



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

COMMISSION MEMBERS ABSENT: Mark Hatem (**MH**), Julie Doughman-Johnson (**JDJ**)

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

Chairwoman Sheila Albertelli opened the meeting at 7:07 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. January 6, 2021

BL motioned to approve the minutes for January 6, 2021

MC seconded

Roll call vote:

SA – Yes

MC – Yes

JKP – Yes

DR – Yes

BL – Yes

2. January 20, 2021

3. February 3, 2021

4. February 17, 2021

JKP motioned to continue the minutes for January 20, 2021, February 3, 2021 and February 17, 2021 to the March 17, 2021 meeting.

MC seconded

Roll call vote:

SA – Yes

MC – Yes

JKP – Yes

DR – Yes

BL – Yes

Vote: 5-0-0. Unanimous. Motion Carried

B. PUBLIC HEARINGS at 7:10pm:

1. NOI: Town of Salisbury, Jak-Len Drive Pump Station (2/17/21)

John Sykora (**JS**) and Devin Batchelder (**DB**) of Weston and Sampson were present to discuss updates. **JS** reviewed the project and updates, identifying an area for snow storage. Signs will be posted to alert workers to the presence of wetlands, and prevent them from pushing snow into the wetland. **DB** explained that there will be 1,100 square feet of impacts to the BVW for the access road. An additional 1,150 square feet of wetland will be undisturbed, but cut off by the road, so a culvert will be installed to maintain the hydraulic connection. The proposed replication area has been adjusted down to 2350 square feet. **DB** responded to comments from DEP requesting the depth to the seasonal high ground water and construction sequence. They plan to start as early as March 22nd depending on weather.

JKP motioned to approve the Notice of Intent for Town of Salisbury, Jak-Len Drive Pump Station with the following conditions:

- a. In all locations where sediment controls are shown on the approved plan within 25 feet of the delineated resource area a row of filter fabric fencing shall back the proposed one row of staked 9-inch (or larger) erosion/sedimentation sock or waddle. Socks or waddles shall be placed end to end with a minimum 6" overlap side to side.
- b. Construction of the wetland replication area shall be conducted under the supervision of a Wetland Scientist whose name and qualifications shall be provided to the Commission prior to commencement of construction. The approved replication area may be adjusted in the field by the Wetlands Scientist to avoid unnecessary removal of mature trees as long as the overall area remains the same. Any field adjustments need to be documented and approved by the Commission's Agent at the time of construction.
- c. The wetland replication area shall be monitored by a professional wetland scientist for a period of 2 growing seasons following the completion of installation. Reports shall be provided by December 1 of each calendar year with photos and a description of plant cover, mortality, soil conditions, hydrology and recommendations for mitigation or improvement. During the monitoring period, non-native and invasive plants shall be removed by hand.
Mortality in excess of 15% shall be replaced in kind or with substitutions as approved by the commission or its designated representative.

MC seconded

Roll Call Vote:

SA – Yes
MC – Yes
JKP – Yes
DR – Abstained
BL – Yes

Vote: 4-0-1. Motion Carried.

2. 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 March 17, 2021.

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

DR seconded

Roll Call Vote:

SA – Yes

MC – Yes

JKP – Yes

DR – Yes

BL – Yes

Vote: 5-0-0. Unanimous. Motion Carried.

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

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

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

MC seconded

Roll call vote:

SA – Yes

MC – Yes

JKP – Yes

DR – Yes

BL – Yes

Vote: 5-0-0. Unanimous. Motion Carried

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

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

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

JKP seconded

Roll call vote:

SA – Yes

MC – Yes

JKP – Yes

DR – Yes

BL – Yes

Vote: 5-0-0. Unanimous. Motion Carried

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

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

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

MC seconded

Roll call vote:

SA – Yes

MC – Yes

JKP – Yes

DR – Yes

BL – Yes

Vote: 5-0-0. Unanimous. Motion Carried

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

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

BL motioned to continue the RDA for Mark Cardillo, 162 Elm St.. until March 17, 2021.

MC seconded.

Roll call vote:

SA – Yes

MC – Yes

JKP – Yes

DR – Yes

BL – Yes

Vote: 5-0-0. Unanimous. Motion Carried

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

SA stated the applicant had requested a continuance to March 17, 2021 in order to address DEP comments.

JKP motioned to continue the Notice of Intent for David Daly, North End Boulevard, LLC, 504 North End Blvd until March 17, 2021 at 7:10 pm.

MC seconded

Roll call vote:

SA – Yes

MC – Yes

JKP – Yes

DR – Yes

BL – Yes

Vote: 5-0-0. Unanimous. Motion Carried

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

SA stated the applicant had requested a continuance to March 17, 2021 as Mary Rimmer still needed to review.

JKP motioned to continue the ANRAD for Steven Paquette, 6 Forest Road, LLC, 6, 10, 18 Forest Road until March 17, 2021,

MC seconded

Roll call vote:

SA – Yes

MC – Yes

JKP – Yes

DR – Yes

BL – Yes

Vote: 5-0-0. Unanimous. Motion Carried

9. NOI: Mark & Gail Luchini, 2 11th Street West (3/3/21)

Matt Steinel of Millennium Engineering (**MS**) explained the project, which was to demolish the existing single family home and construct a new single family home set further back and on piles. He reviewed the existing conditions of the site, noting that a small portion of the house sits in the right of way and is over the lot line into the neighboring property. There is a concrete slab in the rear of the property, as well as a gravel area, and some sheds / accessory structures with pavers in between. The concrete slab will be removed, as well as the gravel, sheds, pavers, the primary structure, and associated walkways and concrete pads. The new structure will be constructed on piles at the rear of the property and will have a deck with thru flow decking, and a porch. Areas that previously had structure on them that aren't being utilized will be vegetated, and a paver driveway will be installed. Shrubs will be planted on either side of the driveway. **SA** asked about the presence of snow storage at the site. **MS** replied it would be off to the side. **SA** requested it be noted on the plan, and advised care during the demolition to be sure all debris, such as glass, are removed from the site.

JKP motioned to approve the NOI Mark & Gail Luchini, 2 11th Street West. With the conditions that the second egress be noted on the plans, and specs and install procedures for the pavers be provided

BL seconded

Roll call vote:

SA – Yes

MC – Yes

JKP – Yes

DR – Yes

BL – Yes

Vote: 5-0-0. Unanimous. Motion Carried

10. NOI: Greg Southard, Riverfront Properties, LLC 86 & 88 Elm St (3/3/21)

Tyler Ferrick of DeRosa Environmental Consulting (**TF**) explained that they new owners of the property have no use for the existing irrigation pond, which was likely dug sometime between 1938 and 1962 and has been used as back up irrigation for the various nurseries that have been at the location. The surrounding area is

mainly crushed gravel. There are wetlands within 100 feet of the pond, but the pond has no connection to the BVW. **TF** also noted the wood fence that runs along the wetland to prevent encroachment. The pond will be dewatered, ideally before the spring season starts. they'll create a dewatering area with hay bales and silt fence, and the water will flow to the wetland. Fill would then be brought in to fill the pond. There is still erosion control on the site, which will likely be removed during this year's growing season, and seeded. **MC** asked what the site would be used for. **TF** replied it would be a landscaping business with a possible nursery aspect. **MC** asked what would be used for irrigation. **TF** replied they would probably want to install a ground water well for irrigation instead. The applicant, Greg Souther (**GS**) agreed that he's thinking about drilling some wells on the property after seeing the pond dry up last summer. **SA** replied that the pond does not usually dry up, and last year was an unusual summer. **GS** replied that with the volume he's planning on needing, he'd prefer to drill one or two wells and use town water sparingly. **SA** advised that once you dig a pond, it become jurisdictional. This particular pond is isolated. **TF** stated the pond would be filled with sandy gravel and would match the existing gravel. **SA** advised that the gravel can't be pushed into the wetland. **MC** suggested putting a fence there. **GS** stated that no plowing would take place in that area to cause the gravel to be pushed into the wetland. Patricia Beevers of 2 Bartlett Street asked whether an existing swale behind the property would remain. **TF** replied it is a distance from the work area and would not be affected. Ms. Beevers replied that regardless, they are having water issues and the swale needs to be fixed. **MC** advised that she speak with the Agent.

JKP motioned to approve the NOI for Greg Southard, Riverfront Properties, LLC 86 & 88 Elm St with the condition that they indicate the finished grade of the pond.

DR seconded

Roll call vote:

SA – Yes

MC – Yes

JKP – Yes

DR – Yes

BL – Yes

Vote: 5-0-0. Unanimous. Motion Carried

11. NOI: Margaret & Rachel Morrison, 244 North End Blvd (3/3/21)

SA noted that they are still waiting on a response from NHESP. Matt Steinel of Millennium Engineering (**MS**) reviewed the project, which was to remove the existing damaged ground level walkway, construct a new elevated walkway, and install dune quality sand and beach grass. **MS** stated the walkway would be four feet wide, and they will need a permit from DCR. **MS** stated the walkway would be similar to photographs he provided of another walkway and the area would be revegetated when the work is done. **SA** advised that the standard width for boardwalks is 3 feet, and that the Commission can't permit other properties for restoration.

JKP motioned to continue the NOI for Margaret & Rachel Morrison, 244 North End Blvd until March 17, 2021 to allow time to hear from NHESP and DCR

BL seconded

Roll call vote:

SA – Yes

MC – Yes

JKP – Yes

DR – Yes

BL – Yes

Vote: 5-0-0. Unanimous. Motion Carried

C. NEW BUSINESS:

1. Enforcement Order, 165 Atlantic Ave

SA stated that there was an administrative approval issued for renovation of the home, and no site work was approved as a part of that letter. The dune, which was in NHESP jurisdiction was removed which resulted in a great loss of habitat and storm protection. The restoration requirement should be greater than what was disturbed. The homeowner requested to not file a Notice of Intent and would just like to submit a planting plan. **SA** stated that they did not agree to accept just a planting plan and they do need to come before the Commission with a Notice of Intent. The homeowner, William Hardy stated he contacted an engineer today. He also noted that the Building Inspector placed stopped work order on the permit until he came before the Commission to address the Enforcement Order, and asked whether the Commission could request the Order be lifted for interior work only. **SA** replied she would be agreeable to interior work only. She then reviewed the reasons a Notice of Intent is required.

- a. Ecological restoration projects require the filing of a notice of intent in WPA. We have had dozens of requests over the last month as a result of natural erosion to preform similar projects and they will be required to file NOI's. We don't want to set the precedence that enforcement orders are the easy way out.
- b. Engineered plans will show the grades and the extent of vegetation disruption which will allow us to accurately assess the disturbance, ensure the area is being replicated as needed and adjust grades as needed.
- c. Work proposed on the stairs and the front of the house should be included and approved in the NOI.
- d. The work will be conducted in NHESP area and the NOI will require the plans be submitted to them for approval as well as going DEP the opportunity to comment.
- e. The order of condition will give us more opportunity to condition the project as it moves forward and enforce those condition as needed as well as enforcing checkpoints throughout the project.

BL motioned to ratify the Enforcement Order for 165 Atlantic Ave.

DR seconded.

Roll call vote:

SA – Yes

MC – Yes

JKP – Yes

DR – Yes

BL – Yes

Vote: 5-0-0. Unanimous. Motion Carried

2. Request for Modification, 16 Commonwealth

SA stated the applicant has requested to add the back driveway to project with the same pavers as the front driveway, which was denied as it would be changing a non-consolidated surface to a consolidated surface, which is not allowed. The applicant asked that their request be reconsidered, stating that there is pavement

underneath the crushed asphalt, which will be removed. The applicant's representative was not present to discuss the issue.

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
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:

AM announced that there would be a Public Information meeting regarding the Rings Island Resiliency Project MVP Action Grant tomorrow night, and briefly explained the project.

MC discussed reasons to not adversely affect dunes.

BL asked if there was any updates regarding Big Block. **AM** replied that the appeal proceedings have started and there was a site visit today. As part of the appeal, they needed an ENF filing and MEPA review. Hughes Environmental has copies of the ENF, and comments can be submitted to MEPA.

Selectman Chuck Takesian spoke regarding beach resiliency

F. ADJOURNMENT:

JKP motioned to adjourn the March 3, 2021 Conservation Commission Meeting at 9:14 p.m.

DR seconded.

Vote: 5-0-0. Unanimous. Motion Carried.