



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

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

COMMISSION MEMBERS ABSENT: Mark Hatem (MH)

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. **August 5, 2020**
2. **September 2, 2020**
3. **September 16, 2020**

JDJ motioned to continue the minutes for August 5, 2020, September 2, 2020 and September 16, 2020
MC seconded

Vote: 5-0, 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.

BL motioned to continue the Notice of Intent for Rodger Perlstein, 12 Wyman Greeley's Realty Trust, LLC, 12 Wyman Greeley Street to October 21, 2020 at 7:10 pm.

JDJ seconded

Vote: 5-0. Unanimous. Motion Carried.

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

SA noted the Commission had received Tom Hughes' responses to Mary Rimmer's comments as well as updated plans. **SA** also advised that the email with Mr. Hughes' comments was not received by the deadline, so

the Commission members may not have had a chance to review it. Tom Hughes of Hughes Environmental (**TH**) stated that there was not any new information in the comments. He then reviewed the changes, noting changes were made to the stairway layouts, the home was brought closer to Old County Road per the Peer Review comments, and perimeter controls were beefed up. The clamshell boundary around the gazebo was narrowed and the structure centered to achieve more distance from the wetlands. Given that the Commission previously approved the area as a construction access for the abutting property, **TH** felt that the addition of a pre-constructed gazebo wouldn't be an issue. **TH** also discussed the addition of some bushes per the peer review comments. **TH** stated the structure would be 50% open underneath and there would not be garage doors as requested in the peer review; however, he pointed out that the structure could be solid underneath with the addition of flood vents. **SA** asked whether the gazebo would be raised and **TH** replied that the floor of the gazebo was roughly at flood elevation, and on sonotubes. Matt Steinel of Millennium Engineering (**MS**) added that the rear stairs of the main structure are recessed into the deck to pull them in, and the stairs on the front of the building were turned and tucked against the building. After reviewing the grading under the structure, they also decided to integrate a small 12" – 18" retaining wall interlocking with the piles on the left side of the structure. **TH** noted they added a red cedar to the plan and that they will be hand cutting, or doing targeted weed whacking of some phragmites along the edge of the property. **SA** advised that the information in the narrative regarding the cutting of phragmites would need to be superimposed onto a cutting plan. **SA** also advised that the homeowners should evacuate when anything over a king tide is predicted. **TH** replied that the homeowners should make themselves aware of those events and be sure that they don't park their vehicles at the low point of the property. **SA** added that the owner should be aware that tides will continue to rise in the future, and noted that the gazebo is planned for the construction access to 35 Old County. **JKP** asked if the rest of the Commission had any thoughts on the gazebo. **JDJ** commented that she felt the construction was ok, and the use of the property as construction access for #35 would have had more impact than the gazebo construction. **BL** noted that it was moved back from what was previously proposed and he was ok with the updated plans. **SA** stated she was fine with the gazebo as the same area was previously approved as an access for a crane. **TH** noted that if DEP allows #35 to move forward, the homeowners at 39 will insist any disturbed areas on their property be restored. **JDJ** asked if the area past the clamshells will be mowed. **TH** replied it would not, just pruning. **MC** asked how the sonotubes will be dug. **TH** replied a bobcat with an auger will be used, and they will operate the machinery from within the footprint of the gazebo. **SA** asked how the yard would be demarcated beyond the gazebo. **TH** stated they would put posts up and showed where they would go on the plan. **BL** asked where the silt fence stopping point was and **MS** indicated on the plan where erosion control would be placed. **JKP** advised that the split rail fence should be installed prior to construction. **AM** clarified that erosion control should be placed, then the split rail fence. **TH** agreed. **AM** also advised that Habitat for Humanity is not planning on bringing the water and sewer line by the property, and that the Garsides may need additional process to extend the lines and tie in. **TH** suggested conditioning that they applicants come back with an NOI should they determine it's needed. **AM** suggested they wait until everything else is permitted, and then come back to the Commission with a final plan of how tying in to the water and sewer is going to work. If they find at that time that proper notice hasn't been achieved with the current filings, then they will have to file a separate Notice of Intent for the work. **JKP** asked when they plan to begin construction. Mr. Garside replied around spring.

BL motioned to approve the Notice of Intent for Ed Garside, 39 Old County Road with the standard order of conditions and additional conditions that once permitted, they will come back with an update regarding water & sewer hookup, split rail fence will be in place prior to construction, a phragmite cutting plan will be submitted prior to construction, signage will be placed where indicated, and trees greater than three inches in diameter to be removed will be replaced.

BL amended his motion to clarify that any trees greater than three inches in diameter will be flagged prior to construction.

JDJ seconded.

Vote: 5-0, unanimous. Motion Carried.

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

Matt Steinel of Millennium Engineering (**MS**) informed the Commission he would be requesting a continuance, but wanted to address Mary Rimmer's recommendation to change the road layout to increase distance from wetland. He explained that doing so would affect the lots. The layout of the road is intentional and the applicant would like to proceed as is, so he'd like to hammer that issue out. Changing the layout of the roadway would make the overall project less viable, and they already obtained waivers from Planning for the current layout so as to avoid passing directly through the wetland. **JKP** stated she had no issue with the layout, and **SA** questioned why the recommendation was made. **AM** explained that the road passes very close to a wetland line. **MC** asked whether there would be a guardrail in the area that is close to the wetland line and **MS** replied that one could be added.

JKP motioned to continue the Notice of Intent for Daniel DeStefano, DeStefano Landscape and Snow Company, 9 Gerrish Rd, Roadway and lots 1-9 to October 21, 2020 at 7:10 pm.

JDJ seconded

Vote: 5-0, unanimous. Motion Carried.

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

This hearing was continued as motioned and voted above in item # 3.

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

6.

This hearing was continued as motioned and voted above in item # 3.

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

8.

This hearing was continued as motioned and voted above in item # 3.

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

This hearing was continued as motioned and voted above in item # 3.

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

This hearing was continued as motioned and voted above in item # 3.

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

This hearing was continued as motioned and voted above in item # 3.

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

This hearing was continued as motioned and voted above in item # 3.

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

This hearing was continued as motioned and voted above in item # 3.

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

This hearing was continued as motioned and voted above in item # 3.

15. AMENDED NOI: Richard Shaheen, 201 Atlantic Ave. (10/2/19, 9/2/20)

SA stated the applicant had requested a continuance. **JDJ** noted there had not been a site visit yet.

JDJ motioned to continue the Amended Notice of Intent for Richard Shaheen, 201 Atlantic Ave to October 21, 2020 at 7:10 pm, and in the interim a site visit will be conducted.

JKP seconded

Vote: 5-0. Motion Carried.

C. NEW BUSINESS:

1. Request for Certificate of Compliance, 114 Ferry Rd.

David Cowell of Hancock Associates (**DC**) stated he walked the site with Mary Rimmer to assess compliance with the replication area. 1520 square feet of replication had been ordered, and they had 1900 square feet of replication according to the survey, which was re-affirmed to approximately 1600 square feet. On the site visit, they noticed the invasive purple loosestrife, and so **DC** sent a field biologist to the site to hand remove the invasive plants. **AM** asked when the planting took place. **DC** replied in the fall of 2016 and spring 2017. **JDJ** advised that she had seen plastic jugs on the site visit and that they should be removed. **JDJ** also noted that a portion of the driveway was supposed to be paved, and that had not been done yet. **AM** stated she had spoken with the contractor regarding the driveway, and they were still planning on paving it, although the Commission would prefer gravel. **AM** added that they are planning on constructing a garage just outside the buffer zone, so they will not need to file for it, and they will also be taking the circle out of the driveway to allow better access to the driveway. They are also proposing to put a 16 x 16 sunroom over an existing stone patio that was not previously approved, for which they will be filing a Notice of Intent. **JKP** said she wanted to go on a site visit to the property.

JDJ motioned to continue the Request for a Certificate of Compliance for 114 Ferry Road until October 21, 2020 and in the interim a site visit will be conducted.

JKP seconded

Vote: 5-0, unanimous. Motion Carried.

D. OLD BUSINESS:

1. Request for Certificate of Compliance, 233 Beach Rd.

AM stated she stopped by the site and the air conditioning units had not been raised yet, and so she had no updates for the Commission.

JDJ motioned to continue the Request for a Certificate of Compliance for 233 Beach Road until October 21, 2020.

BL seconded

Vote: 5-0, unanimous. Motion Carried.

2. Request for Certificate of Compliance, 10 Bartlett St.

SA stated they had reseeded the grass. **AM** referred to photos she had provided the Commission and noted that he had reseeded all over. **SA** asked whether they needed more time for it to grow. **BL** stated the property looks great. **SA** asked about sparse areas in the photographs. **AM** replied the northeast corner was having some difficulty coming in, but she's confident the applicant will make sure it does as this is his yard, and that it appears to be stable so erosion isn't a concern. The applicant, David Elgart (**DE**) stated that part of the yard has a lot of shade, and he had put shade seed in.

JKP motioned to issue the Certificate of Compliance for 10 Bartlett Street.

JDJ seconded

Vote: 5-0, unanimous. Motion Carried

3. Request for Certificate of Compliance, 11 11th Street West.

JDJ asked about a structure on the ground as seen in the photographs. Matt Steinel of Millennium Engineering (**MS**) stated he thought it encompassed a trash barrel. **AM** noted it was not affixed to anything. **JDJ** asked about a fence at the site, and **MS** replied it belonged to an abutter.

JDJ motioned to issue the Certificate of Compliance for 11, 11th Street West.

JKP seconded

Vote: 5-0, unanimous. Motion Carried

E. 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. 279 N. End Blvd.
9. 16 Hayes St.
10. 11 Railroad Ave.
11. 37 Atlantic Ave.

12. 6 Sycamore Lane
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
19. 44 Old County Rd.

F. COMMISSIONER COMMENTS:

None

F. ADJOURNMENT:

JKP motioned to adjourn the October 7, 2020 Conservation Commission Meeting at 8:47 p.m.

JDJ seconded.

Vote: 5-0, unanimous. Motion Carried