



**Salisbury Conservation Commission
Meeting Minutes
June 2, 2021
Colchester Auditorium, Town Hall
5 Beach Road
Salisbury, MA 01952
Virtual Meeting
7:00 P.M.**

COMMISSION MEMBERS PRESENT: Chairwoman Sheila Albertelli (**SA**), Jane Purinton (**JKP**), Michael Colburn (**MC**), Julie Doughman-Johnson (**JDJ**), Daniel Richard (**DR**)

COMMISSION MEMBERS ABSENT: Blake Leibert (**BL**),

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

Chairwoman Sheila Albertelli opened the meeting at 7:12 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. **March 17, 2021**
2. **April 7, 2021**
3. **April 21, 2021**
4. **May 5, 2021**
5. **May 19, 2021**

JDJ motioned to continue the minutes for March 17, 2021; April 7, 2021; April 21, 2021; May 5, 2021; and May 19, 2021 until June 16, 2021.

DR seconded

Roll Call Vote: SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes; DR - Yes
Vote: 5-0-0. 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 to June 16, 2021.

JDJ motioned to continue the Notice of Intent for Rodger Perlstein, 12 Wyman Greeley's Realty Trust, LLC, 12 Wyman Greeley Street to June 16, 2021 at 7:10 pm.

MC seconded

Roll Call Vote: SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes; DR - Yes
Vote: 5-0-0. Unanimous. Motion carried.

2. NOI: Thomas Underwood, 80 Cable Ave. (1/6/21)

SA stated the applicant had requested a continuance to June 16, 2021.

JDJ motioned to continue the Notice of Intent for Thomas Underwood, 80 Ave., until June 16, 2021 at 7:10 pm.
MC seconded

Roll Call Vote: SA – Yes; **JDJ** – Yes; **JKP** - Yes; **MC** – Yes; **DR** - Yes
Vote: 5-0-0. Unanimous. Motion carried.

3. NOI: Thomas Underwood, 86 Cable Ave. (1/6/21)

SA stated the applicant had requested a continuance to June 16, 2021.

JDJ motioned to continue the Notice of Intent for Thomas Underwood, 86 Cable Ave., until June 16, 2021 at 7:10 pm,
MC seconded

Roll Call Vote: SA – Yes; **JDJ** – Yes; **JKP** - Yes; **MC** – Yes; **DR** - Yes
Vote: 5-0-0. Unanimous. Motion carried.

4. NOI: Christopher DeLuca, 112 Elm St. (1/20/21)

Brian Knowles (**BK**) & Ryan Hale (**RH**) were present. **RH** summarized the comments from DEP. DEP had stated an alternatives analysis needed to be provided, and they needed to show compliance with replication guidelines. **RH** reviewed their responses to the comments, noting that the zoning setback was reduced by 15 feet, which was approved by zoning, so the work is further from the wetland now, which saves about 900 square feet of wetland impact. They also looked at the site elevation and explored using the existing site elevation rather than raising the site to meet storm water standards, but they determined the site needs to be raised because of the high ground water. At the rear of the site to match the grade where the site meets wetland, they looked at using a retaining wall vs. earthen slope to support the parking area. A slope will increase the footprint by about 600 square feet, so they are proposing a retaining wall to reduce impacts. They looked at parking and vehicle circulation and moving the parking from the rear near the wetland to the sides of the building. The site is too small, and the driving area widths wouldn't be able to be met, so parking has to go in the rear. They looked at providing snow storage to rear of the site, and they will provide a seven-foot shelf to the rear of the parking area for snow storage. With regards to complying with the inland replication guidelines, they are proposing a 1.5:1 ratio, 308 square feet of impacts and 466 square feet of proposed replication which exceeds the 1:1 requirement. **SA** advised the Commission that the Agent received a draft easement just prior to the meeting, and that the Town Manager has forwarded it to Counsel for review. **BK** disagreed with continuing the hearing. **AM** advised that the Assessor retired last week so she did not have an opportunity to review the easement, and no one is qualified without her. The Town Manager requested a continuance, but stated it was up to the Commission. **JKP** stated her preference would be continuing. **JDJ** agreed. **DR** and **MC** stated they were ok with just conditioning an Order. **BK** advised that the properties in question are all owned by the same entity. The Commission discussed language for conditioning the Order of Conditions regarding the easement. **JKP** stated she would be comfortable with very specific language. She noted they are removing trees and significant vegetation, and the Commission will need to know what that will be replaced with. They also need to discuss a cash bond for the project and have a condition for environmental monitoring during construction and

restoration. **SA** stated the erosion controls are not sufficient, and they need a planting plan. **BK** stated the planting plan was on the detail sheet. **RH** reviewed the plantings noted in the plan, including meadowsweet, milkweed, silky dogwood, etc. **SA** asked whether there was room for trees. **RH** stated it would be tight. **AM** stated they would need more details on the retaining walls to be installed, such as type and how it will be installed, which should be provided before they start construction. **JKP** suggested continuing the hearing for another two weeks to allow time for the applicant to address the outstanding issues and for Town Counsel to respond regarding the easement, and if no response is received, the issue can be conditioned with very specific language.

JKP motioned to continue the Notice of Intent for Christopher DeLuca, 112 Elm St. to June 16, 2021
DR seconded

Roll Call Vote: SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes; DR - Yes
Vote: 5-0-0. Unanimous. Motion carried.

5. NOI: David Daly, North End Boulevard, LLC, 504 North End Blvd. (2/3/21)

Tom Hughes of Hughes Environmental (**TH**), Lisa Mead of Mead, Talerman, and Costa (**LM**), and Matt Hamor of LandPlex, LLC (**MH**) were present. **TH** reviewed issues discussed in previous meetings including sewer maintenance within the easement, landscaping, and stormwater. **TH** stated that the sewer issue was resolved by obtaining approval from the Board of Selectmen for the Condo Association to maintain the sewer. The landscape plan was updated, and a clean peer review was received from Joe Serwatka. In order to address the planting density issues, they will remove shrubs from the dune and replace them with American beach grass, planted one foot on center. He reviewed other plantings, noting that arrowwood viburnum planted in a dune setting typically has a 6 - 8-foot spread. They will be planted 10 feet on center, so there will be 2 - 4 feet separation at maturity. Plants will be spaced so they won't grow into each other. Rugosa Rose will be limited to seven plants; they may grow into each other but they will be planted further landward, bayberry may also grow into each other, but there won't be a solid wall of plants. **TH** Reviewed photos of plants. **JKP** asked if the crossbeams were addressed and **TH** replied that they were. **JKP** noted she wanted to be sure that during construction, no equipment would touch the frontal dune. She recommended a construction fence and stated they should add a special condition. **TH** stated they would first be removing the existing buildings, and bringing in clean sand to backfill the foundation holes. They will also be placing the sand on the dune for nourishment. They will then put orange construction fence along the path of the proposed split rail fence to keep people off the dune, then plant during planting season. **SA** advised that should be a condition. **JDJ** asked how far away the building closest to the dune is from the dune. **TH** stated about 7 feet once the sand is added. **JDJ** asked where the front yards of the buildings are. **TH** stated all the structures have roof decks for recreation. There are also areas between the structures and around the site that could also be used for recreation, but the main recreation areas will be the roof decks. **JDJ** asked if there is another stairway under the structures. **TH** stated the buildings will have sprinklers, so only one means of egress is required.

JKP motioned to approve the Notice of Intent for David Daly, North End Boulevard, LLC, 504 North End Blvd. with standard Order of Conditions, and the additional condition that after new sand is brought into toe of frontal dune, construction fence will be put up so no materials or people will go onto the dune.
DR seconded

Roll Call Vote: SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes; DR - Yes
Vote: 5-0-0. Unanimous. Motion carried.

6. RDA: Mike Terminiello, 26 Cushing St. (4/7/21)

SA stated the applicant had requested to continue to June 16, 2021

JDJ motioned to continue the Request for Determination for Mike Terminiello, 26 Cushing St until June 16, 2021

MC seconded

Roll Call Vote: SA – Yes; **JDJ** – Yes; **JKP** - Yes; **MC** – Yes; **DR** - Yes
Vote: 5-0-0. Unanimous. Motion carried.

7. NOI: New Cingular Wireless PCS LLC, 91 North End Blvd. (4/21/21)

SA stated the applicant requested a continuance to June 16, 2021

JDJ motioned to continue the Notice of Intent for New Cingular Wireless PCS LLC, 91 North End Blvd. to June 16, 2021.

DR seconded

Roll Call Vote: SA – Yes; **JDJ** – Yes; **JKP** - Yes; **MC** – Yes; **DR** - Yes
Vote: 5-0-0. Unanimous. Motion carried.

8. NOI: Evan and Kayla Weymouth, 20 Pike St (6/2/21)

SA advised that there is no DEP # yet. **Bob Grasso** of Engineering Land Services (**BG**) presented the project which was to repair a septic system and replace an existing retaining wall at the rear of the property. The grade will not change. **JDJ** noted that the retaining wall looks close to wetland. **BG** stated it's a concrete block retaining wall, which will be replaced with new blocks, and noted that they don't want fill from the pool area deteriorating towards wetland. **JDJ** asked if it was poured concrete **BG** replied it would be blocks. The closest point to the wetland is 15 feet. **MC** asked what the existing wall is made of. **BG** replied that portions are stone, and portions are poured concrete. **MC** asked what the plan for the material is once it's removed **BG** stated they would remove it. **MC** stated he has concerns with the wall not curling back into the bank, and that there may be erosion issues. **SA** suggested a site visit. **JKP** and **MC** agreed. **MC** requested information on the exact block to be used. **SA** agreed they will need specs.

JDJ motioned to continue the Notice of Intent for Evan and Kayla Weymouth, 20 Pike St. to June 16, 2021, and there will be a site visit in the interim.

DR seconded

Roll Call Vote: SA – Yes; **JDJ** – Yes; **JKP** - Yes; **MC** – Yes; **DR** - Yes
Vote: 5-0-0. Unanimous. Motion carried.

9. NOI: Town of Salisbury, Resilient Ring's Island Road Improvement Project (6/2/21)

SA advised there is no DEP # yet. **AM** advised that the representative is not present and they would like to continue.

DR motioned to continue the Notice of Intent for Town of Salisbury, Resilient Ring's Island Road Improvement Project to June 16, 2021.

JDJ seconded

Roll Call Vote: SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes; DR - Yes
Vote: 5-0-0. Unanimous. Motion carried.

C. ENFORCEMENT ORDERS:

HOLD, PENDING UPDATE:

1. 16 Commonwealth
2. 150 North End Blvd.
3. 15 Learned Lane
4. 438 N. End Blvd.
5. 565 North End Blvd.
6. 30 Main St.
7. 212 N. End Blvd.
8. 83 Atlantic Ave.
9. 211 N. End Blvd.
10. 16 Hayes St.
11. 11 Railroad Ave.
12. 37 Atlantic Ave.
13. 6 Sycamore Ln.
14. 2 Linda Ln.

ACTIVE, PENDING COMPLETION:

15. 139 Elm St
16. 61 Bridge Rd.

COMPLETE, PENDING APPROVAL:

17. 86/88 Elm St.
18. 165 Atlantic Ave.
19. 4 Main Street
20. 9 Bayberry Ln.
21. 82 Lafayette Rd

D. COMMISSIONER COMMENTS:

AM Advised that the emergency declaration will be lifted June 15, which rescinds the emergency provisions for the open meeting law, which enabled the remote meetings. Legislation has been filed to continue to allow remote meetings until Sept., so the status of the next meeting, to be held on June 16, is up in air as to whether it will be remote or in person. **MC** noted that remote meetings make it easier for participation.

E. ADJOURNMENT:

DR motioned to adjourn the June 2, 2021 Conservation Commission Meeting at 8:39PM
JDJ seconded.

Roll Call Vote: SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes; DR - Yes
Vote: 5-0-0. Unanimous. Motion carried.