



**Salisbury Conservation Commission
Meeting Minutes
September 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**), Julie Doughman-Johnson (**JDJ**), Blake Leibert (**BL**), Jane Purinton (**JKP**), Mark Hatem (**MH**), Michael Colburn (**MC**)

COMMISSION MEMBERS ABSENT:

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

Chairwoman Sheila Albertelli opened the meeting at 7:11 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. **August 5, 2020**
2. **September 2, 2020**

JKP motioned to continue the minutes for August 5, 2020 and September 2, 2020

JDJ seconded

Vote: 6-0, unanimous. Motion Carried.

B. PUBLIC HEARINGS at 7:10pm:

1. **NOI: Town of Salisbury, Beach Comfort Station & Welcome Center, 228 Beach Road & Broadway Mall Island (9/2/20)**

SA noted that a DEP number has been issued. Salisbury Planning Director Lisa Pearson (**LP**) noted that a site walk had taken place the three members were able to attend. **JDJ** commented that she found the site visit informative and is happy that the structures will be two feet higher than what is required, and that they will be constructed to withstand flooding. **BL** noted that at the site visit, it was suggested they change the substrate under the structures from sand to river stone to avoid wash out, but otherwise everything else is good. **JKP** commented that the design is beautiful.

JKP motioned to approve the Notice of Intent for the Town of Salisbury, Beach Comfort Station & Welcome Center, 228 Beach Road and Broadway Mall Island with the standard order of conditions

BL seconded

Vote: 6-0, unanimous. Motion Carried.

2. **RDA: Town of Salisbury DPW, Fowler Street and Railroad Ave. (9/16/20)**

John Sykora of Weston and Sampson (**JS**) explained the project, stating that this is a maintenance project as there have been several sewage backups in the area. Due to staffing, the project will go out to bid. Work will take place in the AE flood zone, and manholes would be installed, as well as about 100 feet of sewer main. At the intersection of Fowler and Atlantic there is an existing sewer line where a manhole will be set and a new sewer line will be brought up Fowler Street. There are currently no access points on the sewer line on Railroad Ave, so manholes will be installed for access points.

BL motioned to issue a negative determination for the Request for Determination of Applicability for Town of Salisbury, DPW, Fowler Street and Railroad Ave.

JKP seconded

Vote: 6-0, unanimous. Motion Carried.

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

Tom Hughes of Hughes Environmental (**TH**) reviewed the site visit and the proposed replication area and noted that there will be a reduction in parking area. There will be more than a 1:1 replication, and thirteen added parking spots. A guardrail will be installed to prevent ongoing encroachments. They also will not be touching the forested space. **TH** discussed the snow storage areas along Elm Street, and the owner has in the past trucked snow offsite. Curbing will be installed to direct water. **TH** recommended keeping the Enforcement Order open should the work not progress to the Commission's satisfaction, and acknowledged that the Agent wanted the wetland work done first. **SA** suggested ordering a bond for the plantings, groundwork, and labor. **TH** suggested that as an alternative, if the work doesn't start in thirty days, a bond be issued for the groundwork, labor and plantings, and if the work does commence within thirty days, the bond only cover the cost of replacing the plantings, and spring and fall monitoring reports. **AM** advised the bond is required to issue a building permit, so **TH** suggestion would not work. Instead, she suggested separate bonds for the earthwork and plantings. **SA** stated there should also be an Environmental Monitor for the restoration work. **JKP** would also like to see close monitoring of the work. **SA** stated that they want the Enforcement Order to remain open and reflect the latest restoration plan, and suggested the Commission take it up out of order to amend with the latest plan.

BL motioned to take the Enforcement Order for Lis Family Trust, 139 Elm Street, out of order.

JKP seconded

Vote: 4-0-2, unanimous. MC and MH recused themselves from the vote. Motion Carried.

TH confirmed with **SA** that the Enforcement Order is not a public hearing, and therefore, **MC** and **MH** can vote on it.

BL motioned to amend the enforcement order for Li Family Trust, 139 Elm Street to include the current restoration plan as stated in the Wetland Creation Plan (sheet 3 of 7) and the Wetland Replication Plan (sheet 6 of 7) dated September 16, 2020.

JKP seconded.

Vote: 6-0, unanimous. Motion Carried.

JDJ asked how much the bond should be for. **AM** suggested getting some estimates and determine based on them.

JKP motioned to approve the Notice of Intent for Li Family Trust, 139 Elm Street with the draft Special Conditions and a bond for the condition of the wetland in an amount to be determined by the Agent.

JKP amended the motion to clarify that the bond is for the wetland replication

BL seconded.

Vote: 4-0-2, unanimous. MC and MH recused themselves from the vote. Motion Carried.

4. 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 Greely's Realty Trust, LLC, 12 Wyman Greely Street to October 7, 2020 at 7:10 pm.

BL seconded

Vote: 6-0. Unanimous. Motion Carried.

5. NOI: Ronald Trombley, Jetty Watch Condominium, 199 Atlantic Ave (8/5/20)

SA stated a DEP number has been issued. Matt Steinel of Millennium Engineering (**MS**) stated that the lack of DEP number had been holding up the approval. SA asked whether the patio pavers by the stairs would be removed. Ronald Trombley (**RT**) stated they would and that he would back-fill the area with sand. **JDJ** encouraged him to fill in old walkway and revegetate it so it's not a straight shot pathway of least resistance for the water. **MS** stated that it's the only guaranteed access to the beach without an agreement with the neighbor.

JDJ motioned to approve the Notice of Intent for Ronald Trombley, Jetty Watch Condominium, 199 Atlantic Ave.

JKP seconded

Vote: 6-0, unanimous. Motion Carried.

6. NOI: Ed Garside, 39 Old County Rd., (8/5/20)

SA stated that DEP had issued a file number, but that the applicant has requested a continuance.

JDJ motioned to continue the Notice of Intent for Ed Garside, 39 Old County Road to October 7, 2020 at 7:10 pm.

BL seconded.

Vote: 6-0, unanimous. Motion Carried.

7. NOI: Daniel DeStefano, DeStefano Landscape and Snow Company, 9 Gerrish Rd, Roadway (8/5/20)

SA stated that the applicant had requested a continuance.

JDJ motioned to continue the Notice of Intent for Daniel DeStefano, DeStefano Landscape and Snow Company, 9 Gerrish Rd, Roadway to October 7, 2020 at 7:10 pm.

JKP seconded

Vote: 6-0, unanimous. Motion Carried.

The matter was later recalled by **AM** to be sure all the public hearings for 9 Gerrish were continued.

JDJ motioned to continue the Notice of Intent for Daniel DeStefano, DeStefano Landscape and Snow Company, 9 Gerrish Rd, Lots 1-9 to October 7, 2020 at 7:10 pm.

BL seconded

Vote: 6-0, unanimous. Motion Carried.

8. NOI: Daniel DeStefano, DeStefano Landscape and Snow Company, 9 Gerrish Rd, Lot 1 (8/5/20)

This hearing was continued as motioned and voted above in item # 7.

- 9. NOI: Daniel DeStefano, DeStefano Landscape and Snow Company, 9 Gerrish Rd, Lot 2 (8/5/20)**

This hearing was continued as motioned and voted above in item # 7.

- 10. NOI: Daniel DeStefano, DeStefano Landscape and Snow Company, 9 Gerrish Rd, Lot 3 (8/5/20)**

This hearing was continued as motioned and voted above in item # 7.

- 11. NOI: Daniel DeStefano, DeStefano Landscape and Snow Company, 9 Gerrish Rd, Lot 4 (8/5/20)**

This hearing was continued as motioned and voted above in item # 7.

- 12. NOI: Daniel DeStefano, DeStefano Landscape and Snow Company, 9 Gerrish Rd, Lot 5 (8/5/20)**

This hearing was continued as motioned and voted above in item # 7.

- 13. NOI: Daniel DeStefano, DeStefano Landscape and Snow Company, 9 Gerrish Rd, Lot 6 (8/5/20)**

This hearing was continued as motioned and voted above in item # 7.

- 14. NOI: Daniel DeStefano, DeStefano Landscape and Snow Company, 9 Gerrish Rd, Lot 7 (8/5/20)**

This hearing was continued as motioned and voted above in item # 7.

- 15. NOI: Daniel DeStefano, DeStefano Landscape and Snow Company, 9 Gerrish Rd, Lot 8 (8/5/20)**

This hearing was continued as motioned and voted above in item # 7.

- 16. NOI: Daniel DeStefano, DeStefano Landscape and Snow Company, 9 Gerrish Rd, Lot 9 (8/5/20)**

This hearing was continued as motioned and voted above in item # 7.

- 17. AMENDED NOI: Cove Marina, 8 Friedenfels Rd. (8/19/20)**

David Smith of GZA (DS) reviewed the procedural history and the previous meeting. He continued to review the items that weren't initially approved by the Commission in the 1980s, which included: the building located at the marina, the parking area surrounding the building has a different layout than what was originally approved, the gangway and access floats were installed on the opposite end of the timber bulkhead from what was approved, and additional finger floats have been installed. He added that with the boat lift project, they are looking to store larger boats than what was approved by the Zoning Board in the 1980s, which has been

submitted to the Zoning Board. **JKP** asked if there had been any written complaints and **DS** replied there had not. **JKP** noted that she went on a site visit a few years ago and the property is lovely.

JDJ motioned to approve the Amended Notice of Intent for Cove Marina, 8 Friedenfels Road, as stated
JKP seconded

Vote: 6-0, unanimous. Motion Carried.

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

SA stated the applicant had requested a continuance.

BL motioned to continue the Amended Notice of Intent for Richard Shaheen, 201 Atlantic Ave to October 7, 2020 at 7:10 pm.

JDJ seconded

SA confirmed with the Agent that the conditions of the last meeting's motion regarding the site visit still stands.

Vote: 6-0. Motion Carried.

C. NEW BUSINESS:

1. Request for Certificate of Compliance, 11, 11th St.

SA stated a site visit was needed. **MC**, **JDJ**, and **JKP** volunteered for the site visit.

JKP motioned to continue the Request for a Certificate of Compliance for 11, 11th Street until October 7, 2020 and in the interim a site visit will be conducted.

JDJ seconded

Vote: 6-0, unanimous. Motion Carried.

D. OLD BUSINESS:

1. Request for Certificate of Compliance, 233 Beach Rd.

AM stated a site visit was conducted with **MC**, **JDJ**, and **BL** the previous week. During that visit, they could see the fence had been retrofitted to meet the 50% open criteria, the air conditioning units still needed to be raised, and they just need to discuss the puddle by the dumpster and swale in the back. **AM** stated she spoke with Joe Serwatka regarding the infiltration basin in the rear. He explained that it was designed as an infiltration basin and works as such. It is not a swale, there is no outlet, and it does what it is designed for. **JDJ** noted that the air conditioning units are not elevated, and that there is an issue keeping the water from spreading through the basin. Steve Pacquette (**SP**) stated that now it is cooler he can get the air conditioning units elevated. Paula Oliveira, Chair of the Condo Association (**PO**) stated she spoke with the landscaper to make a drainage path from the dumpster area, and that work should have been completed today. **SA** suggested installing some plantings that would help with the puddling issue, and noted that Joe Serwatka stated in his report that additional grading could be done, but there was no guarantee that it would alleviate the puddling issues. The Commission members agreed that the one outstanding issue is elevating the air conditioning units.

JKP motioned to continue the Request for a Certificate of Compliance for 233 Beach Road until the air conditioning units are raised above flood zone.

JDJ seconded

Vote: 6-0, unanimous. Motion Carried.

3. Request for Certificate of Compliance, 10 Bartlett St.

SA noted that they also requested a modification to pave the driveway. **David Elgart (DE)** explained there would be three inches of asphalt compacted to 2.5 inches. He is keeping the layout the same. **AM** noted that the proposed work is mostly out of the 100-foot buffer zone. **JKP** stated that the work would alleviate issues with the DPW and Planning and that she has no issue with it.

JKP motioned to grant the modification for paving the driveway, and allowing time for the grass to grow before issuing the Certificate of Compliance.

JDJ seconded

Vote: 6-0, unanimous. Motion Carried

4. Request for Certificate of Compliance, 28 Rabbit Rd.

JDJ commented that the property looked great at the site visit. **AM** agreed and stated that there were some areas where the vegetation didn't take and requested they re-seed or replant those areas, and they can check back in once those areas have grown back in a little more. She suggested tabling the Request until the vegetation takes. She also commented that they are happy with the work that has been done, and the owner is welcome to use the site, they just want those areas to vegetate before issuing the Certificate. **JKP** stated she thought the site looked great and didn't realize any areas needed additional work. **AM** explained that over all the site was great, but there were some areas that needed attention, such as a detention basin that had a blowout which needed to be repaired, and the constructed wetland hadn't grown in great, and a berm had no grass growing yet. **David Pearson (DP)** noted that they planted 300 more plugs than was required. The seed has already been ordered to reseed, and the excavator is on site to fix the blowout. He also asked if there was any way to get the Certificate tonight as the site is already required to be monitored for the next 2 years. The Commission discussed whether to table the request or issue a partial Certificate of Compliance. **DP** questioned whether they could use the site if the matter is tabled. The Commission confirmed they could. **DP** requested the Commission table the Request to allow them to revegetate and fix the blow out.

JDJ motioned to table the Request for Certificate of Compliance for 28 Rabbit Road in order for the applicant to fix the blow out, and for the lot to revegetate.

BL 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
14. 61 Bridge Rd.
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:

AM announced that Angelica Medina from the DPW has accepted a position in Danvers and her last day will be October 2nd. **SA** stated she will be missed and she wishes her well.

F. ADJOURNMENT:

JDJ motioned to adjourn the September 16, 2020 Conservation Commission Meeting at 9:25 p.m.
JKP seconded.

Vote: 6-0, unanimous. Motion Carried