



Salisbury Conservation Commission
Meeting Minutes
November 20, 2019
Colchester Auditorium, Town Hall
5 Beach Road
Salisbury, MA 01952
7:00 P.M.

COMMISSION MEMBERS PRESENT: Chairman Sheila Albertelli (**SA**), Emily Round (**EGR**), Jane Purinton (**JKP**), Julie Doughman-Johnson (**JDJ**), Joanne Perreault (**JP**) and Blake Leibert (**BL**).

COMMISSION MEMBERS ABSENT:

ALSO PRESENT: Director of Planning & Community Development Lisa Pearson (**LP**), Conservation Secretary Adriane Marchand.

Emily Round opened the meeting at 7:08 pm under the Wetlands Protection Act & Open Meeting Law and informed the public that the meeting was being recorded.

A. EMERGENCY CERTIFICATES:

1. 199 Atlantic Ave

EGR motioned to ratify the Emergency Certificate for 199 Atlantic Avenue.

JP seconded.

Vote: 6-0, unanimous. Motion Carried.

2. 201 Atlantic Ave

EGR motioned to ratify the Emergency Certificate for 201 Atlantic Avenue.

JP seconded.

Vote: 6-0, unanimous. Motion Carried.

B. MINUTES:

1. November 6, 2019 –

JDJ motioned to continue the minutes for November 6, 2019 to December 4, 2019.

JP seconded.

Vote: 6-0, unanimous. Motion Carried.

C. PUBLIC HEARINGS at 7:10pm:

1. NOI: Leo LoPiano, 199 Atlantic Ave (9/18/19)

JKP motioned to continue the Notice of Intent for 199 Atlantic Ave to December 4, 2019 at 7:10p.m.

JDJ seconded.

Vote: 6-0, unanimous. Motion Carried.

2. NOI: Richard Shaheen, 201 Atlantic Ave (10/2/19)

JKP motioned to continue the Notice of Intent for Richard Shaheen, 201 Atlantic Ave to December 4, 2019 at 7:10p.m.

BL seconded.

Vote: 6-0, unanimous. Motion Carried.

3. NOI: Li Family Trust, 139 Elm Street (10/2/19)

Continued at previous meeting to December 4, 2019 at 7:10 p.m.

4. NOI: Brian Mullen, 8 Friedenfels Rd. (10/16/19)

David Smith (**DS**) of GZA GeoEnvironmental represented the applicant. **DS** refreshed the Commission on the project proposal. Project has received its review letters from Natural Heritage Endangered Species Program (NHESP), Massachusetts Department of Marine Fisheries (MA DMF) and the Town's Environmental Consultant, Mary Rimmer, has completed a peer review.

JKP cautioned the applicant to be careful the pier distance maintains the 1:1 height to width ratio required to comply with the Wetlands Protection Act. **DS** confirmed it meets the 1:1 ratio required. **JKP** stated the peer reviewer agreed of all the alternatives evaluated for this project the current plan was the most favorable. **DS** confirmed. **JDJ** asked him to address the sturgeon protection plan. **DS** stated all work will take place during November to March in deference to their business operation. **SA, EGR** and **JKP** requested the sturgeon protection plan be provided before construction commences incase construction should run later than anticipated. **JDJ** asked if the launching boats would only happen at high tide. **DS** replied they have about an hour on either side of high tide for operation. Explained draft height limitations but does not want the commission to limit the operation of the lift based on those parameters. **DS** offered to have a tide board and permanent sign the applicant and the Commission's Agent can work out language for. **JDJ** wanted to make clear that there can be no chemicals used in the boat wash and plans should be provided for the closed system. **DS** agreed. **JDJ** asked if they will be doing winterizing and servicing the boats on site. **DS** stated they may do winterization on site but he does not know the intricacy of operation. If they do, it will be done in a different area away from the lift and the boat wash. They do not intend for this site to become a boat service yard. **JKP** reminded them that any changes to the boat service regimen would require an additional filing. **JKP** asked if boat owners are permitted to use the boat wash or if marina staff are the only ones using the boat wash. **DS** replied the marina staff would be washing boats for liability reasons. **JDJ** asked if the marina has contracts that language on the boat wash operation and the ban on chemicals can be added to. **DS** believes there is a contract but he would need to have permission from the Owner before agreeing to alter it.

JKP motioned to approve the Notice of Intent for Brian Mullen, 8 Friedenfels Rd. with the drafted special conditions and the following additional conditions:

A tide board, visible to staff, stating when the boats can be taken out and put into the water will be present and there will be signs stating employees only at the boat wash. There will be no chemicals, detergents or service work allowed at the boat wash.

JDJ seconded.

JKP amended to include a sturgeon protection plan will be provided prior to the start of construction. The Commission's Agent will approve the language and location of the signs before installation.

JDJ seconded.

Vote: 5-0, SA abstained. Motion Carried.

5. NOI: Mark Saab, 504 North End Blvd. (11/6/19)

Matt Steinel (**MS**) of Millennium Engineering and Tom Hughes (**TH**) of Hughes Environmental Consulting represented the applicant. **MS** explained the status of the NHESP approval. **TH** address the Department of Environmental Protection's (DEP) comments. Comments requested they move the project back from the primary frontal dune. The barn depicted on the plan is larger than permitted and needs justification or reduction, which they will provide. The beach walkover needs Department of Conservation and Recreation (DCR) approval and this approval will allow them to permit the crossover with the current Notice of Intent (NOI). The elevator is also an issue that needs adjustment. **TH** addressed some points that he uses to justify the elevator including other projects in Massachusetts where elevators were permitted.

EGR motioned to continue the Notice of Intent for Mark Saab, 504 North End Blvd., to December 4, 2019 at 7:10p.m. to allow for plan revisions.

JP seconded.

Vote: 6-0, unanimous. Motion Carried.

6. NOI: Rodger Thurlow, 24 Cushing St. (11/6/19)

Bob Grasso (**BG**) of Engineering Land Services represented the applicant. Application has received it DEP permit number since the last meeting and received no comments.

JKP motioned to approve the Notice of Intent for Rodger Thurlow, 24 Cushing St., with the standard special conditions.

JDJ seconded.

Vote: 6-0, unanimous. Motion Carried.

7. RDA: Ian and Sean Morrison, 238 North End Blvd. (11/6/19)

Tom Hughes (**TH**) of Hughes Environmental Consulting represented the applicant. Provided the updated structural plan to the Commission. In review, **LP** requested the easement be shown on the plan. They were not able to make the changes before the meeting but ask the Commission to consider conditioning determination. They propose to stake the easement onsite before the commencement of construction and no work will occur outside the limits of the easement. Proposing to use hay bales and sand fencing with some sand nourishment to improve the erosion situation in the alley as a soft solution. **EGR** asked if the bales would be a permanent addition or temporary. **TH** replied it would be maintained and worked with to nourish the dune as needed. **JKP** suggested they try some plantings where there is sunlight to further stabilize the dune. **TH** stated they can try but it may not take. **EGR** asked them to return before the Commission if they have to change their approach if they do not get the desired results. **BL** reiterated he would like them to pursue plantings if possible. Jim Hajjar (**JH**), 424 North End Blvd. spoke in favor to having the surveyor mark the easement. Requests the footprint not be expanded. **LP** added they have to meet building code. Sarah Hajjar (**SH**) stated the property line shown on the plan is incorrect. The property line runs down the center of the current walkway and extends 2 feet out on either side. They will not permit any encroachment onto their property. They will not forfeit any property rights and do not consent to work on their property. Object to the language in the RDA that blames their fence removal for compromising the stability of the structure. Would like to go on record that that is not a correct statement. **SH** also requested the contractors be made aware of the property easements and remove any debris on their land.

JKP motioned to issue a negative determination for the Request for Determination of Applicability for Ian and Sean Morrison, 238 North End Blvd., with the following conditions:

The easement will be marked onsite by a qualified surveyor or engineer before the commencement of construction.

This determination does not authorize work outside of the limits of the easement.

The owners will work closely with the conservation commission as they experiment with snow fences, hay bales, and nourishment to remedy erosion between this property and the adjacent property.

JDJ seconded.

Vote: 6-0, unanimous. Motion Carried.

8. NOI: Jessica White, 35 Old County Rd. (11/6/19)

Mark Beaudry (**MB**) of Meridian Associates, Inc represented the applicant, also present. Commission did a site walk last Monday. West Environmental revisited the wetland line and adjusted it. **SA** asked **MB** to address the comment from DEP that the project is not permittable. **MB** stated that the comment was vague but the believe DEP found the restoration area to be too small. If they are accounting for all 630 square feet of the structure in the marsh as impact due to shading, then the restoration area proposed is not 1:1. They can expand the restoration to account for this possibility. **EGR** requested they consider a greater than a 1:1 ratio. **MB** replied the ratio is closer to 1:1.5 if you are not including the deck, which has openings for sun to penetrate. They are also proposing to cantilever the deck from the building to limit disturbance. The applicant requested time to consult with DEP on the project and revise the plans to make them acceptable. The Commission agreed to reserve judgement until the applicant had time to correspond with DEP.

JKP motioned to continue the Notice of Intent for Jessica White, 35 Old County Rd., to December 4, 2019 at 7:10p.m. to allow the applicant to consult with DEP.

JP seconded.

Vote: 6-0, unanimous. Motion Carried.

9. RDA: Heather Silvia, 349 North End Blvd. (11/20/19)

Heather Silvia (**HS**) and Nathan Silvia (**NS**) presented the plans to remove a concrete walkway and replace it with a flagstone walkway with gravel surrounding. **JKP** asked if there would be any containment structure for the gravel. **NS** replied they have a grass lawn that will contain the gravel. **EGR** asked if the walkway would be increasing in size. **HS** stated the walkway would be a narrower. **JDJ** was concerned the crushed stone for the base would compact to become non-permeable.

JDJ motioned to issue a negative determination for the Request for Determination of Applicability for Heather Silvia, 349 North End Blvd. with the condition that the base aigrette stone be approved by the Commissions Agent before installation.

JP seconded.

Vote: 6-0, unanimous. Motion Carried.

C. NEW BUSINESS:

1. Request for Certificate of Compliance, 5 10th Street West

David and Nicole George were present to request a Certificate of Compliance for their deck and patio project. The Commission conducted a site visit and found the site was in compliance.

JKP motioned to grant Certificate of Compliance for 5 10th Street West.

JP seconded.

Vote: 6-0, unanimous. Motion Carried.

D. ENFORCEMENT ORDERS:

1. 438 N. End Blvd.
2. 565 North End Blvd.
3. 128 Bridge Rd.
4. 30 Main St.
5. 86/88 Elm St.
6. 212 N. End Blvd.
7. 83 Atlantic Ave.
8. 9 Bayberry Ln.
9. 211 N. End Blvd.
10. 279 N. End Blvd.
11. 82 Lafayette Rd.
12. 16 Hayes St.
13. 11 Railroad Ave.
14. 4 Main Street-

Curtis Young (CY) of Wetlands Preservation, Inc. and Frank Patel (FP) were present proposing a restoration plan. An analysis was done on the fill piles and they are safe to move. The tires have been largely removed from the site. Remaining tires, trash and other miscellaneous garbage will be removed from the site and the fill will be spread onsite, outside of the buffer zone. The area in the buffer zone will be planted with varied plant species. Proposing a simple swale and dentition basin to protect the area from the parking lot runoff. Seeding will be done in select locations where bare ground is exposed. **BL** asked if the hope is to have a buildable lot in the future. **DS** stated they have no specific plans at this time but they would likely want to be able to use the lot in the future. **JKP** stated the clean-up effort has come a long way and thanked them for the work they have done so far cleaning up. Commission discussed the possibly of the review verse placing bond. Commission agreed ask Mary for her comment on the proposed planting plan. **CK** asked if they could begin grading the site as the planning is proposed for the spring. Commission agreed.

15. 44 Old County Rd.
16. 61 Bridge Rd.
17. 139 Elm St.
18. 345 North End Blvd.

D. COMMISSIONER COMMENTS:

LP informed the Commission she attended the update meeting for the MVP grant for the Reliant Rings Island project that was earlier in the day and they have begun collecting data. **LP** added the Town has also applied for an additional MVP action grant to do a feasibility study of Beach Road, including the municipal parking lot and surrounding infrastructure and salt marsh. She will keep the commission updated. **JDJ** wished all a Happy Thanksgiving.

F. ADJOURNMENT:

JDJ motioned to adjourn the November 20, 2019 Conservation Commission Meeting at 9:43 p.m. **JP** seconded. **Vote: 6-0, unanimous. Motion Carried.**