



**Salisbury Conservation Commission
Meeting Minutes
February 3, 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**), Daniel Richard (**DR**)

COMMISSION MEMBERS ABSENT:

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

Chairwoman Sheila Albertelli opened the meeting at 7:11 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. **November 18, 2020**
2. **December 2, 2020**
3. **December 16, 2020**
4. **January 6, 2021**
5. **January 20, 2021**

JDJ motioned to approve the minutes for November 18, 2020.

MC seconded

Vote: 6-0-1. Motion Carried

JDJ motioned to continue the minutes for December 2, 2020, December 16, 2020, January 6, 2021, and January 20, 2021.

MC seconded

Vote: 7-0-0. Motion Carried.

SA announced that the ANRAD for 6 Forest Road that will be heard later in the meeting was to confirm the wetland boundaries on site. Parties interested in the development of the site should tune in to the next Zoning Board of Appeals meeting scheduled for February 9. Tonight's hearing is just to confirm wetland lines.

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 to February 17, 2021.

JKP motioned to continue the Notice of Intent for Rodger Perlstein, 12 Wyman Greely's Realty Trust, LLC, 12 Wyman Greely Street to February 17, 2021 at 7:10 pm.

JDJ seconded

Vote: 7-0. Unanimous. Motion Carried.

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

SA stated the applicant had requested a continuance to February 17, 2021.

JKP motioned to continue the Notice of Intent for Thomas Underwood, 80 Cable Ave., until February 17, 2021 at 7:10 pm.

JDJ seconded

Vote: 7-0, unanimous. Motion Carried.

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

SA stated the applicant had requested a continuance to February 17, 2021.

BL motioned to continue the Notice of Intent for Thomas Underwood, 86 Cable Ave., until February 17, 2021 at 7:10 pm,

DR seconded

Vote: 7-0, unanimous. Motion Carried.

4. NOI: Christopher DeLuca, 112 Elm St. (1/20/21)

SA noted that the Commission was waiting for Joe Serwatka's report. Brian Knowles (**BK**) and the applicant, Christopher DeLuca (**CD**) were present to discuss the project. **BK** stated the Commission had conducted a site visit the previous Friday and there were questions regarding the wetland line, and whether the Commission would require Mary Rimmer to review the site. **JDJ** stated that Mary Rimmer has been to the surrounding properties, in the past, and the flags that were still visible looked good. She didn't think there was a need to have Mary come out again. **BL** and **MC** agreed. **SA** noted they are waiting on Joe Serwatka's review of the Storm Water. **JDJ** advised the applicant to obtain easements for the storm water system components on the neighboring properties before starting construction. **BK** agreed.

BL motioned to continue the Notice of Intent for Christopher DeLuca, 112 Elm St. until February 17, 2021 at 7:10 pm.

MH seconded

Vote: 7-0, unanimous. Motion Carried.

5. RDA: Mark Cardillo, 163 Elm St. (2/3/21)

Matt Steinel of Millennium Engineering (**MS**) reviewed the plan with the Commission, which is to fill in an isolated wetland approximately 3,376 square feet in size. **SA** advised that there is an open Order of Conditions for the property. **MC** asked what the open Order was for. **SA** stated it expired in 2012 and was never closed out. The site was cleared, and left unstable and has been used for unpermitted purpose for the last four years. **JKP** noted that the project is more complicated than it appears to be because of the outstanding issues, and that there was going to be a couple of buildings and a parking area which never happened. **SA** stated that the issues need to be remedied and closed out. If they no longer intend to construct what was initially proposed, they could stabilize the site with vegetation and come back for a certificate of compliance, stating that the work will

not commence. They could also build the project in compliance with the Order of Conditions, with an extension of the existing order, and the requirement of two complete growing seasons for the replication area. Upon the issuance of the Certificate of Compliance the performance bond can be released. If Mr. Cardillo is selling the property, then the new owner would provide the bond. **SA** also recommended that Mary Rimmer review the site. **BL** suggested the Commission wait for the applicant to decide how they're going to move forward with the old Order. **MS** stated he would speak with the applicant. **SA** recommended a site visit.

JKP motioned to continue the RDA for Mark Cardillo, 163 Elm Street until February 17, 2021, at 7:10 pm and in the interim, the Commission will conduct a site visit, and **MS** will contact the Agent about what to do about the old Order.

JDJ seconded.

Vote: 7-0, unanimous. Motion Carried.

6. NOI: David Daly, North End Boulevard, LLC, 504 North End Blvd. (2/3/21)

SA noted that no DEP file number had been issued yet. Olympia Bowker of Mead, Talerman and Costa (**OB**) was present with Tom Hughes of Hughes Environmental (**TH**) to discuss the project. **OB** reviewed the existing conditions of the lot noting that there are two large multifamily structures on the ocean side of the property almost on top of the dune. The structures and concrete walkways cover about 6000 sq. feet of area where dune should be. She reviewed the proposed plan, which is to remove the existing structures and construct a less dense 9 single family home development further away from the dune. Concrete will be removed, and the structures will be elevated, allowing for sand movement. **TH** noted that there is an outstanding Order of Conditions for the construction of a single-family home and accessory structure. He reviewed the flood zones present on the property which included V zone, X zone and AO zone. They plan to add sand to the existing dune to make a gentler slope, and plant beach grass. A split rail fence will be installed along the eastern edge of the development to keep people off of the dune, and to direct people to an existing path. Skirting on the homes will be at least 2.5 feet above grade, or half a foot above flood elevation – whichever is higher. The most seaward home will not have skirting, and there will be cantilevered balconies on the seaward side of the structure. The development is subject to the Mass Stormwater Standards, so roof runoff will be collected into infiltration units, similar to a system that was recently installed on Railroad Ave. **TH** reviewed the proposed plantings, which included American Beach Grass on the dune, Rosa Rugosa and Bayberry along the sides of the property, and Beach Plum at the street side corners of the lot. **SA** asked how much dune will be yielded from the proposed plan compared to the existing conditions. **TH** stated it wasn't much, but was enough to smooth the slope of the dune, and that sand would also be used to fill in the foundation holes once the existing structures are removed. He did not know the exact amount of additional dune off the top of his head, but it was in the narrative. **JKP** asked why they are adding sand to the dune. **TH** replied in order to restore the dune and make a more natural slope. **TH** also noted that they had received letters of support from abutters for the Zoning Board of Appeals meeting, and he could provide those to the Commission. **SA** noted that they plan to utilize cross bracing parallel to the shore, and such cross bracing tends to be more prone to storm damage, and that perpendicular is better. She also noted that post and rail fencing is not ideal for capturing sand and suggested adding snow fencing. **TH** said they could look into the cross bracing and check with DCR regarding fence placement. **MC** asked if they were trying to build the dune on the property. **TH** replied they are trying to build the back side of the dune. Ideally, they would build the seaward and crest of the dune with sand fencing, but that portion is owned by DCR, so they're doing what they can within the site. **MC** expressed concern regarding shading on the plantings. **TH** stated the Rosa Rugosa can withstand shading, and that they specifically picked plants that could tolerate shade. **AM** noted that sand fencing is regularly used as a barrier to keep people off the dune, as well as for dune development. **JKP** asked how the property fared after the most recent storm. **TH** stated the owner drove by and didn't see much damage. **MC** agreed. **JKP** asked about having a site visit. **JKP** asked whether the site would be divided into 9 separate lots and where snow storage would be. **TH** stated they will be 9 condo units, and snow would be stored in the guest spaces on site, or removed from the site. **SA** asked if there would be utility chases, and **TH** replied there would.

JDJ motioned to continue the Notice of Intent for David Daly, North End Boulevard, LLC, 504 North End Blvd until February 17, 2021 at 7:10 pm, and in the interim the Commission will conduct a site visit.

JKP seconded

Vote: 7-0, unanimous. Motion Carried.

7. ANRAD: Steven Paquette, 6 Forest Road, LLC, 6, 10, 18 Forest Rd. (2/3/21)

SA stated a DEP file number had not been issued yet. Tom Hughes of Hughes Environmental (**TH**) represented the applicant, and noted that they filed the ANRAD to obtain confirmation of the resources on the site, and that there is a separate filing for the development of the site being heard separately by the Zoning Board of Appeals. He noted that Mary Rimmer has been to the site, but the peer review is not complete yet. He reviewed the site, noting there is some isolated wetlands on the site, and Small Pox Brook in the northern portion of the site. The site has a large agricultural field with wooded areas surrounding it. Changes in the flags were noted on the plan. They still needed to confirm some of the flag changes with Mary Rimmer, as well as the mean high water, so they needed the peer review authorized by the Commission. Adam Pivacek of 14 Forest Road noted they already have bad drainage, and that it could worsen with development, and that should be taken into consideration. **SA** advised Mr. Pivacek to watch the ZBA meeting scheduled for February 9 and that the applicant will come back to Conservation with a filing for the development once they get through ZBA and they would be better able to address that issue then. **TH** added that the purpose of the ANRAD is to make sure the resources are notated correctly which will help the Commission review for things like stormwater.

JKP motioned to continue the ANRAD for Steven Paquette, 6 Forest Road, LLC, 6, 10, 18 Forest Road until February 17, 2021, and in the interim the Commission will conduct a site visit depending on snow cover, and Mary Rimmer will review the flagging

JDJ seconded

Vote: 7-0, unanimous. Motion Carried.

C. NEW BUSINESS:

1. Request for Certificate of Compliance, 9 Longmeadow Drive

AM noted that there had been enforcement from Massachusetts Division of Fish and Wildlife and they are now in good standing. **MC** asked if there were no issues to be concerned about and **AM** replied that everything had been addressed in 2017 with Fish and Wildlife.

JDJ motioned to issue the Certificate of Compliance for 9 Longmeadow Drive

MC seconded.

Vote: 7-0, 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
12. 2 Linda Ln.

ACTIVE, PENDING COMPLETION:

13. **139 Elm St – JDJ** asked if there have been any updates. **AM** replied there have not, and they haven't started. It's too late to start now and they will begin in the spring. **JDJ** confirmed that they didn't start work before winter and **AM** replied they had not.

14. 61 Bridge Rd.

COMPLETE, PENDING APPROVAL:

15. 86/88 Elm St.
16. 4 Main Street
17. 9 Bayberry Ln.
18. 82 Lafayette Rd

E. COMMISSIONER COMMENTS:

SA stated they are aware of the severe erosion that has taken place at the beach during recent storms, and advised people that the Agent will work with them to see what can be done and to please call the Conservation Department before taking any action.

F. ADJOURNMENT:

JDJ motioned to adjourn the February 3, 2021 Conservation Commission Meeting at 8:47 p.m.

JKP seconded.

Vote: 7-0, unanimous. Motion Carried