



**Salisbury Conservation Commission
Meeting Minutes
May 19, 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**), Julie Doughman-Johnson (**JDJ**)

COMMISSION MEMBERS ABSENT: Daniel Richard (**DR**)

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. **March 3, 2021**
2. **March 17, 2021**
3. **April 7, 2021**
4. **April 21, 2021**
5. **May 5, 2021**

JKP motioned to approve the minutes for March 3, 2021

BL seconded

Roll Call Vote:

SA Yes

BL Yes

JDJ Abstained

JKP Yes

MC Yes

Vote: 4-0-1. Motion Carried

JDJ motioned to continue the minutes for March 17, 2021, April 7, 2021, April 21, 2021, and May 5, 2021

MC seconded

Roll Call Vote: ALL

SA Yes

BL Yes

JDJ Yes

JKP Yes

MC Yes

Vote: 5-0-0. 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 has requested a continuance to June 2, 2021.

BL motioned to continue the Notice of Intent for Rodger Perlstein, 12 Wyman Greeley's Realty Trust, LLC, 12 Wyman Greeley Street to June 2, 2021 at 7:10 pm.

MC seconded

Roll Call Vote: ALL

SA Yes

BL Yes

JDJ Yes

JKP Yes

MC Yes

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

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

SA stated the applicant had requested a continuance to June 2, 2021.

BL motioned to continue the Notice of Intent for Thomas Underwood, 80 Ave., until June 2, 2021 at 7:10 pm.

MC seconded

Roll Call Vote: ALL

SA Yes

BL Yes

JDJ Yes

JKP Yes

MC Yes

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

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

SA stated the applicant had requested a continuance to June 2, 2021.

BL motioned to continue the Notice of Intent for Thomas Underwood, 86 Cable Ave., until June 2, 2021 at 7:10 pm,

MC seconded

Roll Call Vote: ALL

SA Yes
BL Yes
JDJ Yes
JKP Yes
MC Yes

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

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

SA stated the applicant had requested a continuance to June 2, 2021.

BL motioned to continue the Notice of Intent for Christopher DeLuca, 112 Elm St. to June 2, 2021
MC seconded

Roll Call Vote: ALL

SA Yes
BL Yes
JDJ Yes
JKP Yes
MC Yes

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

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

Olympia Bowker of Mead Talerman and Costa (**OB**), and the applicant David Daly (**DD**) were present. **OB** requested the hearing be tabled in order for Tom Hughes to be present.

JKP motioned to table the Notice of Intent for David Daly, North End Boulevard, LLC, 504 North End Blvd. until the end of public hearings
MC seconded

Roll Call Vote:

SA Yes
BL Yes
JDJ Yes
JKP Yes
MC Yes
DR Abstained

Vote: 5-0-1. Unanimous. Motion Carried.

Attorney Olympia Bowker (**OB**) was present with Project Engineer Matt Hamor (**MH**), the applicant David Daly (**DD**), and Jonathan Miller. Tom Hughes of Hughes Environmental (**TH**) will join later. **SA** asked whether their responses have been submitted to the peer reviewer. **MH** with LandPlex Surveying and Engineering stated they have addressed all comments pertaining to drainage contained in Joseph Serwatka's letter. The only change to their plans from an engineering standpoint was the addition of a water service line for the fire suppression system. **SA** asked if Joe Serwatka has seen their responses. **MH** stated he has, but noted the

response does not pertain to storm water. **OB** explained the most recent comments from Joe Serwatka were dated May 6, 2021 and shared the response for the Commission's review. **SA** stated the Commission did not receive the comments until just before the meeting. **OB** drainage has been fully addressed as of early May. **SA** noted that the sewer easement has not been resolved, and per the DPW Director, Lisa DeMeo the sewer line cannot be properly maintained as it is proposed. **OB** informed the Commission that they have received an opinion from Town Counsel which says structures can be built in the easement. The condo association that will take over maintenance and repair of the sewer line needs to obtain permission from the Town, and the Association has filed with the Board of Selectmen to obtain that permission. Once permission is obtained, the sewer line is removed from the purview of the Planning Board **MH** stated it is common to have sewer line in 10 foot easement, and there is sufficient room to maintain, install, and replace as needed. The sewer line has been reviewed by the Salisbury Sewer Department, and they have provided correspondence in support of the location. They have also provided a document from the Greener Group that explains construction techniques and ability to install and replace sewer line within the 10-foot easement. **AM** requested those documents be submitted to the Commission for review. **SA** stated she is not comfortable voting until she has an opportunity to review stormwater documents. **TH** reviewed the updated landscape plan containing updates requested by the Planning Board. They added Arrowwood Viburnum in a zig zag pattern a opposed to a hedgerow, as well as Serviceberry, and Highbush Blueberry. Red Cedar has been added on either side of the entry way, and sweet fern in the front corners. **SA** questioned why the Planning Board was weighing in on the planting plan. **TH** replied they have jurisdiction over things like screening from the street. They've also added snow fence at an angle up in the dune since the last meeting. While sand is being added, the area will be actively monitored. They will be adding sand via bucket, and there will be no driving on the dune. **JKP** stated she likes what Planning Board has proposed, as long as the plants are native and salt tolerant. **MC** asked how dense the plantings would be. **TH** replied 4-6 feet on center for the smaller shrubs and about 8 feet on center for the larger plants, and noted that they didn't want to plant much tighter and have the plants grow into each other. **MC** stated his he was concerned sand wouldn't be able to move as it appears there will be a wall of plants, since the Planning Board is utilizing the plants to create a screen. **TH** stated there would be enough room for sand to move, and it will help the dune. They are happy to reduce the density of the plantings, as long as it's communicated with Planning. **MC** expressed concerns that the Planning Board is attempting to create a hedge. **TH** noted that the plants being used are spaced far enough apart that they won't create a hedge. **DD** stated they are trying to balance the needs of the two boards, and agreed to reduce the amount of plantings in the eastern portion of the lot adjacent to the dune. **SA** asked whether the stormwater plan has been approved and if the latest update came today. **AM** replied she spoke with the Assistant Planner earlier, who said the stormwater review was not complete. She had received Joe Serwatka's comment letter and Matt Hamor's responses via email late today, but not in time to be forwarded to the Commission members. A similar landscape plan to what is being currently discussed was included in the Commission's packets, and the updates to it were received today, but too late to send out to the Commission. **AM** added that she can provide planting recommendations for the plants to the Commissioners if that would help. **SA** asked the agent what her view was on the planting density, and whether it will trap the sand. **TH** stated he could reach out to the landscape architect to see if the plants will grow into each other in maturity, and if they will, reduce the plantings accordingly. He added that the plants chosen for the project are found on Plum Island and were reviewed with Mass Fish and Wildlife, and are beneficial to dunes. He can also provide photos of the proposed plants at the next meeting. **TH** then reviewed the comments received from peer reviewer Joe Serwatka, and their responses. He noted that Mr. Serwatka would prefer the infiltration structures to be outside the gravel drive areas, but that would be more impactful to the dune. **JKP** clarified she is not saying she wants hedgerow. **MC** asked if the clamshells were taken out of the plan. **TH** replied they had had a 20 foot wide access for fire, but Planning wanted 24 feet, they're still leaving the clam shell shoulder, however. **TH** noted they have letters of support from the neighbors **DD** added that all the abutters support the project. **JDJ** asked whether the clamshell areas are included in the table showing gravel square footage. **MH** replied that it was not.

JKP motioned to continue the Notice of Intent for David Daly, North End Boulevard, LLC, 504 North End Blvd, to June 2, 2021 at 7:10 PM and in the interim the Agent will contact the planning department to discuss the planting density issue.

JDJ seconded

Roll Call Vote:

SA Yes

BL Yes

JDJ Yes

JKP Yes

MC Yes

DR Yes

6. RDA: Mike Terminiello, 26 Cushing St. (4/7/21)

SA recommended continuing the hearing to June 2, 2021 as no update has been received. Representative Matt Steinel of Millennium Engineering (**MS**) was present and stated he had a quick update. He informed the Commission that the review agent for the Commission asked for additional topo information, the request was sent off to Mark West, and they should have the information for Mary Rimmer in time for the next meeting.

JKP motioned to continue the Request for Determination for Mike Terminiello, 26 Cushing St until June 2, 2021 at 7:10 PM

MC seconded

Roll Call Vote:

SA Yes

BL Yes

JDJ Yes

JKP Yes

MC Yes

DR Yes

Vote: 6-0-0. Unanimous. Motion Carried.

7. NOI: New Cingular Wireless PCS LLC, 91 North End Blvd. (4/21/21)

SA stated the applicant requested a continuance to June 2, 2021

JDJ motioned to continue the Notice of Intent for New Cingular Wireless PCS LLC, 91 North End Blvd. to June 2, 2021.

MC seconded

Roll Call Vote:

SA Yes

BL Yes

JDJ Yes

JKP Yes

MC Yes

DR Yes

Vote: 6-0-0. Unanimous. Motion Carried.

8. NOI: Daniel & Jodi Marks, 21 True Road. (5/5/21)

The applicant, Daniel Marks (**DM**), was present. **SA** stated we were just waiting for a DEP file number. The number has been issued and the Commission can act. **JKP** clarified the project was approved previously but the deck wasn't built at that time. She asked whether it would be built exactly to same conditions that were previously approved. **SA** confirmed it was the same plan.

BL motioned to approve the Notice of Intent for Daniel & Jodi Marks, 21 True Road with the standard Order of Conditions.

MC seconded

Roll Call Vote:

SA Yes

BL Yes

JDJ Yes

JKP Yes

MC Yes

DR Yes

Vote: 6-0-0. Unanimous. Motion Carried.

C. NEW BUSINESS:

1. Request for Extension, Salisbury Beach Campground.

SA noted the new expiration date will be May 10, 2023 Darryl Forgione (**DF**) from DCR stated there was some difficulty finalizing the project. The last big item are the huts which will be constructed over summer. They are also having difficulty getting signage to welcome visitors to DCR property, and that piece may get pulled out of the project

JKP Motioned to grant the extension for Salisbury beach Campground until May 10, 2023

JDJ seconded

Roll Call Vote:

SA Yes

BL Yes

JDJ Yes

JKP Yes

MC Yes

DR Yes

Vote: 6-0-0. Unanimous. Motion Carried.

2. Enforcement Order, 114 Bridge Road.

SA stated the Commission needed to ratify the enforcement order.

JKP motioned to ratify the Enforcement Order for 114 Bridge Road.

MC seconded

Roll Call Vote:

SA Yes
BL Yes
JDJ Yes
JKP Yes
MC Yes
DR Yes

Vote: 6-0-0. Unanimous. Motion Carried.

Discussion: Patrick Seekamp of Seekamp Environmental Consulting (**PS**) stated he was still in the investigation phase and was looking at opportunities for a wetland restoration plan. He noted the extensive stormwater management system hadn't been maintained. There was an O&M plan that was approved under the old OOC. The intent of the owner was to clean it out per plan, but they didn't understand the extent of the wetland boundary as there will a lot of phragmites. There is a pipe under driveway that they can't locate and is likely blocked, so stormwater is being dumped into isolated basin which is likely problematic. They would like to investigate and uncover the inlet and outlet of pipe to get it to flow properly. **PS** added they would like to sweep the parking lot of sediment and sand as that was also a part of the O&M plan and has been neglected, and would like to address it under the enforcement action. **MC** stated there was an excavator in the wetland, and they were asked to stop, which they did not. A few days later, they were planting a tree with in 15 feet of the wetland. He also noted that they were already sweeping the parking lot after they were asked to stop as well. He advised that the work at the site needs to stop, and suggested a site visit. **PS** agreed the work needs to stop and stated he has spoken with the property owner. **JDJ** suggested that no work be done on site until the enforcement order is dealt with. **SA** added that the enforcement order has a cease in it. The owner, David Cowie (**DC**) stated he was out of town when the enforcement came through and there was some confusion regarding wrapping up the work. He reiterated that they were trying to address neglected maintenance of the storm water system He was trying to take care of maintenance of the Stormwater system. **SA** explained there was a request to amend the Enforcement Order to allow them to investigate the pipe before the Commission. **DC** added that the contractor sweeping lot did not have the correct type of equipment, and would like a professional sweeper to come in during the enforcement period. **AM** agreed that sweeping is a good idea. **PS** discussed some plans for restoration including removal of phragmites. **SA** asked what type of equipment would be used to locate the pipe. **PS** replied they would hammer some rebar into the ground where the think the pipe might be. **DC** added that the neighbor has a good idea as to where the pipe might be. **PS** added that they would reseed with a wetland seed mix to stabilize the area, after any necessary grading has been completed. **SA** asked when the restoration plan will be ready to present to the Commission. **PS** stated likely in a couple of weeks. **DC** asked if it was ok to continue work in the carport area. They are repairing the eroded concrete island by placing some granite curbs. They would like to avoid further problems that might be caused by the concrete eroding. **MS** added that the carport work is more than 100 feet from the wetland. **PS** stated they could install erosion control around the carport area. After discussion, the Commission agreed they could install erosion control around the carport to prevent the eroding concrete from reaching the wetland, but the installation of curbing would have to wait.

JDJ motioned to amend the enforcement to include permission for the property owner to investigate the stormwater culvert under the driveway, to clean up the parking lot with a professional cleaner, and to install silt sock around the car port until a plan is brought before the Commission.

MC seconded.

Roll Call Vote:

SA Yes
BL Yes
JDJ Yes

JKP Yes
MC Yes
DR Yes

Vote: 6-0-0. Unanimous. Motion Carried.

E. OLD BUSINESS

1. Request for Significance of Change, 128 North End Blvd.

Matt Steinel from Millennium Engineering (**MS**) represented the homeowners. **MS** reviewed the project. They submitted a Notice of Intent in May or June of 2016, and were approved in July of 2016. They received an extension in 2019 which is good until July 2022. They now have new house plans and **MS** reviewed the impacts. The proposed replication area is larger, and they are increasing the walkway by 10 square feet. The new plan has essentially the same disturbance and foot print, and is slightly better than the original approved plan.

JKP motioned to find the Request for a Significance of Change Insignificant for 128 North End Blvd
JDJ seconded

Roll Call Vote:

SA Yes
BL Yes
JDJ Yes
JKP Yes
MC Yes
DR Yes

Vote: 6-0-0. Unanimous. Motion Carried.

F. ENFORCEMENT ORDERS:

HOLD, PENDING UPDATE:

1. **16 Commonwealth** – Tom Hughes of Hughes Environmental (**TH**) provided an update, stating the work basically done, and they need to schedule a site visit with the Agent, then they will get the as-built survey done.
2. **150 North End Blvd.** – **SA** stated the update needs to be tabled until June 16 as the homeowner is running into issues finding a contractor.
3. 15 Learned Lane
4. 438 N. End Blvd.
5. 565 North End Blvd.
6. 30 Main St.
7. 212 N. End Blvd.
8. 83 Atlantic Ave.
9. 211 N. End Blvd.
10. 16 Hayes St.
11. 11 Railroad Ave.
12. 37 Atlantic Ave.

13. 6 Sycamore Ln.
14. 2 Linda Ln.
- ACTIVE, PENDING COMPLETION:**
15. **139 Elm St** – **TH** stated the wetlands have been done, some patching on pavement needs to be done, but the project is mostly done, and they will be submitting an as-built soon.
16. 61 Bridge Rd.
- COMPLETE, PENDING APPROVAL:**
17. 86/88 Elm St.
18. **165 Atlantic Ave.** – Tom Hughes (**TH**) provided an update, stating the snow fence is up, and will be scheduling a site visit with the Agent and getting an as-built survey done
19. 4 Main Street
20. 9 Bayberry Ln.
21. 82 Lafayette Rd

G. COMMISSIONER COMMENTS:

JDJ - suggested that Orders of Conditions issued by the Commission should come with a special Condition that wetlands be marked so future owners don't unknowingly impact the wetlands on their property. **SA** advised that wetlands change over time, so doing so may not be very effective.

H. ADJOURNMENT:

JDJ motioned to adjourn the May 19, 2021 Conservation Commission Meeting at 9:43
MC seconded.

Roll Call Vote:

SA Yes
BL Yes
JDJ Yes
JKP Yes
MC Yes
DR Yes

Vote: 6-0-0. Unanimous. Motion Carried.