



**Salisbury Conservation Commission
Meeting Minutes
January 6, 2021
Colchester Auditorium, Town Hall
5 Beach Road
Salisbury, MA 01952
Virtual Meeting
7:00 P.M.**

COMMISSION MEMBERS PRESENT: Chairwoman Sheila Albertelli (**SA**), Blake Leibert (**BL**), Jane Purinton (**JKP**), Michael Colburn (**MC**), Mark Hatem (**MH**), Julie Doughman-Johnson (**JDJ**)

COMMISSION MEMBERS ABSENT: Daniel Richard

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

Chairwoman Sheila Albertelli opened the meeting at 7:12 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. **October 21, 2020**
2. **November 4, 2020**
3. **November 18, 2020**
4. **December 2, 2020**
5. **December 16, 2020**

JDJ motioned to approve the minutes for October 21, 2020.

BL seconded

Vote: 6-0, unanimous. Motion Carried

JDJ motioned to continue the minutes for November 4, 2020, November 18, December 2, 2020 and December 16, 2020 until January 20, 2021.

MC seconded

Vote: 6-0, 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 January 20, 2021 at 7:10 pm.

MC seconded

Vote: 6-0. Unanimous. Motion Carried.

2. RDA: Susan Leger Ferraro, 16 Commonwealth Ave (12/2/20)

The homeowner, Jeff Willis (JW), was present. SA stated the Commission conducted a site visit and looked at what was proposed. JW stated he was anticipating a ruling from the Commission on the back portion to match what is existing. SA stated the existing pavers were not permeable, and reviewed the enforcement history, noting that what is existing was a compromise from the enforcement order. SA advised that the applicant entertain the other options such as open cell like the neighbor, or gravel. JW stated he understood and noted that after some grading work in the neighborhood, flood waters flow down the middle of the driveway and that after speaking with his neighbor, he feels the open cell pavers are not the best option. SA stated that gravel would be the best option then, and discussed the benefits of using gravel, and stated it is recommended by DEP. JW stated that they have gravel on the property, and when the water comes through it creates a ravine, and that they would be chasing the gravel down constantly. JW asked if there was a difference between permeable and pervious pavers. SA replied there was not. MC advised that the pavers will not stop storm surge, but they will work for drainage purposes if they are properly maintained. They will need to be vacuumed out to prevent sand from packing into the cracks. He suggested the applicant leave the driveway as is because he has a hard driveway. JW replied that the driveway is uneven and people have turned ankles on it. Existing cracks continue to get wider. MC advised he could cut out the damaged portions of concrete and replace them. SA suggested the use of timbers to keep in gravel. JKP advised that if he chose to resurface the driveway with black top, he could paint it. She also recommended planting vegetation to slow down flood water. SA also advised the applicant to follow the spec sheets when installing the pavers. MC advised the applicant to come up with a plan and work with the agent to determine the best options. JDJ asked about a cloth covering the fence that was observed during the site visit. JW stated it was temporary and used in order to provide additional privacy when they have functions in the backyard. They forgot to take it down after the last function. SA advised that the fence needs to be unblocked at all times. She also noted that the utilities are at grade and should be elevated.

JDJ motioned to continue the RDA for Susan Leger Ferraro, 16 Commonwealth Ave., to January 20, 2021 at 7:10 pm.

MC seconded

Vote: 6-0, unanimous. Motion Carried.

3. RDA: Anthony Kirincich of Woods Hole Oceanographic Institution, 218 Beach Rd. (12/16/20)

SA noted that NHESP had approved the project, and permission from DPW had been received.

JKP motioned to issue a Negative Determination for Anthony Kirincich of Woods Hole Oceanographic Institution, 218 Beach Rd., with conditions 1 – 4 noted in the letter dated December 30, 2020 from the Division of Fish and Wildlife and NHESP Tracking #20-39271.

MC seconded

Vote: 6-0, unanimous. Motion Carried.

4. NOI: Thomas Underwood, 80 Cable Ave. (1/6/21)

Michael Seekamp of Seekamp Environmental Consulting (MS) reviewed the property with the Commission noting that they plan to build a 20 foot by 20-foot cottage on piers in an area adjacent to degraded salt marsh. The structure will be elevated 13 feet above ground elevation, which is 5 feet above flood. JKP stated she would like to conduct a site visit. SA agreed as it is a highly vegetated dune. Abutter Pam Goodwin of 78 Cable Ave. (PG) stated they objected to the project and read a letter into the record. Abutters Georgette and Phil Smith of 81 Cable Ave. (GS) stated they have owned the abutting property for 32 years and only

experienced flooding in recent years when the grass was cut on the lot. They also noted that the applicant checked “no” under the section of the application asking if any portion of the project was located in estimated habitat of rare wildlife; however, the Army Corps had previously listed endangered species on the property. **PG** also stated that the applicant was provided documentation regarding previous wetland filing and violations when he purchased the property, and this information listed the agencies he would have to apply to and stated approvals would be difficult to obtain. **SA** stated that historically the property was determined to be habitat with NHESP. **AM** clarified that it was previously considered habitat for the Common Tern, but that is not applicable now. She confirmed on the most recent NHESP maps that the site is not considered habitat for rare or endangered species. Abutter Jim Gurka of 85 Cable Ave (**JG**) stated he was against the project, and that it was listed as unbuildable when it was purchased by Mr. Underwood. He expressed concern that any changes to the lot will cause additional flooding for the neighbors. Abutter Jane Turi of 87 Cable Ave (**JT**) noted that the vegetation on the lot has died, but not on neighboring lots, and wondered if the owner was doing something to the vegetation. She also expressed concern that any changes to the lot will change the water flow in the neighborhood and increase flooding issues for herself and the neighbors. Abutter Mitch Makarewicz of 92 Cable Ave. (**MM**) stated that projects proposed for the property have been denied three times over the years, that he is aware of, and DEP and the Army Corps have gotten involved in the past. Abutter Frieda Makarewicz of 89 Cable Ave (**FM**) stated the property floods regularly and development will direct water to other properties, she is against the project. She also noted that she has witnessed the owner spraying the vegetation with chemicals. **PG** added that she noticed a lot of water on the site at about 4pm on Monday. **FM** added that cottages on the site were demolished years ago, and she thought something had been signed stating nothing else could be built on the property. Abutters Francine and Roger Morrisette of 79 Cable Ave (**RM**) stated that when they bought their home 5 years ago, the neighbors on each side stated flooding was not a problem; however, the parking area across the street regularly has water. They are opposed to the project as they don’t want to see the water flow disturbed. **JT** added that she’s observed the site during a 100-year storm and it flooded significantly, but the water remained on that side of the street. Abutter Carol Holland of 77 Cable Ave (**CH**) stated she is against the project and that a proposal to build on the property 10 years ago was denied. She also noted that taking the vegetation will increase flooding, and asked if the Army Corps will be getting involved. **AM** stated she would look into that. **CH** added that there is shrimp located on the property. Abutter Mary Barraclough of 91 Cable Ave. (**MB**) noted that there were some issues with the sewer line sagging because it goes into the wet area of the property. She also stated that there are monarchs on the property. **PG** noted that in the past, four lots have been proposed by developers, so the applicant could do the same later on and there could be double the impacts. **JDJ** advised the abutters that if they see something suspicious, they should say something because the Commission cannot find everything. She noted that a project proposed in 1991 was denied by the DEP, in 1998 the owner at that time was caught filling wetland and had to remove the fill, and in 1999 the Commission approved a project in March, but was denied by the DEP in August. **GS** replied that they had contacted the previous agent many times, such as when the applicant was mowing beyond the designated parking area, and the Agent would listen, but nothing was done as the agent couldn’t assess fines. **SA** replied that the owner at that time was instructed to delineate the parking area and to not go past the do not disturb area. **GS** stated the owner continued to disturb the property after that.

JKP motioned to continue the Notice of Intent for Thomas Underwood, 80 Cable Ave., until January 20, 2021 at 7:10 pm.

MC seconded

JKP amended her motion to include that a site visit would be scheduled, and the property reviewed by Mary Rimmer for delineation and impacts.

MC seconded.

Vote: 6-0, unanimous. Motion Carried.

5. NOI: Thomas Underwood, 86 Cable Ave. (1/6/21)

JKP motioned to continue the Notice of Intent for Thomas Underwood, 86 Cable Ave., until January 20, 2021 at 7:10 pm, and in the interim a site visit will be conducted, and Mary Rimmer will review the property for delineation and impacts.

MC seconded

Vote: 6-0, unanimous. Motion Carried.

C. NEW BUSINESS:

1. Request for Certificate of Compliance, 86 & 88 Elm Street

Tyler Ferrick of Derosa Environmental (**TF**) reviewed the deviations from what was permitted, noting that less lawn was converted to gravel, the concrete pad was installed in a different location, and some concrete pens were not installed. **JDJ** stated the site visit went well and they did a good job finishing up what was requested. **JDJ** suggested that Mary review the site for the partial COC and again for the full COC. **SA** agreed. **JDJ** noted that the as-builts weren't updated to reflect the current conditions. **TF** asked if the as-builts need to be done for the partial or for the final. **MC** stated he'd like the as-built for the current conditions. **AM** noted that Mary Rimmer was planning on being in Salisbury the following day and also might be available to review on Friday.

JDJ motioned to continue the Request for Certificate of Compliance for 86 & 88 Elm Street until January 20, 2021, and in the interim Mary Rimmer will review the property, and an as-built of the current conditions will be provided.

MC seconded.

Vote: 6-0, unanimous. Motion Carried.

D. 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. 16 Hayes St.
9. 11 Railroad Ave.
10. 37 Atlantic Ave.
11. 6 Sycamore Lane

ACTIVE, PENDING COMPLETION:

12. 139 Elm St
13. 61 Bridge Rd.

COMPLETE, PENDING APPROVAL:

14. 86/88 Elm St.

15. 4 Main Street
16. 9 Bayberry Ln.
17. 82 Lafayette Rd
18. 44 Old County Rd.
19. **2 Linda Lane** - **SA** stated the house is for sale. **AM** explained there was an enforcement order for the property for exceeding approved plans. The homeowners had completed the work pursuant to the enforcement order and the Commission had wanted them to wait a couple of growing seasons to allow the site to stabilize. She visited the site again today, conditions have improved somewhat. There were some issue with the vegetation in the front of the property due to a fallen tree that had to be removed, but the homeowner did plan to mitigate the area, but the arborvitae intended for the area was planted in the rear of the property in error and they didn't have the money to plant more. The homeowners would like the Enforcement Order lifted, or to be advised on what needs to be done to make that happen. **SA** stated at minimum, the arborvitae should be planted by the driveway as was originally conditioned to protect the resource area. **JKP** asked how long ago the arborvitae was planted. **AM** stated she can't give an exact answer, but she suspects maybe a few months ago. **JKP** suggested transplanting them to the front where they were supposed to go. **AM** stated the homeowner had contemplated doing that, but they would still have to pay the landscaper to relocate them, and they were concerned about the stress on the plants, but she can discuss with the homeowner. **SA** suggested working out planting the area with the new buyers if the current owner has a financial hardship. **MC** advised if the arborvitae were transplanted now, the frost would kill them. **JDJ** asked about requesting a bond. **SA** stated it could be requested. **AM** clarified that the planting of arborvitae adjacent to the driveway was not a part of the enforcement order. The enforcement order was for fill in the backyard that was too far into the wetland. The fill was removed and the slope stabilized. **AM** stated they could close that enforcement order out, but they are still left with a non-compliant property due to the wetlands in the front yard. The Commission discussed and agreed that the property needs to be brought into compliance. **AM** stated she would speak to the homeowner about putting some kind of shrubbery next to the driveway to act as a barrier to the wetland.

E. COMMISSIONER COMMENTS:

SA advised boaters to be cautious and abide by the slow zones as Right Whales were migrating south, and there have been sightings south of Nantucket.

JDJ advised birders on the Reservation to give wildlife space and not chase them.

F. ADJOURNMENT:

JDJ motioned to adjourn the January 6, 2021 Conservation Commission Meeting at 9:53 p.m.

MC seconded.

Vote: 6-0, unanimous. Motion Carried