of the site prior to the activity that caused enforcement action to be taken. Stated the reason for the actions taken was because the loamed and grassed area was too wet to be cut and maintained. Planning to scrape off topsoil and replace it with gravel. Put up a silt fence 10 feet from the wetland. MR agreed it would be too wet to mow as it was likely marsh before it was developed. The site is completely in the buffer zone. DA asked what the planned end result was. TA responded it was to have a maintainable lot. DA asked if it was going to be used as parking. TA replied he has sufficient parking, just wants to maintain his yard. DA asked if he would let it go to its natural state. TA denied. MR clarified it is an expansion of a parking lot and needs a notice of intent or needs to be removed, TA asked to speak to an engineer before deciding. Asked if he could continue to do the work on the edge of pavement between abutters. SA responded no, this Enforcement Order should be resolved first and kept separate.

JKP motioned to issue the enforcement order for expansion of the parking lot and to stop work and file or remove work entirely.

DA seconded.

Vote: 5-0, unanimous. Motion Carried.

3. Request for Certificate of Compliance, 50 True Rd

MR stated the site is not quite ready for its Certificate of Compliance. Grass needs to be seeded and begin growing. Will reapply when ready.

D. NEW BUSINESS:

1. Significance of Change, 57 Central Ave.

Richard Blanchett (RB) was present. Corrected elevations on the house and cleared the siding on the front of house. Opened the back of the structure. Now at 3.5 feet above grade, 4.5 feet above flood zone.

JKP motioned to rule the change as insignificant to the Order of Conditions for 57 Central Ave.
AN seconded.

Vote: 5-0, unanimous. Motion Carried.

2. Request for Certificate of Compliance, 100 Main St.

MR found the site to be in compliance with its Order of Conditions. Recommended issuance.

JKP motioned to issue the Certificate of Compliance for 100 Main St.

AN seconded.

Vote: 5-0, unanimous. Motion Carried.

3. Request for Certificate of Compliance, 158 Bridge Rd.

MR visited the site. Found it to be well-constructed and in compliance. The pond is full of *Phragmites* and is in need of maintenance.

JKP asked if the pipe had ever been cleaned out. Mark Janos (**MJ**), of Mark Janos Law Office represented the current owner, replied the applicant believes the project is in compliance.

JKP motioned to issue the Certificate of Compliance for 158 Bridge Rd with the ongoing condition that that the ponds are maintained and the *Phragmites* is managed.

JS seconded.

Vote: 5-0, unanimous. Motion Carried.

4. Request for Certificate of Compliance, 280 N. End Blvd.

MR recommended issuance.

JKP motioned to issue the Certificate of Compliance for 100 Main St.

JS seconded.

Vote: 5-0, unanimous. Motion Carried.

E. ENFORCEMENT ORDERS:

1. 100 Elm St.
2. 28 CCC Rd.
3. 126 N. End Blvd
4. 13 Commonwealth Ave
5. 73 Mudnock Rd.
6. 81 Railroad Ave.
7. 105 Rabbit Rd.
8. 438 N. End Blvd
9. Pearson's Pit Access Rd

10. 128 Bridge Rd. – Patrick Seekamp (**PS**) was present. **MR** had visited the site. **PS** pulled most of the fill out of the wetland. Continuing to fine tune the restoration line. *Phragmites* is an issue at the site. Will be increasing the limit of the buffer.

11. 26 Sweetapple Tree Ln. – MR met with property owners. They have asked for an extension to allow them time to work with an engineer on the restoration plan.

F. COMMISSIONER COMMENTS:

F. ADJOURNMENT:

JKP motioned to adjourn the June 7, 2017 Conservation Commission Meeting at 9:17p.m.

JS seconded.

Vote: 5 -0, unanimous. Motion Carried.