



**Salisbury Conservation Commission
Meeting Minutes
June 17, 2020
Colchester Auditorium, Town Hall
5 Beach Road
Salisbury, MA 01952
Virtual Meeting
7:00 P.M.**

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

COMMISSION MEMBERS ABSENT: Emily Round (**EGR**)

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

Chairman 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. May 20, 2020

AM stated she had requested some revisions from the admin.

BL motioned to continue the minutes for May 20, 2020 to July 1, 2020.

JKP seconded

Vote: 5-0, unanimous. Motion Carried.

B. PUBLIC HEARINGS at 7:10pm:

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

SA stated that the applicant requested a continuance for a month.

BL motioned to continue the Notice of Intent for Li Family Trust, 139 Elm Street to July 15, 2020 at 7:10pm

JDJ seconded.

Vote: 5-0, unanimous. Motion Carried.

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

Mark Beaudry (**MB**), and Janice Weldon of Meridian Associates, and Jessica White (**JW**) were present, as well as abutter Edwin Garside of 39 Old County who has been added as a co-applicant. **MB** noted there was a site walk with Commission members the previous week. **MB** discussed changes to the plans, in which two construction sequences were proposed, the driveway was re-aligned to save a tree, the compensatory flood storage was removed as it was not needed. **MB** added that the applicant had spoken to some contractors regarding how to build the home, and they are reluctant to put anything in writing until they go to bid on the project. **MB** stated this could be determined during the pre-construction meeting. **SA** stated that, should the application be approved, it would be her recommendation to place a deed restriction on the property to prevent any future additional building on the site. **JDJ** commented that she is concerned about flooding and that the property is subject to coastal storm flowage. The project is not consistent with the town's flood plan. She added

that she likes the project, but she's not comfortable with it and that they have the option to appeal to the next level. **BL** stated he thought they did a great job and that the site walk gave great perspective. He feels that they have met the confines of the WPA. He added that he wouldn't personally do the project. **JKP** stated she agreed with **BL**, but doesn't feel they have met the requirements. It's a neat project, but it's in the marsh and she is uncomfortable with it, she can't imagine that the equipment won't cause damage, the alternate construction access is through the wetland, and she is not in favor of the project. **BL** agreed that should Mr. Garside construct his house first, Ms. White will essentially be landlocked. **MB** stated it would be a limited project at that point, but not unbuildable. **SA** stated she would only approve the project with a deed restriction, and with the condition that any damage to the wetland would result in an immediate cease and desist order. **BL** remarked that he advised Ms. White in 2019 that he wouldn't buy the property. **JP** stated she feels the project doesn't meet the standards. **MB** requested to table the hearing until later in the meeting so he could confer with his client.

JKP motioned to table Notice of Intent for Jessica White, 35 Old County Road until the end of public hearings.
JP seconded

Vote: 5-0, unanimous. Motion Carried.

3. NOI: Rodger Perlstein, 12 Wyman Greeley's Realty Trust, LLC, 12 Wyman Greeley St. (3/18/20)

JDJ motioned to continue the Notice of Intent for Rodger Perlstein, 12 Wyman Greeley's Realty Trust, LLC, 12 Wyman Greeley Street to July 1, 2020 at 7:10 pm.

JP seconded

Vote: 5-0. Unanimous. Motion Carried.

4. NOI: Department of Conservation and Recreation, Salisbury Beach Management Plan (6/3/20)

SA noted that a DEP File Number had been issued, and they had received a letter from Natural Heritage that afternoon.

JDJ motioned to issue a negative determination for the Request for Determination for the Department of Conservation and Recreation, Salisbury Beach Management Plan.

JP seconded.

SA advised the Commission that the motion should be amended to include the special conditions as discussed in the Natural Heritage letter date June 17, 2020.

JKP amended the motion to include the special conditions as outlined in the Natural Heritage letter dated June 17, 2020.

JP stated her second stands

Vote: 5-0, unanimous. Motion Carried.

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

The applicant and **MB** were not present to discuss yet

JKP motioned to continue to table the Notice of Intent for Jessica White, 35 Old County Road until the end of the meeting before adjourning

BL seconded

Vote: - 4-0, unanimous. JDJ was not present for the vote. Motion Carried.

C. NEW BUSINESS

1. Request for Modification, 45 Old County Rd.

The applicant, Mike Wolpert (**MW**) stated that the project approved about a year ago and is about ¾ done and he would like to install concrete under the building as opposed to the previously approved crushed stone. He noted that he is not on the barrier beach, he's the only one in the neighborhood on piles, and his neighbor across the street has a solid foundation and paved driveway, as well as other nearby properties. **AM** explained that the neighbor in question has bordering vegetated wetland and not salt marsh on the property. The area has various invasive plant species that the homeowner is to control as part of his Order of Conditions **AM** added that the homeowner had also requested more pavement and his request was denied. **MW** stated the concrete would make it easier to clean up things like leaking oil before it got to the salt marsh. **AM** explained that the crushed stone acts as a filtering system that would filter out contaminants before it gets to the marsh, and also abates flooding issues. The bordering vegetated wetland present on the neighbor's property also provides filtration for the salt marsh, and the homeowner has more area to work with so he was able to do a vegetated buffer and restoration as well as invasive species control on his site.

2. Request for Certificate of Compliance, 222 North End Blvd

SA noted that the Agent recommended issuing the certificate. **AM** confirmed and stated the property was in compliance. Matt Steinel (**MS**) of Millennium Engineering stated the property was in significant compliance with the only deviation being that the area of beach grass restoration was greater than what was ordered.

JKP motioned to grant the Certificate of Compliance for 222 North End Blvd

JDJ seconded.

Vote: 5-0, unanimous. Motion Carried.

B. PUBLIC HEARINGS

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

MB and **JW** returned.

JKP motioned to table the Notice of Intent for Jessica White, 35 Old County Road to the end of New Business.

SA seconded

Vote: 5-0, unanimous. Motion Carried.

C. NEW BUSINESS

3. Request for Certificate of Compliance, 245 North End Blvd

Matt Steinel (**MS**) of Millennium Engineering discussed 245 – 255 North End Blvd., stating that the restoration and plantings were in significant compliance for all the lots. There were some deviations such as slightly smaller decks, and the utilities couldn't be certified as he was not there at the installation. Pavement has been removed and the area seeded. **JDJ** questioned how they would make sure it gets watered. **SA** stated they would hold the bond for two growing seasons and 80% survival rate and the new owners should be made aware. **SA** also recommended a periodic report from a Wetland Scientist. **JKP** asked how often the report should be done. **SA** suggested in the spring and fall. **AM** suggested after one year of growing and then at two years. **MS** stated they could provide the report after first growing season and then a final report after the second growing season in order to release the bond.

JKP motioned to issue the Certificate of Compliance for 245 North End Blvd with the condition that they would hold the bond for 2 years and 80% survival rate, and with reports from a Wetland Scientist after one growing season and the second growing season.

JDJ seconded

Vote: 4-0, unanimous, JP was not present for the vote. Motion Carried.

4. **Request for Certificate of Compliance, 247 North End Blvd**
5. **Request for Certificate of Compliance, 249 North End Blvd**
6. **Request for Certificate of Compliance, 251 North End Blvd**
7. **Request for Certificate of Compliance, 253 North End Blvd**
8. **Request for Certificate of Compliance, 255 North End Blvd**

JKP motioned to issue the Certificates of Compliance for 247-255 North End Blvd with the condition that they would hold the bond for 2 years and 80% survival rate, and with reports from a Wetland Scientist after one growing season and the second growing season.

JDJ seconded.

Vote: 5-0, unanimous. Motion Carried.

B. PUBLIC HEARINGS

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

MB stated they were ready for a vote. **SA** reminded them that they could appeal the decision to the DEP.

JDJ motioned to deny the Notice of Intent for Jessica White, 35 Old County Road for the reasons outlined in the Order of Conditions

JKP seconded

Vote: 4-1. Motion Carried.

E. OLD BUSINESS:

1. **Request for Certificate of Compliance, 585 North End Blvd.**

SA noted that the Agent conducted a site visit with Matt Steinel of Millennium Engineering (**MS**), and that they found the site not in compliance. **MS** explained that the final unit owner had been reached and they were requesting a continuance to address the issues that were brought to light in the site visit, such as additional netting behind latticework, plexiglass installed behind latticework in the garage doors. **MS** stated that he explained to the trustee that the netting and plexiglass need to be removed for at least the first two feet. There was also some vegetation missing along a fence. He requested the hearing be continued to July 15 to provide the unit owners enough time to address the issues. **JKP** commented that the plexiglass might have gone unnoticed had they not been looking closely and suggested the installation was not accidental. **MS** replied it was likely the prior developer who installed the plexiglass, not the individual unit owners, as it appears it has been there from day one.

JDJ motioned to continue the Request for Certificate of Compliance for 585 North End Boulevard to July 15, 2020.

JP seconded

Vote: 5-0, unanimous. Motion Carried.

D. ENFORCEMENT ORDERS:

1. 5 Kendell Lane

SA explained the homeowner has filled a wetland and they needed to ratify the enforcement order. The homeowner has hired Tom Hughes to develop a restoration plan. The Commission reviewed photos of the site, and **AM** discussed the alterations that were made, including gravel fill and the installation of a French drain to direct water flowing through the property. The homeowner, Patrick Young (**PY**) confirmed he was working with Tom.

JKP motioned to ratify the enforcement order for 5 Kendell Lane

JDJ seconded

Vote: 5-0, unanimous. Motion Carried.

SA confirmed next steps with the Agent. **AM** stated the next steps would be for Tom Hughes to come in with a restoration plan and that she had given him until July 15 to do so. **AM** advised **PY** that he is welcome to submit the restoration plan sooner than that if able. **PY** discussed the proposed restoration, which is to plant 24 bushes along waterfall and back fence, and to pull some stone out. **AM** advised him that his shed may violate property line setbacks and the building inspector will likely be reaching out. If it is moved, it may open up space to do some restoration.

BL motioned to continue the enforcement order for 5 Kendall Lane to July 15, 2020 at 7:10 pm.

JDJ seconded

Vote: 5-0, 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. 61 Bridge Rd.
12. 139 Elm St –

Chris York of Millennium Engineering (**CY**) discussed the detention basins, explaining that one was not built properly and is undersized. It still functions for small storm events, but will not for larger storm events, and will need to be fixed. **SA** asked what his recommendation would be as to when the work should be done. **CY** stated it was up to the Commission. **SA** remarked she was confused as to why the NOI is coming at the same time as the enforcement. **CY** stated they were originally going to file a Request for a Certificate of Compliance but then the property owner wanted more parking area, and the Agent at that time had told them to move forward with the NOI. **SA** commented she didn't think the issues were to the current extent at that time, that they were unaware the drainage system was in failure in addition to the wetland being filled. **CY** stated the system isn't in failure, just undersized. **JKP** asked about the procedural history, **AM** replied that they had come forward with the new Notice of Intent and she advised them that there was an open Order of Conditions, so the applicant filed for a Certificate of

Compliance showing the property was not in compliance, which initiated the Enforcement Order. **SA** stated that anything that isn't related to the growing season should be an action item fixed now.

ACTIVE, PENDING COMPLETION:

13. 86/88 Elm St.
14. 4 Main Street
15. 37 Atlantic Ave.

COMPLETE, PENDING APPROVAL:

16. 9 Bayberry Ln.
17. 82 Lafayette Rd
18. 44 Old County Rd.
19. 128 Bridge Rd

E. COMMISSIONER COMMENTS:

AM reminded those watching that the Annual Town Meeting was Monday, June 22 at 7PM, a quorum of 125 is needed, and that the Warrant is available online. **SA** asked whether it was in person. **AM** confirmed that there will be no remote participation. Masks will be required and social distancing will be enforced.

E. ADJOURNMENT:

JP motioned to adjourn the June 17, 2020 Conservation Commission Meeting at 9:04 p.m.

BL seconded.

Vote: 5-0, unanimous. Motion Carried.