



**Salisbury Conservation Commission
Meeting Minutes
August 18, 2021
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**), Julie Doughman-Johnson (**JDJ**),

COMMISSION MEMBERS ABSENT: Daniel Richard (**DR**)

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. April 7, 2021

JDJ Motioned to approve the minutes dated April 7, 2021

BL Seconded

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

Vote:

- 2. April 21, 2021**
- 3. May 5, 2021**
- 4. May 19, 2021**
- 5. June 2, 2021**
- 6. July 7, 2021**
- 7. July 21, 2021**

JDJ motioned to continue the minutes for April 21, 2021, May 5, 2021, May 19, 2021, June 2, 2021, July 7, 2021, & July 21, 2021 until September 1, 2021.

BL seconded

Roll Call Vote: SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes; BL – 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)

Michael Seekamp of Seekamp Environmental Consulting (**MS**) represented Mr. Perlstein. He informed the commission that the applicant would like to withdraw the application as the sewer extension doesn't seem possible.

JDJ motioned to allow withdrawing without prejudice the Notice of Intent for Rodger Perlstein, 12 Wyman Greeley's Realty Trust, LLC, 12 Wyman Greeley Street

JKP seconded

SA requested a condition that an email request be submitted to the Agent.

JDJ amended her motion to accept the request to withdraw the Notice of Intent without prejudice on the condition the Agent receive the request in writing

BL seconded the amendment

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

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

Michael Seekamp of Seekamp Environmental Consulting (**MS**) provided an update to the Commission. **MS** stated he delineated the wetlands, and they were also delineated by Mary Rimmer who came up with different results, which made the original design unbuildable. They tried to redesign the project, which required a variance from Zoning, which was denied. Therefore, they are returning to the original plan and his original delineation, with the understanding the project will likely be denied and they would plan to appeal to DEP in that case. **JKP** stated she prefers Mary Rimmer's more conservative delineations, and agrees with denying the project. **SA** stated she doesn't see where they've proved compliance with salt marsh, coastal dune, and riverfront standards.

JKP motioned to deny the Notice of Intent for Thomas Underwood, 80 Cable Ave.

JDJ seconded

JKP amended her motion to deny the Notice of Intent for Thomas Underwood, 80 Cable Ave.

without prejudice due to lack of information and failure to meet salt marsh, coastal dune, and riverfront performance standards and due to the disagreement with delineations, and the variance denied at ZBA.

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

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

Michael Seekamp of Seekamp Environmental Consulting (**MS**) stated he wanted to exercise the same option for this application as the issues are the same.

JKP motioned to deny without prejudice Notice of Intent for Thomas Underwood, 86 Cable Ave., without prejudice due to lack of information and failure to meet salt marsh, coastal dune, and riverfront performance standards and due to the disagreement with delineations, and the variance denied at ZBA.

BL seconded

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

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

SA stated the applicant had requested a continuance to September 1, 2021.

BL motioned to continue the Notice of Intent for Town of Salisbury, Resilient Ring’s Island Road Improvement Project to September 1, 2021.

JDJ seconded

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

5. NOI: Marsha Kazarosian, Esq., 506 North End Blvd. (7/21/21)

Matt Steinel of Millennium Engineering (MS) provided an update to the Commission, noting the project has been scaled back and moved away from the dune. An appraisal was done, which valued the structure at about double what the Town had it valued as. They made some modifications to the plan, and MS reviewed the changes, including removing a deck and the spiral staircase, and instead having a 6x6 landing with stairs. As a result, the length of the mobi-mat was reduced. The cinder block foundation was removed from the plan, and the new portion will now be on piles. The concrete walkway will be removed. MS stated that the DEP has issued a file # with no comments. SA stated MC and JDJ did a site visit. SA noted there were concerns about erosion at the site. MC noted that there was already mature vegetation present in the areas of concern SA noted disturbance during construction create erosion problems. MS explained that anything disturbed will be replanted and they don’t anticipate erosion in this area. MC asked if the Agent had spoken to the Building Inspector about the substantial improvement. AM replied that the project is more feasible now and they’ll determine that when they go for their building permit. SA requested a condition that additional erosion control be placed at the Agent’s discretion. JKP asked if there will be a bond for potential replanting. SA replied she would recommend one, and the amount will be discussed with the Agent and applicant.

JKP motioned to approve the Notice of Intent for Marsha Kazarosian, Esq., 506 North End Blvd. with the standard order of conditions, and the following additional conditions: a bond in an amount to be determined by the Agent and applicant will be set for any necessary replanting, and if stabilization is needed, it will be discussed with the Agent prior to construction continuing.

JDJ seconded

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

6. NOI: Patrick DiMartino, 14 Lewis Ave (7/21/21)

SA stated no DEP # has been issued, the hearing will need to be continued to September 1, 2021.

JDJ motioned to continue the Notice of Intent for Patrick DiMartino, 14 Lewis Ave. to September 1, 2021.

BL seconded

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

7. NOI: Tom Patenaude, 207 Beach Road, lots 249-258 (8/4/21)

Matt Steinel of Millennium Engineering (**MS**) was present with Chris York also of Millennium Engineering, and the applicant Tom Patenaude **MS** noted there had been a site visit since the last hearing and discussed revisions to the plan which included adding rain gardens and adding a swale on the beach side of the property to address potential runoff concerns. **JDJ** expressed concern about how building at that location will affect the flooding in the area. **SA** asked whether there was a slope on the Beach Road side of the property that terminates at the sidewalk. **MS** confirmed there is, and stated they will adjust the grading and add a grass swale. They are making sure stormwater doesn't leave the site. **JKP** noted that just prior to the meeting information was received from peer reviewer Mary Rimmer and from DEP that no one has had a chance to review yet.

JKP motioned to continue the Notice of Intent for Tom Patenaude, 207 Beach Road, lots 249-258. to September 1, 2021.

JDJ seconded

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

8. NOI: Tom Patenaude, 207 Beach Road, lot 259 (8/4/21)

Matt Steinel of Millennium Engineering (**MS**) stated they are seeking a continuance to address comments from Mary Rimmer and DEP.

JKP motioned to continue the Notice of Intent for Tom Patenaude, 207 Beach Road, lot 259. to September 1, 2021.

JDJ seconded

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

9. NOI: Tom Patenaude, 207 Beach Road, lot 260 (8/4/21)

Matt Steinel of Millennium Engineering (**MS**) stated they are seeking a continuance to address comments from Mary Rimmer and DEP.

JKP motioned to continue the Notice of Intent for Tom Patenaude, 207 Beach Road, lot 260. to September 1, 2021.

JDJ seconded

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

10. NOI: Wayne Capolupo, 13 Beach Road, LLC, 13 North End Blvd. (8/4/21)

Matt Steinel of Millennium Engineering (**MS**) stated there was a site visit recently. Per the Commission's request at the last hearing, he has added mean high water to the plan, which is nowhere on the site and the site is above elevation 3.7. He added also spot grades to the plan, which show that the back of the sidewalk is at or near elevation 5, and the property is pitched so the water is directed to the right back hand corner of the lot. **SA** stated she had received photos of a pump in the lot pumping water from the lot back into the marsh, and that photos showed the whole lot was flooded, not just the back corner. **MS** stated he had discussed it with the applicant and he was aware it needed to be removed, and that he felt the addition of pavement will alleviate the flooding issue. **SA** expressed concern about adding petroleum product to the lot by paving it. **MS** stated he anticipates continuing the hearing in order to address comments from Mary Rimmer. **JDJ** asked when will the pump come out. **MS** said they can have it done, but some restoration will need to be done as a result, so it should be added to the Notice of Intent. **SA** replied that she would like the pump removed right away. **JKP** added she would like it done tomorrow. **MC** advised that a better option would be to turn it off and address the removal in the Order of Conditions. **SA** agrees. Abutter Dan Kelly of 44 North End Blvd. expressed concern that any change in elevation will affect flooding in the area. **MC** noted this issue was addressed by peer reviewer Mary Rimmer and more information will be available at the next meeting.

MC motioned to continue the Notice of Intent for Wayne Capolupo, 13 Beach Road, LLC, 13 North End Blvd. to September 1, 2021.

JDJ seconded

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

11. NOI: Edwin Garside, 39 Old County Rd. (8/4/21)

Matt Steinel of Millennium Engineering (**MS**) noted they were waiting for a DEP file # at the last meeting. It has since been issued with no comments. **MS** reviewed the proposed project for the sewer extension and water line extension. He noted that the DPW director had some concerns about a preexisting sewer line present there, but research indicates that is not the case and he is waiting to hear back from her. **MS** is also waiting to hear from the Board of Selectmen. **MC** noted that the water line was installed in front of the site previously and the plans should be updated.

JKP motioned to approve the Notice of Intent for Edwin Garside, 39 Old County Rd with the standard order of conditions, and the plan will be updated with the new water line, and the agent will receive a report from the Board of Selectmen regarding the sewer line.

JDJ seconded

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

JDJ motioned to close the public hearing for the Notice of Intent for Edwin Garside, 39 Old County Rd

JKP seconded

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

12. NOI: William Goddard, 93 Railroad Ave. (8/4/21)

Representative John Dick (**JD**) and the applicant Michelle Blanchette (**MB**) were present. He noted the revisions he made to the narrative and plans. He stated that vegetation on the site is nonnative, invasive, and

ornamentals, so they propose to remove vegetation and plant native species and to also remove the brick patio. **JDJ** asked if the driveway will be pervious. **JD** stated it used to be paved but has since broken up. The owners don't intend to upgrade it to a paved surface. **MB** agreed and stated she had no problem keeping the driveway pervious. **MC** noted that a landscape plan was not provided. **JD** stated there is a garden area on the site plan, and plantings are noted in the narrative. **MC** replied he would prefer an updated plan. **SA** agreed, adding it should show what's coming out and what's going in.

BL motioned to approve the Notice of Intent for William Goddard, 93 Railroad Ave. with the standard Order of Conditions and the additional conditions that they will remove broken pavement and replace with crushed clam shells, and they will provide an updated plan with what plants are to be removed and what are to be planted. **JDJ** seconded

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

C. ENFORCEMENT ORDERS:

HOLD, PENDING UPDATE:

1. 97 Atlantic Ave.
2. 114 Bridge Rd.
3. 36 Pike St.
4. 2 Baker Rd.
5. 16 Commonwealth Ave.
6. 150 North End Blvd.
7. **438 N. End Blvd. -**

SA stated the homeowners have had multiple discussions with the Agent and Commissioner members and they have educated themselves. **SA** stated when they last discussed the issue, they discussed restoration such as removing the concrete and fence around the house, and removing a small storage area. She recommended removing fence and 50% of the concrete, and to keep the fence surrounding the storage area at least 50% open. They should bring in Salisbury compatible sand to return the site to its original condition. **JKP** asked a recap of the issue, and what has been done over the last 5 years to fix the issue. **AM** replied the enforcement came about as the result of actions the homeowner took to mitigate erosion. The homeowner, Seth Traub (**ST**), explained they have attempted to plant trees around the house twice, which all died. They did plant some grass plugs, some were successful and some were not. **ST** noted that they've lost about 3.5 feet of sand from under the house. **JKP** asked if there were any plant recommendations. **SA** stated the sand they used is very fine and if they bring in a larger sediment size for sand it might help prevent erosion and she would recommend planting something that could establish a hardy root system. **JKP** asked how difficult it would be to remove every other slat on the fence. **ST** if it would solve the problem, they would do it. **SA** advised he reach out to the Agent tomorrow to discuss which concrete should be removed. **JDJ** noted that the condo associated adjacent to the property built a 12" high deck that may be contributing to the issue. **AM** stated she would follow up on that.

8. 565 North End Blvd.
9. 30 Main St.
10. 83 Atlantic Ave.
11. 211 N. End Blvd.
12. 16 Hayes St.
13. 11 Railroad Ave.
14. **37 Atlantic Ave. –**

SA stated a site visit was held last Friday with **JDJ** and **MC**. **JDJ** stated she felt they could lift it, and the site looked good.

JDJ motioned to lift the Enforcement Order for 37 Atlantic Ave.

BL seconded

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

15. 6 Sycamore Ln.

ACTIVE, PENDING COMPLETION:

16. 61 Bridge Rd.

COMPLETE, PENDING APPROVAL:

17. 2 Linda Ln

18. 139 Elm

19. 86/88 Elm St.

20. 165 Atlantic Ave.

21. 4 Main Street

22. 9 Bayberry Ln.

23. 82 Lafayette Rd

D. COMMISSIONER COMMENTS:

SA advised she would be on vacation next meeting but will make every effort to dial in.

E. ADJOURNMENT:

JDJ motioned to adjourn the August 18, 2021 Salisbury Conservation Commission Meeting at 9:30 pm
JKP seconded.

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