



**Salisbury Conservation Commission
Meeting Minutes
November 4, 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**), Mark Hatem (**MH**)

COMMISSION MEMBERS ABSENT:

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

Chairwoman Sheila Albertelli opened the meeting at 7:10 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. **September 2, 2020**
2. **September 16, 2020**
3. **October 7, 2020**
4. **October 21, 2020**

JDJ motioned to continue the minutes for September 2, 2020, September 16, 2020, October 7, 2020 and October 21, 2020 until November 18, 2020.

MC seconded

Vote: 6-0, 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.

JDJ motioned to continue the Notice of Intent for Rodger Perlstein, 12 Wyman Greeley's Realty Trust, LLC, 12 Wyman Greeley Street to November 18, 2020 at 7:10 pm.

BL seconded

Vote: 6-0. Unanimous. Motion Carried.

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

The applicant, Richard Shaheen (**RS**) and Matt Steinel of Millennium Engineering (**MS**) updated the Commission. The proposed home was moved closer to the road and dimensions changed. There will be an

extra foot of sand under the structure and flow thru decking will be utilized. Exterior stairs are tucked under the deck on the rear and side. Vegetation disturbance has been reduced to 286 square feet, and proposed plantings of 1608 square feet. **JDJ** asked about a bond for the replication areas and landscaping and asked how the amount is determined. **SA** stated it can be the cost to replace the plantings should they fail. **MS** noted that in the past the Commission has issued a condition stating the bond amount will be an amount acceptable to the Agent. **AM** asked whether the Commission wanted to specify a required percentage for survivability. **MS** replied even if none of the grass under the deck survived, they will still be well over the required amount of replication, and he doesn't want to tie the whole project up with the grass under the deck, although he does expect most of it to survive. **AM** stated that the concern was more for resiliency, but it is up to the Commission. **MH** asked whether there will be any covering on the deck. **MS** stated on the street side, but not on the rear. **RS** added that there is approximately a 2-foot overhang from the second story over the deck, and that he has seen great success with flow through decking elsewhere. He stated that it is his intent to protect his property and the surrounding properties. **SA** stated she is in favor of an 80% survival rate for the grass under the deck in order to protect the homeowner. **MS** expressed concern that enforcing an 80% survival rate for the plantings could prevent the homeowner from obtaining a certificate of compliance when he and his neighbors have already gone above and beyond what is required for plantings. **SA** replied that a perpetual condition could be put in place that plants be replaced as needed to maintain the 80% survival rate. **AM** added that if the dune grass doesn't survive, it could be replaced with a more shade resilient plant, and that she doesn't mind if the Commission decides on a lower percentage, just that the check point exists. **MS** stated he would withdraw his concern and was fine with proceeding with the 80%. **AM** reviewed the proposed special conditions with the applicant.

BL motioned to approve the Amended Notice of Intent for Richard Shaheen, 201 Atlantic Ave with the drafted order of conditions as presented and with 80% or greater surviving vegetation after two growing seasons.

JDJ seconded

Vote: 6-0. Motion Carried.

3. NOI: James Gagnon, Pearson Homes, Inc., 114 Ferry Road (11/4/20)

Vasek Talacko (**VT**) and David Cowell (**DC**) of Hancock Engineering discussed the proposed project. **DC** reviewed the site and stated the proposal was for two modifications to the house – a detached garage and sunroom on the back of the house, both of which will be in the buffer zone to bordering vegetated wetland. They proposed to have any conditions on the requested Certificate of Compliance for the prior project's Order of Conditions rolled into this Order of Conditions. **DC** continued to review the project, explaining that there won't be a lot of earthwork, and the proposed garage is planned for an area that is currently a gravel parking area. The proposed sunroom will be on sonotubes and over an area that is currently a patio. **VT** added that the sunroom would be on the same level as the first floor. **JDJ** asked whether the pavers would be coming up and what would be under the deck. **VT** stated they would be pulling up pavers, and crushed stone would be under the deck. **JKP** asked whether they plan on digging below the frost line for the sonotubes. **VT** replied they would, and they would use an auger and hand work. He noted that they have to be four feet deep or on ledge, and there may be ledge present at the site. **JKP** questioned whether the auger would be a hand auger or machine auger. **VT** replied that likely some kind of small machine mounted auger would be used. **JKP** advised caution as the work proposed is very close to wetland. **VT** acknowledged that and stated there will be a silt fence and that the sonotubes would be a distance from the wetland. **DC** noted that the edge of lawn was seeded over the summer, but with the drought not all of it took. Some gullies and erosion channels were noted at the site visit where the vegetation was patchy. He would anticipate stabilization of the slope would be incorporated into the conditions for this order. Silt fence and erosion control blankets can be placed. **JKP** stated she liked that idea. **SA** asked whether there were any concerns regarding how deep the slope is, and if there should be rip rap. **DC** stated he didn't think so. **SA** asked what vegetation was being used on the slope. **DC** replied turf lawn **MC** stated he would feel comfortable with a mat being installed ASAP because there is already a lot of erosion on that hill and erosion control should go in before any work commences. After the site

visit, they all agreed there was already sediment in the wetlands from the previous work. **JKP** stated she agrees with **MC**, and doesn't think rip rap is needed. **DC** replied they could stabilize before work commences and stated they could lay down an erosion control blanket, and he suggested using one that is biodegradable and doubles as a seed germination blanket, and the applicant could put late season seed down before putting the blanket down. Using the blanket in conjunction with perimeter erosion control would be appropriate. **SA** asked about the plans for the driveway shared by 114 Ferry and 112 Ferry. **DC** stated it is proposed to be a paved bituminous concrete driveway, but isn't currently. The applicant is proposing to complete the additions and then pave the driveway. **SA** asked if any of the driveway work is being done on 112, or is it all on 114? **VT** stated the driveway work would be mostly on 112 and the pavements would be mated together. **SA** asked if there was approval from 112. **VT** stated the neighbor at 112 Ferry wants the shared portion paved. Noel McLellan (**NM**) of 112 Ferry stated the previous agreement was that a portion of his driveway would be removed and then loamed and seeded, and then there would be a shared portion of the driveway. He asked if he were to replace his driveway at the same time, would additional permitting be required. **DC** stated he was unaware of the background regarding the neighbor's driveway, but it theoretically could be covered under this order. The applicant, James Gagnon (**JG**) stated the agreement was that they would pave only the portion of 114's **MC** noted that wetland protection for the driveway work was not on the plan. **DC** replied they could fix that. **NM** stated that removing a portion of his existing driveway and loaming and seeding it was previously approved. **AM** commented that she did not see anything about that proposed work. **VT** also commented he didn't remember anything about removing a portion and loam and seeding it, and he was only aware of paving a portion. **JKP** commented that she likes where the garage is now. **DC** clarified that they are only asking to pave the portion of the driveway on 114, and if 112 wants more done, they should file their own NOI. **MC** commented that he didn't remember there being silt fence around the driveway, and he would like the agent or someone to confirm it is there before they start work on the driveway. **VT** stated they could have a pre-construction conference. **NM** stated that the loaming and seeding part of the project was added as a ZBA condition at the June 28, 2016 meeting, with the first developer. **AM** replied Noel should speak to the building inspector, and **SA** advised that if anything changed they would have to come back to Conservation for an amendment. **BL** asked if there is something outstanding from a 2016 ZBA decision, can they still approve. **SA** replied they could.

JKP motioned to approve the Notice of Intent for Jim Gagnon, Pearson Homes Inc., 114 Ferry Road with the standard order of conditions and the following special conditions: any heavy equipment for the installation of sonotubes will be as small and non-invasive as possible; patio blocks will be removed and replaced with crushed stone; driveway paving will be completed as stated in paragraph 8; if any further changes to the driveway are planned they will need to come back before the Commission to amend; the slope will be stabilized.

MC seconded.

Vote: 6-0, unanimous. Motion Carried.

4. NOI: David T. Daly, The Daly Group LLC, 529 North End Blvd (11/4/20)

SA noted that no DEP number has been issued yet. Tom Hughes of Hughes Environmental (**TH**), Olympia Bowker from Mead, Talerman & Costa (**OB**) and the applicant, David Daly (**DD**) were present. **TH** reviewed the site and existing conditions. Currently the lot has a garage and parking area. They are proposing to narrow the parking area and construct a new single-family home elevated on open piles. They also are planning on increasing the vegetation by 27 square feet. **JKP** noted that the site used to be considered nearly unbuildable by the Conservation Commission as it was so narrow and likely only a long, skinny house could be built. An abutter, Elizabeth Connolly, of 510 and 516 North End Blvd. stated that they had just received notice of the hearing today and that they are unprepared. **SA** advised that the Commission can't act because no DEP number had been issued yet and the hearing will need to be continued.

BL motioned to continue the Notice of Intent for David T. Daly, The Daly Group LLC, 529 North End Blvd. to November 18, 2020 at 7:10 pm.

JDJ seconded.

Vote: 6-0, unanimous. Motion Carried.

C. NEW BUSINESS:

1. Request for Certificate of Compliance, 5 Learned Lane.

AM stated that the only outstanding issue is there is no demarcation sign at the base of the slope. It is her recommendation that the Commission issue the Certificate of Compliance and it be held until the sign is in place and erosion control is removed.

BL motioned to issue the Certificate of Compliance for 5 Learned Lane and hold it until the sign is installed and the erosion control is removed.

JDJ seconded

Vote: 6-0, unanimous. Motion Carried.

D. OLD BUSINESS:

1. Request for Certificate of Compliance, 114 Ferry Road

JDJ confirmed that the remaining issues have been conditioned in the Order of Conditions issued earlier in the meeting. **SA** replied that they had.

JDJ motioned to issue the Certificate of Compliance for 114 Ferry Road.

JKP seconded

Vote: 6-0, 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** – **AM** stated that they will possibly start work next week.
14. **61 Bridge Rd.** – **SA** stated that the cleanup work is due to start.

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 November 4, 2020 Conservation Commission Meeting at 8:57 p.m.

JDJ seconded.

Vote: 6-0, unanimous. Motion Carried