



**Salisbury Conservation Commission
Meeting Minutes
December 16, 2020
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**), Mark Hatem (**MH**), Julie Doughman-Johnson (**JDJ**)

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. **October 7, 2020**
2. **October 21, 2020**
3. **November 4, 2020**
4. **November 18, 2020**
5. **December 2, 2020**

JDJ motioned to approve the minutes for October 7, 2020.

MC seconded

Vote: 6-0, unanimous. Motion Carried

BL motioned to continue the minutes for October 21, 2020, November 4, 2020, November 18, and December 2 until January 6, 2021.

JDJ 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.

BL motioned to continue the Notice of Intent for Rodger Perlstein, 12 Wyman Greeley's Realty Trust, LLC, 12 Wyman Greeley Street to January 6, 2021 at 7:10 pm.

JDJ seconded

Vote: 5-0. Unanimous. Motion Carried.

2. RDA: Susan Leger Ferraro, 16 Commonwealth Ave (12/2/20)

The homeowner, Jeff Willis (**JW**), described the project to the Commission, which was to remove concrete and install permeable pavers on a pathway and driveway. **JDJ** asked the Agent if she found out what pavers were allowed according to DEP. **AM** replied that DEP does not give specifics regarding the type of pavers, but she spoke with both DEP and CZM, and they advised her to refer to the Coastal Manual. The reason for discouraging pavers on the Coastal Barrier Beach is that the pavers provide a smooth, flat surface for floodwaters to rush over, causing floodwaters to increase in velocity, which increases the likelihood of storm damage. Instead, they'd like a non-consolidated surface that can move and shift with the floodwaters, which will slow down velocity and in turn help prevent storm damage. That is the basic guidance that the Commission should keep in mind when they are making their decision. In general, the Commission has been upholding no adverse effect to the dune, so where Mr. Willis is removing concrete and replacing with pavers he's putting back something that's better for the dune. **SA** noted that DEP doesn't consider open celled pavers much better than a pervious paver, but it's a better substitution. **AM** stated that the Open Cell pavers are considered a compromise where we're still providing some of the rough surface, but allowing more stability. A non-consolidated surface is ideal, but it doesn't always meet everyone's needs, and in general the regulations call for no adverse effect. As long as that is being upheld, and there is an improvement over the existing, the Commission should take that into consideration. **JKP** agreed that the pavers would be an improvement over concrete, although she would prefer gravel or shells. **JW** discussed photos of the proposed work areas, including the front driveway, which he stated had an area of about 15 or 20 feet by 15 feet and is currently solid concrete, which will be removed. He stated that last year 50% of the hard concrete was removed, and reviewed the pavers he used for that project, which was in the rear of the property. The pavers have a textured surface and include spacers and sand underneath. He wants to complete the back yard in a similar fashion, and do a different paver on the driveway that can tolerate heavier usage. He noted that his neighbor has had issues with open cell pavers. **SA** questioned **JW** about the use of sand by the contractor during installation **JW** stated he was told it was required for installing pavers at the beach. **SA** replied it should be gravel, and whatever is recommended by the manufacturer is what should be used, otherwise the pavers won't function correctly. **AM** explained to the Commission that the previous enforcement order was filed because the old Agent discovered they were installing a patio with stone dust. The order required them to remove the stone dust and place sand, and then the Commission approved the patio. **JKP** asked why they allowed those particular permeable pavers before if they're being questioned now. **SA** explained that it comes with the changing times and how the beach is evolving. **MH** asked if any grade changes were proposed for the driveway. **JW** replied that there were not. **MC** advised that the use of sand with the pervious paver nulls the warranty. Double-washed stone is required, with sizing based on the manufacturer's specifications, and the pavers themselves need to be spaced apart and gravel placed in the spaces. Sand has too many fine particles that end up packing and won't allow the water to pass through. He noted the issues he is seeing is because the pavers are installed improperly, and some kind of guideline needs to be established to give to contractors. **SA** added that once the pavers are installed, there's no way to tell if it was done correctly. **JW** informed the Commission that while the base of the pavers was sand, the manufacturer provided spacers for between the pavers, and the spacers were filled with gravel. **SA** replied that the spacers were only part of what was needed for proper drainage to occur. She added that the Conservation Commission would have required that he provide the spec sheet from the manufacturer, and it would have had the installation requirements on it. **MC** asked what pavers he used **AM** replied Unilock. **MC** stated that Unilock pavers require all gravel and no sand. **AM** replied that she believes the Commission approved the use of the sand at that time. The Commission has new information now regarding the proper installation of the pavers, and the old patio, which has been closed out by the Commission, should not be an issue. **MC** stated he is all for the new project as long as the pavers are properly installed. **AM** asked if **JW** was willing to install a gravel driveway as opposed to using pavers. **JW** replied that the gravel would get washed away. **SA** suggested the open cell system as opposed to loose gravel, so the gravel would be somewhat contained. **JW** replied he would consider it, as well as any pavers the Commission would be ok with. **JKP** noted there were no plantings to slow the water down, and suggested that as an option. **SA** advised that the

Commission cannot recommend a specific paver. **SA** and **JW** agreed a site visit would be beneficial. **JW** commented that they'd like to add the driveway on the other side of the property to the project. **SA** stated they could look at it during the site visit and determine if another RDA would be needed.

JKP motioned to continue the RDA for Susan Leger Ferraro, 16 Commonwealth Ave., to January 6, 2021 at 7:10 pm, and in the interim the Commission will conduct a site visit.

JDJ seconded

Vote: 6-0, unanimous. Motion Carried.

**3. RDA: Anthony Kirincich of Woods Hole Oceanographic Institution, 218 Beach Rd.
(12/16/20)**

Anthony Kirincich of Woods Hole Oceanographic Institution (**AK**) explained that he will be studying currents using land-based equipment. He working with MA DCR and is proposing to install a lamp post like antenna anchored by a hand-dug metal frame, and connected to a small electronics enclosure. The equipment will be located next to the life guard aid station. The antenna sends out a ham radio wave which bounces off the ocean about 100 miles offshore, and comes back to the antenna. **SA** asked why Salisbury is getting the antenna now, and what the data will be used for. **AK** replied they he is working with NOAA to install along the east coast. The Coast Guard, search and rescue, and researchers will be able to have access to and use the data collected. **BL** asked how long the antenna will be up. **AK** replied about three years, and they're prepared to remove the antenna once the research project is done. **MH** asked whether the data could be used to predict erosion. **AK** replied that erosion will be caused by waves crashing, their direction, and over wash. This equipment will be taking readings further offshore. **SA** noted that they are still waiting to hear from Natural Heritage and DCR. **AM** recommended waiting to issue.

JKP motioned to continue the RDA for Anthony Kirincich of Woods Hole Oceanographic Institution, 218 Beach Rd., to January 6, 2021 at 7:10 pm.

MC seconded

Vote: 6-0, unanimous. Motion Carried.

C. NEW BUSINESS:

1. Request for Certificate of Compliance, 8 & 10 Bartlett St

AM informed the Commission that that the Applicant had nearly sorted everything out with the Planning Board, but that it was ok if the Certificate of Compliance is issued on the condition that the Applicant meet Planning Board approval.

JDJ motioned to grant the Certificate of Compliance for 8 & 10 Bartlett St. and on the condition that the Agent will hold it until the Stormwater alterations have been approved by the Planning Board.

MC seconded

Vote: 6-0, unanimous. Motion Carried.

2. Request for Certificate of Compliance, 25 Commonwealth Ave

AM stated the Order of Conditions was for a new through flow deck, for which they received a partial Certificate of Compliance in 2019, but they needed to wait two growing seasons in order to receive the full Certificate of Compliance. **AM** stated it was her recommendation to grant the certificate.

JDJ motioned to issue the Certificate of Compliance for 25 Commonwealth Ave.

MC seconded

Vote: 6-0, unanimous. Motion Carried.

3. Request for Certificate of Compliance, 86 & 88 Elm Street

Mike Derosa of Derosa Environmental (**MD**) explained that the property, which is the location of the Wolf Hill store, is being sold next week. He stated the project began as enforcement due to unpermitted cutting. Planting was completed in the fall, and the owners would like a partial Certificate of Compliance for the closing, and they will come back in two growing seasons to get the full Certificate of Compliance. He reviewed the as-built plan, noting the location of a split rail fence acting as a barrier to the wetland, and that fill had been removed, and plantings put in place. Cinder blocks were installed according to the approved plan, and a portion of the lot graveled. He also noted that phragmites have been removed and the area will continue to be maintained to prevent their regrowth, even after the Order is closed out. He added that the request for a partial Certificate of Compliance is for the structure portion of the project. **SA** informed **MD** that there were two special conditions, which were to wait a growing season to issue the Certificate, and that the Commission was to receive annual progress reports on November first of each year. The Commission never received said progress reports, and the as-built was not accompanied by the required letter. **MD** replied he thought they had taken care of those items and noted there was a post construction completion report submitted in February of 2020. **SA** recommended conducting a site visit. **JDJ** asked whether the Commission had received monthly reports as required in the Special Order of Conditions. **AM** replied that she can't confirm, but they did remain in contact. **SA** replied that the most important progress report would be the one dated November 1, 2020. **JKP** remarked that based on the history of this project it was disturbing that the Commission did not receive the November 1, 2020 progress report and agreed a site visit was needed. **SA** added that she would feel more confident if Mary Rimmer did an inspection as well. **AM** asked whether the Commission would like **MR** to review the site now, or wait until the next growing season. **SA** stated she would prefer **MR** review for the partial Certificate of Compliance and the full release. **JKP** suggested letting **MR** make the determination regarding when to conduct the review. **BL** asked whether the partial Certificate was required for the sale of the property. **MD** replied that part of the P&S was predicated on obtaining a partial Certificate for the structures. He also noted that **MR** would likely want to review the site in the spring and the summer. **SA** asked if the new buyer has agreed to take on the responsibility of the remaining part of the Order. **MD** replied that there was money placed in escrow to cover the remaining portions of the Order and so the buyer won't take on the liability. **SA** explained that if the Commission feels it does not warrant a partial Certificate, then the seller and buyer would have to work out a new agreement, so the Commission would not be holding up the closing.

JDJ motioned to continue the Request for Certificate of Compliance for 86 & 88 Elm Street until January 6, 2021, and in the interim the Commission will conduct a site visit, and Mary Rimmer will be contacted regarding reviewing the property.

JKP seconded.

Vote: 6-0, unanimous. Motion Carried.

D. 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. 16 Hayes St.
 9. 11 Railroad Ave.
 10. 37 Atlantic Ave.
 11. 6 Sycamore Lane
- 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.

E. COMMISSIONER COMMENTS:

AM stated the Town Hall was open by appointment only. Employees are still in the office, but the doors are locked. Anyone wishing to conduct business at the Town Call can call the office and make an appointment.

F. ADJOURNMENT:

JDJ motioned to adjourn the December 16, 2020 Conservation Commission Meeting at 8:54 p.m.

MC seconded.

Vote: 6-0, unanimous. Motion Carried