

Salisbury Conservation Commission  
July 17, 2013  
Colchester Auditorium, Town Hall  
5 Beach Road  
Salisbury, MA 01952  
7:00 P.M.

**COMMISSIONER MEMBERS PRESENT:** Larry O'Brien (LO), Acting Chairperson, Matt Carignan (MC), Sally Laffely (SL) Joanne Perreault (JP) and Patricia Fowler (PF)

**COMMISSIONER MEMBERS ABSENT:** Sheila Albertelli and Andria Nemoda

**ALSO PRESENT:** Michelle Rowden, Conservation Agent, and Lori Robertson, Secretary

L. O'Brien opened the meeting at 7:15 pm under the Wetlands Protection Act & Open Meeting Law and informed the public that the meeting is being recorded.

**MINUTES:**

**June 19, 2013**

**JP** motions to accept the minutes from 6/19/13. **SL** seconded the motion. All members present voted in favor (PF abstained). **Motion Passed.**

**PUBLIC HEARINGS at 7:10 p.m.**

**NOI: Harnum Industries, 18 Fanaras Drive (6/19/13)** Mr. Eric Botterman (EB) addressed the board on behalf of the applicant. One of the comments from DEP asked if we could change the outlet structure from the constructed wetlands. We believe what we have there is correct. She still needs to get back to us. We have addressed DEP's other comments. **MR** stated we did receive a letter from Joe Serwatka (JS) dated July 16, 2013. **MC** stated I believe there are many issues that still need to be addressed. At the end of the comments-his response is "it appears to be addressed". **MR** stated that is his standard language. **LO** stated when it gets to the study level I expect Michelle do that. I don't see any benefit of me looking at this for another two weeks. **SL** asked about DEP comment about the overflow structure. **EB** stated we believe that these outlets structures are the outlet structures of every constructed wetland in Salisbury. Even if she wants a different means of getting the water out of the constructed wetland it will not change anything.

**MC** stated he would like to go over some of **JS** comments:

*A rim elevation has been provided. The resulting grade at this driveway is greater than ten percent into the site. This may create an issue with low-bed trailers. The applicant may be able to address this.*

**EB** stated that is a catch basin on Fanaras Drive. We will sit with Mr. Harnum to figure out what trailers he will be bringing in and run numbers to make sure the trailers will get into the site. It may require some spot grades be added.

*The response disagrees with my assessment, stating that the "pipe will have approximately one foot of cover over the pipe. The 98.5 foot contour has been dragged further down the pipe, but the pipe will still be exposed near the end, given the topography. The invert at the end is 96.5' meaning the top of the 12" pipe will be at about elevation 97.75' the existing contour about ten feet up the pipe is 97' at wetland flag 23 (not labeled) Given the pipe is located essentially on the wetland flag, no filling over the pipe would be possible without also affecting the resource area. This would lead me to believe that the pipe will be almost a foot out of the ground in this area. This may not affect the functioning of the pipe, but the proposed condition should be acknowledged.*

**EB** states my guys looked at it and believe there is enough to cover it.

*The response states that a note has been added to sheet 3 of 4. The note states "line low marsh, high marsh and micropool with 8" of clay type soil". The commission may want to discuss whether this note is adequate.*

**EB** states having just seen this I'm not sure what he is talking about. **MR** states I think he wants more detail on the type of soil.

**MR** stated maybe in the motion these could be labeled as special conditions. 1. Final outlet details be provided by start of work. 2. Move outfall further away from wetland. 3. More details on soils in constructed wetlands by start of work.

**JP** motions to issue a conditional approval on the Notice of Intent pending the resolution of the noted conditions by **JS**, that these are met to his satisfaction upon final review. **Seconded by MC**. All members present voted in favor. **Motion Passed**.

**RDA: David and Patricia Carnevale, 246 North End Blvd.** Ms. Patricia Carnevale (PC) addressed the board. We are looking to put access stairs and rebuild the dune. **LO** asked if they would be using small equipment? **PC** stated yes. **LO** asked if the quantity of sand sounds reasonable. **MR** stated yes. **MC** asked if the stairs conform to DCR specs. **MR** stated yes.

**LO** asked if any abutters were present. None present.

**JP** motioned to issue a negative determination. **Seconded by PF**. All members present voted in favor. **Motion Passed**.

**RDA: Tradewinds Condominium Trust, 219 Beach Road:** Mr. George Kritikos (GK) addressed the board. **LO** asked this is pavement overlay? **GK** stated yes. **MC** asked you will be removing the existing pavement. **GK** stated not the substrate just the top. **MC** asked about the drawing does this represent the entire lot? **GK** stated yes.

**LO** asked if there were any abutters present. None present.

**MC** motioned to issue a negative determination. **Seconded by JP**. All members present voted in favor. **Motion Passed**.

**Ann McGravey-Riccio, 268 North End Blvd.** **MR** stated the applicant wasn't able to make it and she wanted us to hear this anyway. **LO** noted it does say it will give the 18" above the dune but it doesn't say anything about skewing the stairs. **MR** stated we can make sure during the site visit it will be done. **SL** stated I am confused on the language it says "platform will be wooden with hand rails will be aluminum." **MR** stated the aluminum will just be the stairs.

**LO** asked if there were any abutters present. None present.

**JP** motioned to issue a negative determination. **Seconded by MC**. All members present voted in favor. **Motion Passed**.

**NOI: Gary Litchfield, 15 CCC Road:** Attorney James Harrington addressed the board on behalf of the applicant. The last eight months we have been back in forth with the ZBA. We received our variance last month. We have designed side entries and side decks so we will stay away from the wetlands. **LO** asked about the flags. **MR** stated it was reviewed by Mary Rimmer. She just approved the line but didn't review the NOI. **SL** asked if the applicant was bringing in fill? Gary Litchfield (GL) addressed the board. We won't be bringing in any. **LO** asked if trees would be taken down? **GL** stated a small amount. **MR** stated typically the DPW has requirements regarding new utilities and pavement. You should check with the DPW director with his requirements. I think he is going to require you to take the pavement to the edge of the property. **MR** stated this maybe a significant change. **MC** asked about the wetland and buffer zone. Is that a stream across the street? **MR** stated the entire property is in the buffer zone. The wetlands go back from the house. **PF** asked if there will be some type of boundary marker. **GL** stated we could also do signs and the rocks. **MC** noted the DPW comments-the project cannot be built as proposed. Impact is too close to the wetlands. Applicant should demonstrate that the proposal will not impact the wetland. **GL** stated my guess is DEP doesn't know the back story. **MR** stated they may want more details on the foundation. Maybe some cross-sections.

**PF** motioned to continue this NOI to August 7, 2013 at 7:10 p.m. with the conditions 1. DPW and DEP comments to be addressed. **MC** seconded the motion. All members present voted in favor. **Motion Passed**.

#### **OLD BUSINESS:**

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1. **Request for a Certificate of Compliance, 50 Central Street:** **MR** stated **JP** and I did a site visit. The sonotubes were installed under the center beam were there. Instead of doing a trench they were able to do a directional drilling. There was a bit of debris in the sand. My recommendation would be to issue the full

certificate and I will hold onto it when the debris is gone.

**JP** motioned to issue a certificate of compliance upon a follow up visit by Michelle to make sure the debris is removed. **SL** seconded the motion. All members present voted in favor. **Motion Passed.**

**2. Enforcement, 44 Lafayette Road.** Mr. Roy Pakow (RP) addressed the board on behalf of the applicant. We would like to find out the procedure we should follow to come into compliance. **MR** stated my recommendation is to have someone flag the wetland. **SL** asked if this is something you are willing to do? **RP** stated yes. We would just a plan showing the wetlands. **LO** noted the wetlands are wild and should remain wild. They need to be natural vegetation. **RP** asked about a fence. **MR** stated fences are exempt from permitting.

**SL** motioned to continue the enforcement order until August 7, 2013 at 7:10 p.m. to give the applicant time to have someone delineate the wetlands and produce a plan. **JP** seconded the motion. All members present voted in favor. **Motion Passed.**

### **NEW BUSINESS:**

**Emergency Certification, 132 North End Blvd.** **MR** stated this is just like all the other emergency certificates issued in the spring. **LO** stated the paperwork says plantings may occur. **MR** stated we have put that standard language on all of them.

**MC** motioned to ratify the emergency certificate. **JP** seconded the motion. All members present voted in favor. **Motion Passed.**

**Request for Certificate of Compliance, 528 North End Blvd.** **MR** stated they replaced walkways around the house and added gravel to the parking lot. They closed out one of the cuts to the beach since they are directly next to an access point. **MC** asked about the date. **MR** stated yes.

**JP** motioned to issue a certificate of compliance. Seconded by **SL**. All members present voted in favor. **Motion Passed.**

**Request for a Certificate of Compliance, 21 17<sup>th</sup> Street:** Mr. Ron Laffely (RL) addressed the board on behalf of the applicant. We were the architect on this property 17 years ago. The applicant is looking to sell her property. The vegetation is in. **LO** asked if its been reviewed? **MR** stated no. **RL** stated I have photographs.

**JP** motions to approve the Certificate of Compliance upon the condition of the agents site visit and approval. Seconded by **MC**. All members present voted in favor. **Motion Passed.**

**Request for Certificate of Compliance, 12 Rabbit Road:** Mr. Michael Seekamp (MS) addressed the board on behalf of the applicant. We obtained a partial certificate of compliance last fall. The only requirement left was that the site had to be 80% of grassy vegetation. We did a site walk with MR and JS. We were waiting on a fixing a swale that was redirected to the outlet basin instead of the inlet basin. **LO** commented on previous discussions about grazing and if you have seen any evidence of a wildlife habitat. **MS** noted yes. Coyotes and foxes have been seen. It does get mowed on a regular basis. I know it was stated in previous meetings about introducing endangered cotton tails. Introducing endangered species onto the property usually does not go over well. **JP** stated **MC** and I walked the site and it is great to see the progress.

**JP** motioned to issue the Certificate of Compliance. **PF** 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.

86 Central Avenue-MR inspected the stairs. They are now in compliance and my recommendation is to lift the enforcement order.

MC motioned to lift the enforcement order. Seconded by SL. All members present voted in favor. **Motion Passed.**

188-190 North End Blvd.-MR stated she recently spoke with the property owner and he has no intention of changing the stairs to make them compliant. My recommendation is to refer this to DEP. SL asked if the property stays on the list? MR stated I usually take it off and will give an update once she hears from DEP.

JP motioned to refer the enforcement order to DEP. Seconded by MC. All members present voted in favor. **Motion Passed.**

**COMMISSIONERS COMMENTS:**

**ADJOURNMENT:**

JP motioned to adjourn at 8:45 p.m. **Seconded by SL.** All members present voted in favor. **Motion Passed.**