



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

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

COMMISSION MEMBERS ABSENT:

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

Chairman 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. EMERGENCY CERTIFICATE:

1. MA DOT, Bridge Road Sink Hole Repairs

SA explained that the repairs were to replace a failed outlet on the right shoulder of Route 1 southbound, in the area of 120 Bridge Road. **SA** stated she and the Agent reviewed the scope and issued the Emergency Certificate for the repair work, and it was the Agent's recommendation that the Commission ratify the certificate.

JKP motioned to approve the Emergency Certificate for MA DOT, Bridge Road Sink Hole Repairs.

JDJ seconded

Vote: 6-0, unanimous. Motion Carried.

B. MINUTES:

1. July 1, 2020
2. July 15, 2020

JDJ motioned to continue the minutes for July 1, 2020 and July 15, 2020

BL seconded

Vote: 6-0, unanimous. Motion Carried.

C. PUBLIC HEARINGS at 7:10pm:

1. **NOI: Li Family Trust, 139 Elm St. (10/2/19)**

SA stated that the applicant requested a continuance.

JDJ motioned to continue the Notice of Intent for Li Family Trust, 139 Elm Street to August 19, 2020 at 7:10pm

BL seconded.

Vote: 6-0, unanimous. 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.

BL motioned to continue the Notice of Intent for Rodger Perlstein, 12 Wyman Greeley's Realty Trust, LLC, 12 Wyman Greeley Street to August 19, 2020 at 7:10 pm.

JDJ seconded

Vote: 6-0. Unanimous. Motion Carried.

3. NOI: Bryan Turnage, 17 Cushing Street (7/1/20)

MC recused himself from the hearing. Matt Steinel of Millennium Engineering (**MS**) reviewed the project, which is to install an inground pool, patio area, and underground utilities to the a shed, with approximately 2000 square feet of buffer zone impact. **MS** reviewed restoration areas requested by Mary Rimmer. **JKP** stated she and **JDJ** and the Agent conducted a site visit, and that she is ok with 2 of the 4 oaks being removed, and that the previously proposed willows have been changed to silver maples. She also noted that the neighbor has signed off on the plantings going in on his property as part of the restoration and stated it was an overall nice project

JKP motioned to approve the Notice of Intent for Bryan Turnage, 17 Cushing Street, with the following conditions: mowing will be discontinued in the restoration area and will be allowed to revegetate naturally; only 2 of the 4 oak trees will be removed, and the stumps ground; existing brush piles will be moved to a minimum of 10 feet from the wetland boundary; and no chlorinated pool water will be discharged to on-site wetlands.

JDJ seconded

Vote: 5-0. Unanimous. Motion Carried.

4. NOI: Ronald Trombley, Jetty Watch Condominium, 199 Atlantic Ave (8/5/20)

SA noted that there was no DEP number yet. Matt Steinel of Millennium Engineering (**MS**) explained that the former structure has been removed and the demolition is the subject of a Request for a Certificate of Compliance to be heard later in the agenda. He reviewed the project which was to remove the existing deck, and reconstruct it making it wider by two feet. **SA** asked where the deck would be widened as there was already a walkway in place. **MS** replied it would be widened up to but not over the existing walkway. **SA** asked if there was dune grass present and **MS** replied it was mostly sand. **JKP** asked how the deck would be supported **MS** replied they would use helical or equivalent piles. **JKP** asked whether the sand walkway through the dune was pre-existing. **MS** replied it would be addressed as part of the request for the certificate of compliance, and explained that it was formerly a wooden walkway with sand under, and the walkway was removed as part of the demolition of the pre-existing structure, with plantings installed on either side. **JKP** commented it was too bad the walkway wasn't angled. **JDJ** asked whether they will be using the neighbor's property for access during construction. **MS** replied they would not as they don't need to cross a vegetated area. **JKP** and **JDJ** suggested a site visit. **JDJ** recommended checking the site for debris from the previous demolition. The applicant, Ronald Trombley (**RT**) stated the condo association acquired the structure out front to be sure there would be no further reconstruction. They also installed sand fence in January, planted beach grass, and raked to remove glass from the site.

JDJ motioned to continue the Notice of Intent for Ronald Trombley, Jetty Watch Condominium, 199 Atlantic Ave to August 19, 2020 at 7:10 pm

JKP seconded

Vote: 6-0, unanimous. Motion Carried.

5. RDA: James Hajjar, 242 North End Blvd (8/5/20)

Sarah Hajjar (**SH**) reviewed the project, stating the property abuts Route 1A and they plan to replace existing hard top with crushed seashell. They intend to remove brick from the driveway and cement from walkways and then place gravel topped with seashell, and will use permeable pavers as a border between the highway and shells. **JKP** advised her to let the Conservation Agent know what type of paver will be used, and that the installer should follow the manufacturer's instructions on installation. **MH** asked whether any adhesives would be used and James Hajjar replied there would not. **SA** instructed them the Commission would need the spec sheet for the pavers. **JDJ** advised them to check with the Agent regarding what shells they will be using. **SA** added they must purchase clean shells.

JKP motioned to issue a negative determination for James Hajjar, 242 North End Blvd, with the conditions that they will check with the agent before putting down shells, they will provide the specification sheet for the pavers to the agent, and the contractor will follow the recommended installation process.

JDJ seconded.

Vote: 6-0, unanimous. Motion Carried.

6. NOI: Ed Garside, 39 Old County Rd., (8/5/20)

Tom Hughes of Hughes Environmental Consulting (**TH**) reviewed the parcel and the project, which was a proposed 24 x 24 single family home with a deck on the rear, roof deck, a small backyard, and a clamshell or gravel path to a gazebo in order to define a recreation area to deter any expansion. They are proposing to plant at least 12 high bush blueberry plants in locations to be determined in the field with the Conservation Agent. **TH** reviewed proposed phragmite control and the installation of wetland markers. **SA** questioned about edge of wetland arrows, and asked if there would be a designated space between the structure and edge of wetland. **TH** replied it would, and that there would be parking under the structure. **JKP** suggested a split rail fence around the whole property to demarcate. She then asked what would be used for fill to raise the driveway. **TH** replied it would gravel and a base, and that it doesn't need to come up much. **JKP** noted the property has a lot of brush, and asked how the lot will be cleared. **TH** indicated on the plan where the brushy areas were, and noted that the area where the house will go is more open than the rest of the lot. **TH** then discussed possible areas to plant blueberry bushes, and the portions of the lot that would be enclosed with a split rail fence. **SA** noted that there is not a lot of room to walk around the deck and stairs on the side of the structure, and people may walk in the wetland in those areas. Matt Steinel of Millennium Engineering (**MS**) discussed other options and their issues that had been explored to create more separation from the wetland, and noted that people will be able to walk under the decks, further from the wetland. **MH** asked if there would be ground lighting for marking the wetland boundary at night. **TH** replied there would not, they would the fence with placards on the posts. **BL** asked how this project met the same criteria as the neighboring property that was denied. **TH** replied that there is access to the site from the street and upland area for dumpsters, etc. **BL** expressed concern that the construction will be conducted so close to the wetland. **TH** described how impacts will be avoided and explained that there will be no wetland crossing. **SA** further explained that the neighboring property had no direct access, but would still recommend Mary Rimmer review the project for impacts. **BL** replied he did not see a huge difference. **JKP** suggested that Mary Rimmer take a look at the site, and stated that she disagrees with **BL**, and reviewed the differences between the two projects. **MC** noted it was difficult to believe that no construction impacts in the wetland would occur. **TH** stated that it can be done, work has been done in tight sites before, and that a monitor could be used. **MS** added that the access would be from the rear or the front of the structure, and that no access

from the sides was needed. **MC** suggested a fence be installed prior to construction. **AM** stated a construction sequence would be required.

JKP motioned to continue the Notice of Intent for Ed Garside, 39 Old County Road to August 19, 2020 at 7:10 pm to allow Mary Rimmer time to review the site.

BL seconded.

Vote: 6-0, unanimous. Motion Carried.

7. NOI: Erick & Ellen Kuchar, 557 North End Blvd (8/5/20)

SA stated that a continuance had been requested.

JDJ motioned to continue the Notice of Intent for Erick & Ellen Kuchar, 557 North End Blvd. to August 19, 2020 at 7:10 pm.

BL seconded

Vote: 6-0, unanimous. Motion Carried.

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

JKP motioned to discuss items 8 – 18 at once.

JDJ seconded

Vote: 6-0, unanimous. Motion Carried.

Matt Steinel of Millennium Engineering (**MS**) described the property, which consists of about 12.8 acres containing upland and BVW, and is near an intermittent stream. Mark West conducted the delineation. They propose to create ten new lots with a cul-de-sac and on site drainage and a constructed wetland. **MS** reviewed the locations of the proposed catch basins. **MS** noted that the project is being review by Joe Serwatka. **JKP** stated she would like Mr. Serwatka to review the stormwater, and for Mary Rimmer to review for wetland impacts, and wetland lines, and that she would also like the Commission to do a site visit. **SA** questioned whether the rail trail crossed through the property. **MS** replied he was not aware that it did but that he would look into it. **AM** indicated on the plans where the rail trail is. **BL** asked whether space could be designated to be used for the rail trail. **MS** replied that the lot is privately owned, but can check. **SA** commented that unit owners would potentially cross the wetland to access the rail trail. **JDJ** asked whether the unit owners would own the open space jointly. **MS** said he would look into it, and that in some OSRD developments, the property owner retains ownership of the open space, some use it as a common area, and others donate it, it just has to remain open space.

JDJ motioned to continue to Notice of Intent for Daniel DeStefano, DeStefano Landscape and Snow Company, 9 Gerrish Rd, Roadway to August 19, 2020 at 7:10 pm.

BL seconded

Vote: 6-0, unanimous. Motion Carried.

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

JDJ motioned to continue to Notice of Intent for Daniel DeStefano, DeStefano Landscape and Snow Company, 9 Gerrish Rd, Lot 1 to August 19, 2020 at 7:10 pm, so Joe Serwatka can review the Storm Water on site, Mary Rimmer can review all wetland lines within 100 feet of disturbed areas and assess the impacts of the project;

specifically, the proximity of the road to the wetland, and potential impacts from residents crossing resource areas to access the Rail Trail, and so the Commission can conduct a site visit.

JKP seconded

Vote: 6-0, unanimous. Motion Carried.

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

JKP motioned to continue to Notice of Intent for Daniel DeStefano, DeStefano Landscape and Snow Company, 9 Gerrish Rd, Lot 2 to August 19, 2020 at 7:10 pm, so Joe Serwatka can review the Storm Water on site, Mary Rimmer can review all wetland lines within 100 feet of disturbed areas and assess the impacts of the project; specifically, the proximity of the road to the wetland, and potential impacts from residents crossing resource areas to access the Rail Trail, and so the Commission can conduct a site visit.

JDJ seconded

Vote: 6-0, unanimous. Motion Carried.

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

JKP motioned to continue to Notice of Intent for Daniel DeStefano, DeStefano Landscape and Snow Company, 9 Gerrish Rd, Lot 4 to August 19, 2020 at 7:10 pm, so Joe Serwatka can review the Storm Water on site, Mary Rimmer can review all wetland lines within 100 feet of disturbed areas and assess the impacts of the project; specifically, the proximity of the road to the wetland, and potential impacts from residents crossing resource areas to access the Rail Trail, and so the Commission can conduct a site visit.

JDJ seconded

Vote: 6-0, unanimous. Motion Carried

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

JKP motioned to continue to Notice of Intent for Daniel DeStefano, DeStefano Landscape and Snow Company, 9 Gerrish Rd, Lot 4 to August 19, 2020 at 7:10 pm, so Joe Serwatka can review the Storm Water on site, Mary Rimmer can review all wetland lines within 100 feet of disturbed areas and assess the impacts of the project; specifically, the proximity of the road to the wetland, and potential impacts from residents crossing resource areas to access the Rail Trail, and so the Commission can conduct a site visit.

JDJ seconded

Vote: 6-0, unanimous. Motion Carried.

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

JDJ motioned to continue to Notice of Intent for Daniel DeStefano, DeStefano Landscape and Snow Company, 9 Gerrish Rd, Lot 4 to August 19, 2020 at 7:10 pm, so Joe Serwatka can review the Storm Water on site, Mary Rimmer can review all wetland lines within 100 feet of disturbed areas and assess the impacts of the project; specifically, the proximity of the road to the wetland, and potential impacts from residents crossing resource areas to access the Rail Trail, and so the Commission can conduct a site visit.

JKP seconded

Vote: 6-0, unanimous. Motion Carried.

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

BL motioned to continue to Notice of Intent for Daniel DeStefano, DeStefano Landscape and Snow Company, 9 Gerrish Rd, Lot 4 to August 19, 2020 at 7:10 pm, so Joe Serwatka can review the Storm Water on site, Mary Rimmer can review all wetland lines within 100 feet of disturbed areas and assess the impacts of the project; specifically, the proximity of the road to the wetland, and potential impacts from residents crossing resource areas to access the Rail Trail, and so the Commission can conduct a site visit.

JDJ seconded

Vote: 6-0, unanimous. Motion Carried.

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

JKP motioned to continue to Notice of Intent for Daniel DeStefano, DeStefano Landscape and Snow Company, 9 Gerrish Rd, Lot 4 to August 19, 2020 at 7:10 pm, so Joe Serwatka can review the Storm Water on site, Mary Rimmer can review all wetland lines within 100 feet of disturbed areas and assess the impacts of the project; specifically, the proximity of the road to the wetland, and potential impacts from residents crossing resource areas to access the Rail Trail, and so the Commission can conduct a site visit.

JDJ seconded

Vote: 6-0, unanimous. Motion Carried.

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

JKP motioned to continue to Notice of Intent for Daniel DeStefano, DeStefano Landscape and Snow Company, 9 Gerrish Rd, Lot 4 to August 19, 2020 at 7:10 pm, so Joe Serwatka can review the Storm Water on site, Mary Rimmer can review all wetland lines within 100 feet of disturbed areas and assess the impacts of the project; specifically, the proximity of the road to the wetland, and potential impacts from residents crossing resource areas to access the Rail Trail, and so the Commission can conduct a site visit.

JDJ seconded

Vote: 6-0, unanimous. Motion Carried.

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

BL motioned to continue to Notice of Intent for Daniel DeStefano, DeStefano Landscape and Snow Company, 9 Gerrish Rd, Lot 4 to August 19, 2020 at 7:10 pm, so Joe Serwatka can review the Storm Water on site, Mary Rimmer can review all wetland lines within 100 feet of disturbed areas and assess the impacts of the project; specifically, the proximity of the road to the wetland, and potential impacts from residents crossing resource areas to access the Rail Trail, and so the Commission can conduct a site visit.

JDJ seconded

Vote: 6-0, unanimous. Motion Carried.

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

BL motioned to continue to Notice of Intent for Daniel DeStefano, DeStefano Landscape and Snow Company, 9 Gerrish Rd, Lot 4 to August 19, 2020 at 7:10 pm, so Joe Serwatka can review the Storm Water on site, Mary Rimmer can review all wetland lines within 100 feet of disturbed areas and assess the impacts of the project; specifically, the proximity of the road to the wetland, and potential impacts from residents crossing resource areas to access the Rail Trail, and so the Commission can conduct a site visit.

JDJ seconded

Vote: 6-0, unanimous. Motion Carried.

D. OLD BUSINESS:

1. Request for Certificate of Compliance, 107 Railroad Ave.

SA noted that more information was needed and that they should table the matter until the next meeting.

JDJ motioned to table the Certificate of Compliance for 107 Railroad to August 19, 2020.

JKP seconded

Vote: 6-0, unanimous. Motion Carried.

E. NEW BUSINESS

1. Enforcement Order, 6 Sycamore Lane

SA recused herself. **JKP** reviewed the matter, stating that the enforcement was for clearing of vegetation in the buffer zone which is also in violation of their site plan, which required a vegetated buffer. A site visit was conducted a few weeks ago. **JDJ** asked whether the Agent had visited the site, **AM** replied she had. Abutter Lisa Leslie of 18 Ferry Road (**LL**) asked whether there was any discussion regarding what type restoration would be presented, and whether some boulders would be moved out of a right of way. **LL** indicated that some of the boulders in question were moved and were blocking the right of way. **AM** explained that the enforcement is for the removal of vegetation, the right of way is not Conservation's jurisdiction. **LL** asked what the enforcement order ordered and **AM** replied it was to restore the buffer. **JDJ** asked whether the boulders were on the plan and **AM** stated she did not think so.

JDJ motioned to ratify the enforcement order for 6 Sycamore Lane

MC seconded

Vote: 5-0, unanimous. Motion Carried.

1. Request for Certificate of Compliance, 199 Atlantic Ave.

SA stated **AM** had conducted a site visit, and that no debris were present. It was her recommendation that they grant the Certificate, with the condition that all temporary structures such as fire pits, and tables, are removed from the beach for winter.

JKP motioned to issue the Request for Certificate of Compliance for 199 Atlantic Ave., with the condition that temporary structures be removed from the beach for the winter.

JDJ seconded.

Vote: 6-0, unanimous. Motion Carried.

2. Request for Certificate of Compliance, 123 Main Street (McCance Way)

SA stated there were a few deviations from the plan, but it was her recommendation to issue the Certificate.

AM reviewed the deviations, noting that the angle of the septic system had changed, and the deck was changed, but that it is far enough away from any resource areas.

BL motioned to issue the Request for a Certificate of Compliance for 123 Main Street (McCance Way)

JKP Seconded

Vote: 6-0, unanimous. Motion Carried.

3. Request for Modification, 201 Atlantic Ave.

Richard Shaheen (**RS**) stated that the previously planned elevated boardwalk was too expensive to purchase and install, and there would be setback issues. It would also create a tunnel like area that ocean water could run through, potentially causing more erosion affecting his and the neighboring properties. He requested feedback from the Commission on what he has submitted so far, and suggested submitting a formal NOI at a later date.

AM reviewed the history of the project, and explained that the existing on grade boardwalk is not compliant, and the Commission had asked them to bring them into compliance. One of the Conditions of the Order of Conditions was that Mr. Shaheen obtain the permission of the other property owners to do so, but was not successful, and so they need to go back to the drawing board. **RS** stated he is proposing dune restoration that is 50% larger, and is reducing his proposed structure. **RS** reviewed revised plans showing the increase in dune restoration, which included working with the abutters to connect some existing dunes on the properties. He also proposed moving the structure back to be within setbacks, and the portion of the existing boardwalks passing over the dune would be removed and replaced with a rollaway mat. **JKP** asked if 199 and 201 would each have their own beach access. **RS** replied no, that they would still share the access to the beach, it would just be replaced with the rollaway mat. **SA** stated she thought it was a good proposal and we'd be getting more dune.

F. ENFORCEMENT ORDERS:

1. 128 Bridge Rd –

SA noted that Patrick Seekamp has provided the last monitoring report which has been accepted by the Commission and asked if a site visit was needed to verify compliance. **AM** stated we received the report in October and it was continued so she could conduct a site visit. She was recently able to do the site visit, and everything looks good, so it is her recommendation to lift the enforcement. **JKP** asked if this was a business and **AM** confirmed it was, that it was where storage containers had crept back into the wetland area, which they removed and restored the area.

BL motioned to lift the enforcement order for 128 Bridge Road

JKP seconded

Vote: 6-0, unanimous. Motion Carried.

2. 5 Kendell Lane –

SA stated that the property appears to be in compliance, but the Commission might want to wait for a growing season to ensure the blueberries survive. SA added that the planting being such a minor part of the project, the Agent is recommending lifting the enforcement without waiting the growing season.

JDJ motioned to lift the enforcement order for 61 Bridge Road

JKP seconded

Vote: 6-0, unanimous. Motion Carried.

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.

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. 128 Bridge Rd
20. 5 Kendell Lane

G. COMMISSIONER COMMENTS:

SA stated that she has observed crowding at the beach and Broadway Mall areas, and many people without masks and asked the public to please be safe

BL informed the Commission he would not be present at the August 19th meeting.

JDJ welcomed new Commission members Michael Colburn and Mark Hatem.

H. ADJOURNMENT:

JDJ motioned to adjourn the August 5, 2020 Conservation Commission Meeting at 9:42 p.m.

JKP seconded.

Vote: 6-0, unanimous. Motion Carried.