



**Salisbury Conservation Commission
Meeting Minutes
October 21, 2020
Colchester Auditorium, Town Hall
5 Beach Road
Salisbury, MA 01952
Virtual Meeting
7:00 P.M.**

COMMISSION MEMBERS PRESENT: Chairwoman Sheila Albertelli (SA), Julie Doughman-Johnson (JDJ), Michael Colburn (MC), Mark Hatem (MH)

COMMISSION MEMBERS ABSENT: Blake Leibert (BL), Jane Purinton (JKP)

ALSO PRESENT: Conservation Agent, Adriane Marchand (AM).

Chairwoman Sheila Albertelli opened the meeting at 7:10 pm under the Wetlands Protection Act & Open Meeting Law and informed the public that the meeting was being recorded and being held remotely.

A. MINUTES:

1. August 5, 2020

JDJ motioned to approve the minutes for August 5, 2020

MC seconded

Vote: 4-0, unanimous. Motion Carried.

2. September 2, 2020

3. September 16, 2020

4. October 7, 2020

JDJ motioned to continue the minutes for September 2, 2020, September 16, 2020, and October 7.

MC seconded

Vote: 4-0, unanimous. Motion Carried.

B. PUBLIC HEARINGS at 7:10pm:

1. NOI: Rodger Perlstein, 12 Wyman Greeley's Realty Trust, LLC, 12 Wyman Greeley St. (3/18/20)

SA stated the applicant had requested a continuance.

JDJ motioned to continue the Notice of Intent for Rodger Perlstein, 12 Wyman Greeley's Realty Trust, LLC, 12 Wyman Greeley Street to November 4, 2020 at 7:10 pm.

MC seconded

Vote: 4-0. Unanimous. Motion Carried.

2. NOI: Daniel DeStefano, DeStefano Landscape and Snow Company, 9 Gerrish Rd, Roadway (8/5/20)

Matt Steinel of Millennium Engineering (**MS**) reviewed the project and past hearings with the Commission. He went over the modifications to the originally submitted plan, including the reconfiguring in the lots resulting in the removal of a lot, and proposed trail access to the Rail Trail between lots 3 and 4. He noted the proposed roadway will include sidewalks and will curve around a wetland. He noted the location of a proposed retaining wall that will keep any fill associated with the roadway construction away from the wetland, and that the roadway will end in a turnaround. The drainage for the roadway will be handled by a constructed wetland to be located behind lot 4, and another to be located adjacent to lot 1. **SA** asked if a guardrail would be installed near the wetland finger as had been requested at the previous meeting, and whether demarcation signs had been added to the plan. **MS** replied that he did not realize that guardrail was requested, and reviewed the locations of post and rail fence and stated they'd be happy to place signage on it. They could also add a guardrail to the plan. **JDJ** for details regarding the proposed bog bridge. **MS** replied it would be used to cross wetlands, and it was a wooden plank style bridge. **JDJ** asked who would maintain it. **MS** replied it would depend on who retains ownership of the land. **SA** advised it should be added into the condo documents.

JDJ motioned to approve the Notice of Intent for Daniel DeStefano, DeStefano Landscape and Snow Company, 9 Gerrish Rd, Roadway with the standard order of conditions and the following special conditions: a Stormwater Pollution Prevention Plan (SWPPP) shall be submitted to the commission before issuance of the building permit; should full vegetative cover not be established within the constructed wetlands within one growing season, supplemental planting and seeding will take place at the onset of the second growing season; construction within the Buffer Zone and construction of the constructed wetlands on all lots or roadway be monitored by a wetland scientist and that bi-weekly reports throughout construction be provided to the Commission on the status of work, any evidence of erosion or sedimentation that may affect wetlands, mitigation measures, etc. Reports should include site photos from each site visit.

SA asked to include the guardrail, demarcation signs, and the maintenance be included in the condo docs.

JDJ amended her motion to include the special conditions as requested by **SA**.

MC seconded

Vote: 4-0, unanimous. Motion Carried.

3. NOI: Daniel DeStefano, DeStefano Landscape and Snow Company, 9 Gerrish Rd, Lot 1 (8/5/20)

Matt Steinel of Millennium Engineering (**MS**) noted the location of Lot 1 on the plan, and the location of the constructed wetland next to it. He stated all construction related activities will be at least 10 feet from any wetlands, and noted the location of silt sock and post and rail fence. He described the project, which was to construct a single-family home with a deck on the right of the structure and a garage on the left. The proposed home is approximately 80 feet from wetlands. **MS** reviewed peer review comments from Mary Rimmer for the project as a whole, including a revised wetland line in the vicinity of Lot 4, that a total of 11,279 square feet of impacts are proposed on lot 1, including 1717 square feet of impact within 25 feet of the buffer zone. The home located on Lot 1 will be 80 feet away from the adjacent constructed wetland. **MS** noted that erosion control is primarily silt sock, which will be supplemented with silt fence in all areas where work is to occur within 25 feet of the buffer zone, as recommended by Mary Rimmer. She also recommended in her comments that fencing be installed in the rear yards that abut the constructed wetland so as to avoid encroachment, and **MS** stated that fencing had been added to the plan. Access for maintenance of the constructed wetland is by an easement through Lot 1. **MS** stated that Mary Rimmer had

recommended a special condition stating that construction within the Buffer Zone and construction of the constructed wetlands be monitored by a wetland scientist and that bi-weekly reports throughout construction be provided to the Commission on the status of work, any evidence of erosion or sedimentation that may affect wetlands, mitigation measures, etc. Reports should include site photos from each site visit. He noted that Mary Rimmer's comments were similar for each of the lots. **SA** requested a refresher on the stormwater drainage system. **MS** replied that there are two constructed wetlands are the primary method in which stormwater will be handled, and discussed the locations of the catch basins and man holes. The rear wetland will get most of the runoff due to the pitch of the road. **SA** advised that the details of easements and maintenance instructions should be incorporated into the condo documents.

JDJ motioned to approve the Notice of Intent for Daniel DeStefano, DeStefano Landscape and Snow Company, 9 Gerrish Rd., Lot 1 with the standard order of conditions and the special conditions noted in the motion for the roadway

MC seconded

Vote: 4-0, unanimous. Motion Carried.

4. NOI: Daniel DeStefano, DeStefano Landscape and Snow Company, 9 Gerrish Rd, Lot 2 (8/5/20)

Matt Steinel of Millennium Engineering (**MS**) described the project, which was to construct a single-family home. The proposed home would have a rear deck. Garage is on the left-hand side **MS** reviewed the location of the silt sock, silt fence, and post and rail fence. **MS** noted Mary Rimmer's comments for Lot 2 were largely the same as Lot 1, adding that she advised the erosion control boundary should be adjusted to make sure there is at least ten feet around the wetland line, and they made that adjustment. **MS** stated there is a sidewalk in front of the lot.

JDJ motioned to approve the Notice of Intent for Daniel DeStefano, DeStefano Landscape and Snow Company, 9 Gerrish Rd., Lot 2 with the standard order of conditions and the special conditions noted in the motion for the roadway.

MC seconded

Vote: 4-0, unanimous. Motion Carried.

5. NOI: Daniel DeStefano, DeStefano Landscape and Snow Company, 9 Gerrish Rd, Lot 3 (8/5/20)

Matt Steinel of Millennium Engineering (**MS**) stated the lot is north of the wetland and south of the cul-de-sac and surrounded by sidewalks. Ten feet to the wetland has been maintained per Mary Rimmer's comments and **MS** reviewed the locations of the silt sock, silt fence, and post and rail fence. There will be a single-family home constructed with a porch on the front, deck on the rear, and a garage on the right. The lot directly abuts the rail trail access point.

JDJ motioned to approve the Notice of Intent for Daniel DeStefano, DeStefano Landscape and Snow Company, 9 Gerrish Rd., Lot 3 with the standard order of conditions and the special conditions noted in the motion for the roadway

MC seconded

Vote: 4-0, unanimous. Motion Carried.

6. NOI: Daniel DeStefano, DeStefano Landscape and Snow Company, 9 Gerrish Rd, Lot 4 (8/5/20)

Matt Steinel of Millennium Engineering (**MS**) stated this lot lies to the north of Lot 3, will contain a single-family home with a garage in the front, the house set behind the garage, and a porch on the front with a deck in the rear.

JDJ motioned to approve the Notice of Intent for Daniel DeStefano, DeStefano Landscape and Snow Company, 9 Gerrish Rd., Lot 4 with the standard order of conditions and the special conditions noted in the motion for the roadway.

MC seconded

Vote: 4-0, unanimous. Motion Carried.

7. NOI: Daniel DeStefano, DeStefano Landscape and Snow Company, 9 Gerrish Rd, Lot 5 (8/5/20)

Matt Steinel of Millennium Engineering (**MS**) stated this lot is at the end of the cul-de-sac, and noted the location of a small retaining wall. A single-family home will be constructed with a deck to rear, porch in front, and some minor grading between lots 5 and 4.

JDJ motioned to approve the Notice of Intent for Daniel DeStefano, DeStefano Landscape and Snow Company, 9 Gerrish Rd., Lot 5 with the standard order of conditions and the special conditions noted in the motion for the roadway.

MC seconded

Vote: 4-0, unanimous. Motion Carried.

8. NOI: Daniel DeStefano, DeStefano Landscape and Snow Company, 9 Gerrish Rd, Lot 6 (8/5/20)

Matt Steinel of Millennium Engineering (**MS**) is located on the other side of the cul-de-sac. The garage is to the right with the deck on the left, which is close to the post and rail fence. Minor grading will occur on this lot. The sidewalk ends in front of Lot 4, and so snow storage is proposed in front of Lots 5 and 6.

JDJ motioned to approve the Notice of Intent for Daniel DeStefano, DeStefano Landscape and Snow Company, 9 Gerrish Rd., Lot 6 with the standard order of conditions and the special conditions noted in the motion for the roadway

MC seconded

Vote: 4-0, unanimous. Motion Carried.

9. NOI: Daniel DeStefano, DeStefano Landscape and Snow Company, 9 Gerrish Rd, Lot 7 (8/5/20)

Matt Steinel of Millennium Engineering (**MS**) stated this lot is south of Lot 6, with a similar house style to Lot 6 with the garage on the right and deck on the left. This lot is further away from the wetland, so erosion control is not needed through Lot 9.

JDJ motioned to approve the Notice of Intent for Daniel DeStefano, DeStefano Landscape and Snow

Company, 9 Gerrish Rd., Lot 7 with the standard order of conditions and the special conditions noted in the motion for the roadway

MC seconded

Vote: 4-0, unanimous. Motion Carried.

10. NOI: Daniel DeStefano, DeStefano Landscape and Snow Company, 9 Gerrish Rd, Lot 8 (8/5/20)

Matt Steinel of Millennium Engineering (**MS**) stated the configuration of the single-family home on this lot has the garage in front, with the residence behind it, and a deck on the rear of the home and porch on the front.

JDJ motioned to approve the Notice of Intent for Daniel DeStefano, DeStefano Landscape and Snow Company, 9 Gerrish Rd., Lot 8 with the standard order of conditions and the special conditions noted in the motion for the roadway

MC seconded

Vote: 4-0, unanimous. Motion Carried.

11. NOI: Daniel DeStefano, DeStefano Landscape and Snow Company, 9 Gerrish Rd, Lot 9 (8/5/20)

Matt Steinel of Millennium Engineering (**MS**) stated this home would have a porch on the front of the home, a garage to the right, and a patio on the rear.

JDJ asked why the sidewalk isn't on both sides of the street. **MS** replied that the road is a dead end so sidewalks on both sides wasn't really necessary. **MH** asked about plans for the open space. **MS** replied it is currently owned by the developer but it could be deeded to the Town or an entity like Greenbelt, or it could be held in common ownership with the homeowners of the development. It will not be individually owned by any of the homeowners. **JDJ** asked if the roadway will be private or public. **MS** stated the plan is for it to be private until construction is complete at which time the developer would like the Town to take ownership of it.

JDJ motioned to approve the Notice of Intent for Daniel DeStefano, DeStefano Landscape and Snow Company, 9 Gerrish Rd., Lot 9 with the standard order of conditions and the special conditions noted in the motion for the roadway

MC seconded

Vote: 4-0, unanimous. Motion Carried.

12. AMENDED NOI: Richard Shaheen, 201 Atlantic Ave. (10/2/19, 9/2/20)

SA noted that new material had just been submitted yesterday and didn't make the submission deadline, so the Commission had not had enough time to review it, and so would not be ready to vote. **JDJ** agreed. Matt Steinel of Millennium Engineering (**MS**) stated he and the applicant would still like to update the Commission. **MS** noted there would be 286 square feet of vegetative impact under the structure. 237 of which is to be under the main house, and 49 under the proposed deck. 1296 square feet of dune grass is proposed to be planted on the open portions of the lot. An additional 312 square feet will be planted under the thru flow decking. Both sets of proposed stairs have been tucked into the decks, and they have specified the type of roll out mat will be a Mobi mat. They have moved the whole structure further from the ocean. They are also proposing to bring the sand elevation up to 19 as opposed to 18 as was previously proposed. **MS** noted that they have received letters of support from some of the abutters. **JDJ** commented that the snow fence they put up is doing a good job.

JDJ motioned to continue the Amended Notice of Intent for Richard Shaheen, 201 Atlantic Ave to November 4 2020 at 7:10 pm.

MC seconded

Vote: 4-0. Motion Carried.

C. NEW BUSINESS:

1. Request for Certificate of Compliance, 31 Commonwealth.

Ron Laffely (**RL**) of Fulcrum Architects reviewed the changes from what was permitted, including changing the location of a roll out boardwalk, about 2/3 of the exterior stairs had been omitted, a change in the type of pavers used, some experimental planting was done on the south side of the structure and appears to be hanging on, but is failing a little bit, a greater variety of plants was planted in this area, beach grass planted in various areas on the lot is doing well. Anything that doesn't make it through the winter will be replanted in the spring each year. **AM** stated she had no problems with the site or the changes, and requested **RL** submit a v-zone certificate.

JDJ motioned to issue the Certificate of Compliance for 31 Commonwealth, contingent upon the requested documentation being submitted.

MC seconded

Vote: 4-0, unanimous. Motion Carried.

2. Request for Significance of Change, 41 Gardner St.

Matt Steinel of Millennium Engineering (**MS**) stated the Order of Conditions was issued on September 11, 2018 for a 2-family home. He reviewed the original plan and explained that there are new owners who want to change the house, but that the set backs and grading will essentially be the same. **SA** noted it was not a drastic change, but it will be closer to wetlands on one side. **MC** and **JDJ** both commented that they felt it was not a significant change.

JDJ motioned to find the Request for Significance of Change for 41 Gardner Street not significant.

SA seconded

Vote: 4-0, unanimous. Motion Carried.

3. Request for Certificate of Compliance, 35 Liberty St.

Matt Steinel of Millennium Engineering (**MS**) reviewed the project, noting it is a single-family home on piles near the end of Liberty Street. There were few changes not on the approved plan, including an Air conditioner unit placed on an elevated pads under the structure that wasn't shown on the original plan, originally gravel was to be under half the structure but the contractor put it under the whole structure, three shrubs were planted at the rear, and there is rip rap on the slope that was not shown on the plan but may or may not have been there originally and was hidden by the old deck. Also, an old stockade style fence was replaced by a compliant picket style fence. **MS** showed photos of the structure to the Commission and noted that it is all open underneath and has no garage door and that a post and rail fence was installed at the top of the slope for safety purposes.

JDJ motioned to issue the Certificate of Compliance for 35 Liberty Street.

MC seconded

Vote: 4-0, unanimous. Motion Carried.

4. Request for Certificate of Compliance, 28 Rabbit Road

SA noted a site visit was conducted on October 19. Tom Hughes of Hughes Environmental (**TH**) and David Pearson (**DP**) were present. **TH** noted that a site visit had also occurred in August and it was noted then that a few things needed to be finished up. Those items have been done and they would like a Certificate of Compliance. **JDJ** noted the landscaping was done very well. **SA** asked if the sediment controls were removed. **TH** stated they were there and would be removed when the Certificate is issued.

JDJ motioned to issue the Certificate of Compliance for 28 Rabbit Road once the erosion control has been removed.

MC seconded.

Vote: 4-0, unanimous. Motion Carried.

D. OLD BUSINESS:

1. Request for Certificate of Compliance, 114 Ferry Rd.

SA noted they intend to file a new NOI for some proposed work and there are some outstanding issues the Commission wanted resolved, and she suggested they table the issue until the NOI is filed.

JDJ motioned to table the Request for a Certificate of Compliance for 114 Ferry Road until November 18, 2020.

MH seconded

Vote: 4-0, unanimous. Motion Carried.

2. Request for Certificate of Compliance, 233 Beach Rd.

SA recommended tabling the request as the tables for the air conditioner units were being constructed.

JDJ motioned to table the Request for Certificate of Compliance for 233 Beach Road until such a time as the air conditioner units have been elevated.

MC seconded

Vote: 4-0, unanimous. Motion Carried

E. ENFORCEMENT ORDERS:

HOLD, PENDING UPDATE:

1. 15 Learned Ln.
2. 438 N. End Blvd.
3. 565 North End Blvd.
4. 30 Main St.
5. 212 N. End Blvd.
6. 83 Atlantic Ave.
7. 211 N. End Blvd.
8. 279 N. End Blvd.
9. 16 Hayes St.
10. 11 Railroad Ave.
11. 37 Atlantic Ave.

12. 6 Sycamore Lane
ACTIVE, PENDING COMPLETION:
13. 139 Elm St
14. 61 Bridge Rd.
COMPLETE, PENDING APPROVAL:
15. 86/88 Elm St.
16. 4 Main Street
17. 9 Bayberry Ln.
18. 82 Lafayette Rd
19. 44 Old County Rd.

F. COMMISSIONER COMMENTS:

AM reviewed the ongoing projects in town, including the sewer project on Lafayette, the water main project on Bridge Road, the Comfort Station and Welcome Center at the beach, and roadwork on Driftway.

SA asked if there had been any check ups on the tide gates. **AM** replied that Weston & Sampson checks them regularly and she has kept in touch with them in that regard. Maintenance is scheduled for the tide gates this coming spring. They are still working out some kinks with the telemetry being sent to computers, so we don't always receive the data, but that issue is in the process of being fixed.

F. ADJOURNMENT:

JDJ motioned to adjourn the October 21, 2020 Conservation Commission Meeting at 8:28 p.m.

MC seconded.

Vote: 4-0, unanimous. Motion Carried