



**Salisbury Conservation Commission
Meeting Minutes
December 6th, 2017
Colchester Auditorium, Town Hall
5 Beach Road
Salisbury, MA 01952
7:00 P.M.**

COMMISSIONER MEMBERS PRESENT: Jessica Stucker (**JS**), Alison Novello (**AN**), Joanne Perreault (**JP**), and Emily Round (**EGR**).

COMMISSIONER MEMBERS ABSENT: Chairman Sheila Albertelli (**SA**), Jennifer Troisi (**JT**), and Jane Purinton (**JKP**).

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

Vice Chair Jessica Stucker opened the meeting at 7:10p.m. under the Wetlands Protection Act & Open Meeting Law and informed the public that the meeting is being recorded.

A. MINUTES:

1. November 15, 2017-

AN motioned to approve the minutes for November 15, 2017.

EGR seconded.

Vote: EGR, JP, AN in favor, JS abstained. Motion Carried.

B. PUBLIC HEARINGS at 7:10pm:

1. NOI: Town of Salisbury, 125 Elm St (12/6/17)

Mel Higgins (**MH**) of Weston Sampson represented the applicant. Described the project to perform two soil borings (each six inch in diameter). Will be using an existing access road that passes through marsh to access the boring sites. Currently the marsh is mowed periodically to maintain the access road. Work will be done in the winter when the ground is frozen to minimize impact. Will use swamp mats if the ground is wet; will not be required if the ground is frozen. The impact to the saltmarsh (not including the access road) is four (4) square feet. Will be a one (1) day project and if mats are used, they will be removed the same day.

EGR asked if there would be any plantings in the impacted area. **MH** replied the top 6 inches of soil would be removed intact and set aside to be replaced when the work is complete.

AN motioned to approve the Notice of Intent for the Town of Salisbury, 125 Elm Street, with the standard special conditions.

JP seconded.

Vote: 4-0, unanimous. Motion Carried.

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

Brian Knowles (**BK**) of represented the applicant. Presented proof of mailing for the abutter re-notification requested by the Commission at the prior meeting. A letter was provided to the Commission and the applicant from the Town Engineer but without allowing time for adequate review.

EGR asked if DPW had approved the curb cuts. **BK** responded the road is under the jurisdiction of the MA DOT. **AN** asked if MA DOT had approved. **BK** stated they had not contacted them as of yet.

AN motioned to continue the Notice of Intent for Chris DeLuca, 100 Elm Street to December 20, 2017 at 7:10pm.

EGR seconded.

Vote: 4-0, unanimous. Motion Carried.

3. NOI: Tim Anderson, 91 Bridge Rd. (9/6/17)

JP motioned to continue the Notice of Intent for Tim Anderson at 91 Bridge Rd to December 20, 2017 at 7:10p.m.

EGR seconded.

Vote: EGR, JS, JP in favor, AN abstained. Motion Carried.

4. NOI: Ron Tirone, 40 Lafayette Rd. (11/1/17)

Patrick Seekamp (**PS**) of Seekamp Environmental Consulting represented the applicant. Reviewed the wetland line with Mary Rimmer, Rimmer Environmental Consulting. Rimmer provided comments to the Commission. Agreed to move wetland flag A7, and A8 upslope. Resulted the house being shifted back further from the wetland line. In her letter Rimmer suggested including a note identifying the total area of disturbance. **PS** stated the area of disturbance was reduced to 185 feet. The walls are going to be on both sides of the road limiting impact to surrounding area. Twenty-four (24) inch culvert will be under the driveway. Limited the cutting and clearing areas to further decrease impact. Disturbance area was reduced but the replication area was left the same at about 1: 1.5 ratio. Added a deck to the plans as well as boulders to the front of the house to demarcate the yard from the wetland area. Silt fence and silt sock will be used during construction. A crushed stone drip edge was added to the plan to increase infiltration.

EGR asked how far the proposed house is from flag A7. **PS** replied about 10 to 12 feet. **EGR** asked if the house could be angled to pull it back from the wetland. **PS** stated it would not gain enough area space to justify. **AN** suggested shifting the deck the opposite side of the house to move it away from the property boundary allowing more space from the wetland line. **PS** replied they could consider it (after further discussion this was found to not be possible). **AN** asked if it was an elevated deck. **PS** stated it would be.

EGR asked if the cross section provided is the most detailed vertical depiction they have. **PS** replied it was. **JS** asked if they had any vertical depictions. **PS** stated they did not but explained the vertical layout comprising a total of 4 inch depth.

EGR asked what the material for retaining wall was. **PS** stated it will be a concrete vertical wall.

Discussion on the elevation followed. **MR** suggested adding the detail information to the plan.

AN revisited shifting the location of the house. Discussion followed resulting in not shifting the location of the proposed house due to setback constraints.

AN motioned to approve the Notice of Intent for 40 Lafayette Road as depicted on the plan with the standard special conditions. Also the condition that a more detailed cross section is provided for the wetland crossing prior to the issuance of the Certificate of Completion. The deck may be no bigger than depicted the plan.

AN amend the motion to say a more detailed cross section is provided for the wetland crossing prior to the issuance of the *Order of Conditions*.

EGR seconded.

Vote: 4-0, unanimous. Motion Carried.

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

EGR motioned to continue the Notice of Intent for Big Block Development Group, 6-28 Ocean Front South, 16-18 Broadway to December 20th, 2017 at 7:10p.m.

JP seconded.

Vote: 4-0, unanimous. Motion Carried.

6. NOI: Maria Alcala-Herrera, 114 Railroad Ave (11/15/17)

Matt Steinel (**MS**) of Millennium Engineering represented the applicant. Informed the Commission the changes requested at the last meeting had been made.

Proposed to demolish the existing structure and replace it with a structure on piles. Reviewed the footprint.

Proposed to maintain the existing yard area and leave a foundation wall intact to prevent sand from undermining Railroad Ave.

AN asked how they can assume the wall will not be damaged. **MS** stated they are proposing to replace the wall if damaged.

JP asked for more details on the demolition plans such as staging, dumpster placement, etc. **MS** explained there will be no staging as the site is so small. Access roads are on both sides of the site but Brissett Ave. will be the primary access. Everything will be removed immediately.

JP asked that the sidewalk on Railroad Ave. be protected and replaced if damaged. Requested they work with DPW on sidewalk protection and replacement.

AN asked for clarification on the regulations on impervious surface for redevelopment.

MR replied the DEP and the Commission ask to see a net reduction in impervious surface. Asked if the applicant provided a table illustrating this. **MS** replied they did not but there is no increase. **MR** asked **MS** about the proposed finished height of the remaining foundation wall. **MS** replied the replacement wall could be as low as 11.5 ft. **MR** asked him to add more details on the replacement wall including material, and installation procedure, etc. **MS** agreed.

AN motioned to continue the Notice of Intent for Maria Alcala-Herrera, 114 Railroad Ave., to December 20, 2017 at 7:10 p.m. The applicant will need to provide detail on the foundation wall in the intermitten.

EGR seconded.

Vote: 4-0, unanimous. Motion Carried.

7. NOI: Robert Jacobs, 16 Cable Ave. (11/15/17)

JS stated there is no DEP number. The Commission will not be able issue a vote until one has been issued.

Ron Laffely (**RL**) of Fulcrum Inc Architects represented the applicant. **RL** stated the DEP made comments in regards to the site location he would like to address. Drainage will be maintained on site. Described the site and the adjacent area. Located near the densely developed beach center. The site is currently at elevation 8 to 7.5. Will raze the existing building. There is 875 sq. ft. of pavement onsite. The rest of the site is unmaintained lawn. Proposed to drive 1ft diameter piles and construct two (2) family house. Waddle/ silt sock will be used around the work area. All grass and pavement will be removed and the lot leveled at elevation 8. The roof will drain into drip line. Stairs will have a 4 inch horizontal member as a safety measure. Utility chase will be as small as practical. Includes 2 storage sheds, open to grade, on concrete clocks, 8 inches above grade. Each unit will have a second story deck with no ground access. **RL** informed the Commission that they are required to raze the structure before the end of the year.

JP motioned to continue the Notice of Intent for Robert Jacobs, 16 Cable Ave., as they have received no DEP number, to December 20, 2017 at 7:10p.m.

AN seconded.

Vote: 4-0, unanimous. Motion Carried.

8. ANRAD: Frank Carvalho, 37 Gardner St (12/6/17)

Matt Steinel (**MS**) of Millennium Engineering represented the applicant. Have already requested Mary Rimmer conduct a peer review of the wetland line. **MR** asked when the line was delineated. **MS** replied it was delineated around the first of November of this year.

AN motioned to continue the Abbreviated Notice of Resource Area Determination for 37 Gardener St., to December 20, 2017 at 7:10 p.m.

JP seconded.

Vote: 4-0, unanimous. Motion Carried.

9. NOI: George & Paula Roux, 9 Learned Ln (12/6/17)

Stan Bigelow (**SB**), Engineering Land Services, represented the applicant. The septic system was approved by the Board of Health. Wetlands were delineated by Norse Environmental and the project was found to be 35 feet from the wetland line.

EGR asked if the lawn was mowed up to the wetland line. **SB** confirmed it is maintained as a lawn.

JP motioned to approve the Notice of Intent for George & Paula Roux, 9 Learned Lane, for septic improvements with the standard special conditions.

EGR seconded.

Vote: 4-0, unanimous. Motion Carried.

10. NOI: Lawrence Cuddire, 141, 145, 151 Elm Street (12/6/17)

JS prefaced the project that the address for the project was incorrect on the agenda but correctly published and noticed so they would proceed.

Stan Bigelow (**SB**) represented the applicant. Proposed to remove fill that created finger shaped wetland and create an additional 7,000 sq. ft. of wetland, 12,000 sq. ft. total in a continuous shape instead of the fragmented shape it currently has. Will be restored to a red maple swamp.

AN asked why the fill was placed in the first place.

Larry Cuddire (**LC**) replied it was placed during construction of the waste water treatment plant and to create farmland.

EGR asked what the soil will be when the fill is removed. **LC** replied the fill was placed on top of the wetland soil so the old soil is still there.

EGR asked what the edge of the wetland will look like. **SB** replied they will place a defined edge. **MR** asked where the detailed for the edge with a bank down to the wetland. Showed on plan.

JP motioned to approve the Notice of Intent for Lawrence Cuddire, 141, 145, 151 Elm Street with the standard special conditions.

AN seconded.

Vote: 4-0, unanimous. Motion Carried.

C. NEW BUSINESS:

1. Request for Extension, 82 Lafayette Rd.

Brendon Doherty (**BD**) requested a 3 year extension. Have recently updated the wetland controls. Internal conflicts have been resolved and they plan on progressing in the spring.

AN motioned to grant the request for extension on the Order of Conditions on 82 Lafayette Road for 3 years to March 3, 2021.

EGR seconded.

Vote: 4-0, unanimous. Motion Carried.

2. Request for Certificate of Compliance, 8 Poor Farm Rd

Matt Steinel (MS) of Millennium Engineering represented. Outlined the as-built deviations from the approved plan. Different footprint for the entrance located outside of the buffer zone with no impact to the wetland. The planting plan showed extensive plants between the yard and river that were not planted. Many other small deviations.

MR read the special condition that required the plantings.

AN motioned to issue a Partial Certificate of Compliance, 8 Poor Farm Road, pending the completion of the landscape plan as depicted in the Order of Conditions.

EGR seconded.

MS asked how they go about modifying the Order of Conditions if they need to.

MR informed him they can modify the Order of Conditions.

Vote: 4-0, unanimous. Motion Carried.

3. Request for Significance of Change, 211 Beach Rd

Mike Wolpert (MW) addressed the Commission to request changes to the current that bring the plan up to current standards. The proposed changes are listed on the submitted plan.

JS asked the date of the original approval. MR replied 2005.

EGR motioned to approve the Significant of Change for 211 Beach Road as a minor change.

JP seconded.

Vote: 4-0, unanimous. Motion Carried.

D. OLD BUSINESS:

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

JP motioned to issue the Certificate of Compliance for 44 Railroad Ave.

EGR seconded.

Vote: 4-0, unanimous. Motion Carried.

2. Request for Certificate of Compliance, 54 Beach Rd.

Matt Steinel (MS) of Millennium Engineering represented the applicant. Stated the applicant will be willing to reapply to do anything with the front parcel (parcel 2). Wooden decks replaced the patios and the decks are intruding into the 40 foot "no build" zone.

MR asked if the swale was designed to take any road runoff. MS replied yes, minor road runoff. When they apply to develop the lot they will address the additional runoff during the new application. The swale was to hold runoff for the front lot. As it was not developed it was deemed as not necessary.

EGR asked about the "no build" zone. MS stated there is no longer a local bylaw that established the "no build" area.

MR asked if the condo association had taken over. MS responded they had.

MR informed him some trees on the property border had died and would need to be replaced. **MR** stated her main concern is the missing swale and the lack of maintenance on the existing swale. Discussion followed on the missing swale. Resulted in the Commission asking the applicant to provide justification for not having the swale.

EGR motioned to continue the request for Certificate of Compliance for 54 Beach Rd.
AN seconded.

Vote: 4-0, unanimous. Motion Carried.

3. Request for Certificate of Compliance, 81 Atlantic Ave.

JP motioned to approve the Certificate of Compliance for 81 Atlantic Ave.
AN seconded.

Vote: 4-0, unanimous. Motion Carried.

E. ENFORCEMENT ORDERS:

- 1. 100 Elm St.**
- 2. 28 CCC Rd.**
- 3. 13 Commonwealth Ave**
- 4. 81 Railroad Ave.**
- 5. 438 N. End Blvd**
- 6. Pearson's Pit Access Rd**
- 7. 128 Bridge Rd.**

8. 26 Sweet Apple Tree Ln. – **MR** informed the Commission she had spoken with Norse Environmental. The plan continues to be worked on and they hope to have a proposal before the Commission soon.

- 9. 91 Bridge Rd.**
- 10. 400 No. End Blvd**
- 11. 2 Linda Ln.**
- 12. 565 N. End Blvd**

F. COMMISSIONER COMMENTS:

G. ADJOURNMENT:

AN motioned to adjourn the December 6, 2017 Conservation Commission Meeting at 9:39 p.m.
EGR seconded.

Vote: 4 -0, unanimous. Motion Carried.