



**Salisbury Conservation Commission  
Meeting Minutes  
September 2, 2020  
Colchester Auditorium, Town Hall  
5 Beach Road  
Salisbury, MA 01952  
Virtual Meeting  
7:00 P.M.**

**COMMISSION MEMBERS PRESENT:** Julie Doughman-Johnson (**JDJ**), Blake Leibert (**BL**), Jane Purinton (**JKP**), Mark Hatem (**MH**), Michael Colburn (**MC**)

**COMMISSION MEMBERS ABSENT:** Chairwoman Sheila Albertelli (**SA**)

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

Jane Purinton opened the meeting at 7:09 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. July 1, 2020**

**2. July 15, 2020**

**JDJ** motioned to approve the minutes for July 1, 202 and July 15, 2020

**BL** seconded

**Vote: 5-0, unanimous. Motion Carried.**

**3. August 5, 2020**

**JDJ** motioned to continue the minutes for August 5, 2020

**BL** seconded

**Vote: 5-0, 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)**

Salisbury Planning Director Lisa Pearson (**LP**) stated the project was approved at Town Meeting and has gone through a rigorous E & F process through MEPA, and has received feedback from CZM, DEP, and other state agencies. The buildings will be constructed on the barrier beach, and there will be two buildings, one located at the end of the Broadway Mall, and the other at the corner of the parking lot. The project is currently out to bid, and the Town is looking forward to being able to begin construction. Anne M. Marton of LEC (**AMM**) reviewed the proposed locations of the two buildings, and the existing conditions of the areas, stating that the sites are almost completely paved. **AMM** reviewed the proposed site plan for the Welcome Center to be located at the Broadway Mall. In total, it will be about 8500 square feet. The actual welcome center will be about 1200 square feet, and surrounded by about 3600 square feet of elevated deck, which will include handicap ramps, and east of the building there will be steps down with seating to an at grade plaza of about 1200 square feet. There

will also be approximately 700 square feet of planting areas. The Comfort Station, to be located at the Hunt Memorial Parking Lot, will include a building of about 1300 square feet with a 600 square foot deck and handicap ramp, a 2300 square foot at grade plaza with seating, and 2400 square feet of planting beds. **AMM** stated that both facilities have a finished floor elevation of 11 feet, which is 2 feet above base flood elevation and will have at least 2 feet of clearance from the ground to the lowest horizontal member, and it will be 50% open underneath. Plants that will be planted were selected from the CZM list for coastal areas, except for the black-eyed Susan and gro-low fragrant sumac. **AMM** noted that because this is a redevelopment project, the number of Stormwater standards are reduced. For the structure located at the Broadway Mall, stormwater will continue to sheet flow off, and roof run off will be discharged into the existing drainage system. For the structure in the Hunt Memorial Parking Lot, the existing catch basins will be retrofitted with 4-foot sumps and tied into the existing storage drainage system. **JKP** commented that she had just received the CZM and DEP letters today updates today, and she hasn't had a chance to review them, but she is impressed by the narrative and the project looks gorgeous. **BL** noted that another project that came through the Conservation Commission for Salisbury Beach had issues with the foundation and pylons that would hold the structure in place in terms of being in the flood zone and questioned how the project differs from what they were proposing. Ray Porfilio of Epstein and Joslin (**RP**) stated that the foundation system they're working with are helical piles, which are 3-4 inch tubed steel which get torqued into the ground. They will be approximately 25 to 30 feet deep to achieve the loading that is necessary. There are no footings or subsurface concrete members and there will be diagonal cross bracing under half the piles. **BL** stated the water flow during a 100 year storm is of concern, and he needed to look at it more. **JKP** added that these building are much smaller than the other project **BL** is referring to, and the positioning of cross bracing is fine in her opinion. **RP** added that the piles function as a unit as they are connected by a concrete slab under the building at about elevation 10 feet 2 inches to 11 feet. **JDJ** commented that the landscaping looks low maintenance. **RP** replied that was on purpose and the intent is to allow the landscaping to naturalize.

**JDJ** motioned to continue the Notice of Intent for the Town of Salisbury, Beach Comfort Station & Welcome Center, 228 Beach Road and Broadway Mall Island to September 16, 2020 at 7:10 PM

**MH** seconded

**JDJ** amended her motion to add that they would schedule a site visit in the interim

**BL** seconded

**Vote: 5-0, unanimous. Motion Carried.**

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

Tom Hughes of Hughes Environmental (**TH**) reviewed the updates. Previously, they had proposed 20 additional parking spaces, and the new proposal is for 13 additional spaces. There will be 1500 square feet of fill and there will be 1500 square feet of replication with dense plantings, including Dogwoods, Winterberry Holly, Wild Raising, and Highbush Blueberry. **TH** stated that Mary Rimmer is reviewing the new replication plan. **JDJ** commented that the changes look much better. **BL** asked how many trees would be impacted. **TH** stated that only trees 6 to 8 inches in diameter would be affected, and that nothing big would be impacted. They might also plant red maples. **BL** then asked what the anticipated timeline is. **TH** replied that he expected there to be conditions requiring replication to be done first, and conditions about filing for a Certificate of Compliance on the old Order of Conditions as soon as the appeal period ends on this filing. **JKP** stated the project will need careful oversight, and she would like a site visit. **TH** added that they can plant as long as the ground is not frozen.

**BL** motioned to continue the Notice of Intent for Li Family Trust, 139 Elm Street to September 16, 2020 at 7:10pm

**JDJ** seconded.

**Vote: 3-0-2, unanimous. MC and MH recused themselves from the vote. Motion Carried.**

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

**JKP** 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 September 16, 2020 at 7:10 pm.

**MC** seconded

**Vote: 5-0. Unanimous. Motion Carried.**

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

Matt Steinel of Millennium Engineering (**MS**) noted that there was no DEP number yet, and that they will continue the hearing as there is nothing to add. DEP appears to be dragging their feet on issuing the file number, and haven't stated why. **JKP** discussed the site visit that was conducted by herself, **JDJ** and **AM**. **JDJ** suggested installing a sand fence or some plantings so water doesn't wash over the walkway. **MS** stated the walkway is potentially the only access but he will ask. The applicant, Ronald Trombley (**RT**) stated they have tried to create a zig-zag to prevent that. **JDJ** asked whether they have planted beach grass. **RT** replied they have and plan to add more in the fall. **JKP** noted there were patio blocks on the left side of the building if you're facing the home on the ocean-side and suggested they be removed as they could become projectiles, and also suggested removing a raised bed. **RT** stated he would discuss the suggestions with the other unit owners. **JKP** also commented that the walkway is narrow, and if the deck is extended, it appears it will be over the walkway, and might cause people to walk on the dune. **MS** stated that the deck will stop at the walkway.

**JDJ** motioned to continue the Notice of Intent for Ronald Trombley, Jetty Watch Condominium, 199 Atlantic Ave to September 16, 2020 at 7:10 pm

**MC** seconded

**Vote: 5-0, unanimous. Motion Carried.**

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

**JKP** stated that the Commission had received a letter from Mary Rimmer today. **AM** added that the representative, Tom Hughes, had requested a continuance.

**JDJ** motioned to continue the Notice of Intent for Ed Garside, 39 Old County Road to September 16, 2020 at 7:10 pm.

**MC** seconded.

**Vote: 5-0, unanimous. Motion Carried.**

**6. NOI: Erick & Ellen Kuchar, 557 North End Blvd (8/5/20)**

**JKP** stated that she and **MC** had conducted a site visit of the property. Matt Steinel of Millennium Engineering (**MS**) stated the project was to renovate the existing structure, reconstruct the existing deck, and to pull the deck out of the Right of Way. They plan to construct new stairs, and expand the southern and western decks. **MC** stated he had no concerns after the site visit. **JKP** agreed and added that DEP had no comments.

**BL** motioned to approve the Notice of Intent for Erick & Ellen Kuchar, 557 North End Blvd. with the standard conditions.

**JDJ** seconded

**Vote: 5-0, unanimous. Motion Carried.**

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

**JKP** stated that DEP numbers had been issues, and there was a site walk on August 17<sup>th</sup> with herself, **MC**, and **AM**, and that they are currently waiting for an update from Mary Rimmer. Matt Steinel from Millennium Engineering (**MS**) stated the applicant was requesting a continuance, but is withdrawing lot 10 as they have eliminated the lot, and will update the plans to reflect the withdrawal.

**BL** motioned to continue to Notice of Intent for Daniel DeStefano, DeStefano Landscape and Snow Company, 9 Gerrish Rd, Roadway to September 16, 2020 at 7:10 pm.

**MC** seconded

**Vote: 5-0, unanimous. Motion Carried.**

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

**BL** motioned to continue to Notice of Intent for Daniel DeStefano, DeStefano Landscape and Snow Company, 9 Gerrish Rd, Lot 1 to September 16, 2020 at 7:10 pm.

**MC** seconded

**Vote: 5-0, unanimous. Motion Carried.**

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

**BL** motioned to continue to Notice of Intent for Daniel DeStefano, DeStefano Landscape and Snow Company, 9 Gerrish Rd, Lot 2 to September 16, 2020 at 7:10 pm.

**MC** seconded

**Vote: 5-0, unanimous. Motion Carried.**

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

**BL** motioned to continue to Notice of Intent for Daniel DeStefano, DeStefano Landscape and Snow Company, 9 Gerrish Rd, Lot 3 to September 16, 2020 at 7:10 pm.

**MC** seconded

**Vote: 5-0, unanimous. Motion Carried.**

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

**BL** motioned to continue to Notice of Intent for Daniel DeStefano, DeStefano Landscape and Snow Company, 9 Gerrish Rd, Lot 4 to September 16, 2020 at 7:10 pm.

**MC** seconded

**Vote: 5-0, unanimous. Motion Carried.**

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

**BL** motioned to continue to Notice of Intent for Daniel DeStefano, DeStefano Landscape and Snow Company, 9 Gerrish Rd, Lot 5 to September 16, 2020 at 7:10 pm.

**MC** seconded

**Vote: 5-0, unanimous. Motion Carried.**

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

**BL** motioned to continue to Notice of Intent for Daniel DeStefano, DeStefano Landscape and Snow Company, 9 Gerrish Rd, Lot 6 to September 16, 2020 at 7:10 pm.

**MC** seconded

**Vote: 5-0, unanimous. Motion Carried.**

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

**BL** motioned to continue to Notice of Intent for Daniel DeStefano, DeStefano Landscape and Snow Company, 9 Gerrish Rd, Lot 7 to September 16, 2020 at 7:10 pm.

**MC** seconded

**Vote: 5-0, unanimous. Motion Carried.**

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

**BL** motioned to continue to Notice of Intent for Daniel DeStefano, DeStefano Landscape and Snow Company, 9 Gerrish Rd, Lot 8 to September 16, 2020 at 7:10 pm.

**MC** seconded

**Vote: 5-0, unanimous. Motion Carried.**

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

**BL** motioned to continue to Notice of Intent for Daniel DeStefano, DeStefano Landscape and Snow Company, 9 Gerrish Rd, Lot 9 to September 16, 2020 at 7:10 pm.

**MC** seconded

**Vote: 5-0, unanimous. Motion Carried.**

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

**BL** motioned to accept the request to withdraw the Notice of Intent for Daniel DeStefano, DeStefano Landscape and Snow Company, 9 Gerrish Rd., Lot 10 without prejudice.

MC seconded

**Vote: 5-0, unanimous. Motion Carried.**

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

David Smith of GZA (**DS**) discussed the amendment, informing the Commission that they had originally come before them with a Notice of Intent last fall for a boat lift project and received an Order of Conditions in December of 2019. They needed a DEP Chapter 91 license for the changes - they already have one for the bulkhead, fill, and marina, but because of the new changes, a new application was needed. DEP compared the existing site plan and current aerials to what was licensed in 1988 and found some discrepancies with the licensing, so they need to address those discrepancies in the new licensing. As part of the new licensing for these changes, they need to come back to the Conservation Commission for approval. The 20 x 24 marina building was constructed in the fall of 1988, but was not included in the Order of Conditions or Chapter 91 license from that time period, but a Special Permit issued by the Town of Salisbury in February 1989 did include it. **DS** then reviewed the procedural history and other changes from what was originally proposed in 1988. **DS** stated that this amendment request is seeking to authorize work that was already done. **JDJ** asked how many boats are stored **DS** replied that right now there are not many and the number varies. **JDJ** noted that only 50 are permitted to be stored in winter and they are not to exceed 28' in length, and advised **DS** that they may need to come back if changes are to be made in those details. **DS** reviewed the documentation and noted that they might need to change if that is the most recent document. **JDJ** asked how many slips there are and **DS** replied 143. **JKP** advised that this is no under the Conservation Commission's purview. **BL** asked who would have jurisdiction over the boat storage issue. **AM** replied likely the Planning Board, but the issue is not a part of this amendment.

**BL** motioned to continue the Amended Notice of Intent for Cove Marina, 8 Friedenfels Road, to September 16, 2020 at 7:10 pm.

**MH** seconded

**Vote: 5-0, unanimous. Motion Carried.**

**19. NOI: Jarod Meekins, 8 Sacks Way. (8/19/20)**

Tom Hughes of Hughes Environmental (**TH**) reviewed the property and project, which is to put in a garage in an area that currently has a shed. The property is located by the old drive in. The proposed garage is 44 feet to the wetland, and they plan to plant 12 blueberry bushes and restore vegetation in a five-foot strip along the back of the property. The buffer will increase by 14 feet. **MC** stated he was happy with the plan as presented.

**JDJ** motioned to approve the Notice of Intent for Jarod Meekins, 8 Sacks Way.

**MC** seconded

**Vote: 5-0, unanimous. Motion Carried.**

**20. NOI: Rony Peterson Kirmse Jabour, 82 Rabbit Rd. (8/19/20)**

Matt Steinel of Millennium Engineering (**MS**) reviewed the property and stated the applicant proposes to construct two garages with living space above and connected to the existing house. The work will take place within the foot print of the existing driveway, and they will move the pool. **JKP** noted that moving the pool will be an improvement as the proposed new location will be further from Small Pox Brook and wetland resource area. **MC** asked whether they will be removing the walkway to the existing pool. **MS** stated they probably will, but he will confirm with the applicant.

**BL** motioned to approve the Notice of Intent for Rony Peterson Kirmse Jabour, 82 Rabbit Rd., with the conditions that they will remove the existing walkway to the pool and revegetate it with lawn grass.

**JDJ** seconded

**Vote: 5-0, unanimous. Motion Carried.**

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

The applicant, Richard Shaheen (**RS**) reviewed the previous meeting. He discussed marrying the existing dunes on the property. **JDJ** asked whether they plan to move the building back away from the dune. **RS** stated he's trying to preserve parking. Matt Steinel of Millennium Engineering (**MS**) stated that the new structure will be 21 feet from the road, and 20 is required per zoning, and a variance would be needed from Zoning, which is a much larger hurdle to overcome. **JKP** stated she had concerns with the deck over the new dune. **RS** stated he will be using flow through decking and the deck will be at least 6 feet above the dune, and that the deck was previously approved in the original filing. **MS** added that the deck is about 5.5 feet off the dune. **JKP** remarked that deck furniture adds shade. **RS** stated that 296 square feet of dune grass will be impacted, and some of it may survive, but regardless he is planning 613 square feet of replication, which is more than 2:1. **JKP** stated that the Commission had received letters from neighbors who are concerned. At least one letter was received that day and the Commission Members had not had a chance to read it and process it. **JDJ** stated she would like to see the profile of the back deck, stairs, and walkway, and asked if it would be a wood rollout walkway, or something like the state uses. **RS** stated it would be roll out, connecting to his stairs. An existing wooden walkway that connects to 199 Atlantic would remain. The rollaway walkway would be removed in September. **RS** also stated he has spoken with the concerned abutters in an attempt to alleviate their concerns. He added that he is concerned that without a walkway, people will continue to walk over the dune, causing further damage, more than a rollaway walkway would. **JKP** asked if the debris from the demolition had been removed, and **RS** confirmed that he had screened the entire property in an effort to remove all the debris.

**RS** stated he was worried about continuing the hearing and the incoming storm season, and leaving the property and surrounding properties unprotected. **JKP** acknowledged his concern and explained that the Commission needs more time with the material and more information on the removable walkway. Don Egan of 195 Atlantic Ave. (**DE**) stated that it was his understanding that the recommended dune profile for reconstructed dunes is 20 feet deep and 4 – 5 feet high, and he was curious as to where that would be located. He also confirmed that Mr. Shaheen had reached out to him today, and that he had mentioned a future plan to build additional dune structure further out with beach grass and sand fencing, and he was curious if there was any plan to incorporate that plan with the Order of Conditions. **JKP** said that it can be added to the Order of Conditions. She also asked that **MS** speak to the recommended dune profile as mentioned by **DE**. **MS** stated he is unaware of any specific guidelines. In this case, if those are the standard guidelines, they do conform with them. **DE** stated that he is confused about the proposed walkway and whether it will be shared between 201 and 199. **MS** stated his understanding is that they intend to share the walkway, but no legal rights have been granted regarding the use., and that 199 will retain their individual access for future purposes. **JKP** commented she'd like more information about the proposed walkway, and she wants to think more about the deck that will be extending over the new dune. Jason Rivera, of 203 Atlantic Ave. offered his support for the rollout walkway, stating that he worked for the Department of Environmental Management for 6 years working on both elevated and rollout structures to pass over dunes at state parks and beaches. While the elevated walkways ideologically make sense, the problem he's seen is that they create a wind factor that will bury the structure or create a divot next to the structure that won't allow grass to grow. He feels a rollout is a smarter solution because it can be adapted based on what the sand does over time, and what the vegetation does as well, rather than making the dune adapt to a permanent structure. He added that even with the deck extending over the dune, the dune grass will creep in, and there's other vegetation that will do well in shady areas. **JKP** suggested another site walk and requested that **MS** place some stakes to assist with visualizing what is proposed. **BL** asked what the primary concerns were in the letter from the abutter. **DE** stated his concern was that the deck over the dune will potentially prevent grass from growing, and that he spoke with **RS** earlier regarding it. **DE** commented he had never heard of the ThruFlow decking proposed, and that **RS** had told him the engineer stated it was a viable option to allow

the vegetation to grow underneath. He added that he thinks extending the dune is great. His other concerns mentioned in the letter were whether the proposed reconstructed dune will meet the standards, and the use of the rollout walkway. **BL** asked if those concerns have been assuaged. **DE** stated he had to respectfully disagree with Mr. Rivera's comments regarding the rollout walkway, stating that he has used them on his own property, and it was not effective in reducing the erosion, while the elevated walkway on his property has functioned better. **MS** reviewed the replication plan and stated that roll out mats were already in use at the beach. **MS** asked how many are in use and **AM** stated that there are several. **MC** questioned whether anything will be gained by continuing as there are already rollout mats in use. **AM** replied that she is not comfortable conditioning making the dune come out further than the toe of the dune that is already established. If the dune is not meant to be there, the ocean will just wash it out, then there will be a condition that cannot be enforced. While it is a noble effort, she is not sure that she would include it in the order of conditions. She also stated that she would like specifics on the type of rollaway walkway to be used as there are many different options. She wants to be sure that the conditions are specific enough. **MS** suggested a mobi mat style or approved equivalent. **RS** stated he would take recommendations on the type of removable walkway. **JDJ** and **MH** both stated they wanted more information regarding the walkway and who would be responsible for it. **MS** stated they provide spec sheets regarding the mobi mat to be used and **RS** added it would be removed in the fall.

**JDJ** motioned to continue the Amended Notice of Intent for Richard Shaheen, 201 Atlantic Ave to September 16, 2020 at 7:10 pm. with conditions that another site walk will be conducted, the applicant will provide spec sheets regarding the type of removable mat to be used, and lateral images of the back deck and stairs will be provided to the Commission.

**MH** seconded

**Vote: 4-1. Motion Carried.**

## **22. RDA: Frank Cann, 14 11<sup>th</sup> St. (9/2/20)**

The applicants, Paul Driscoll (**PD**) and Frank Cann (**FC**) were present. **FC** explained that the proposed project is to remove and replace concrete with permeable pavers. **JKP** asked if they had already started the work. **FC** replied that he did because he was told by his contractor that approval from Conservation was not needed, but stopped work once they learned that approval was necessary. **MC** requested to hear from the Agent. **AM** stated she found out about the project the previous week and stopped by. She walked the site and determined the scope of the work called for an RDA. **MC** asked if sand was used as a base and what was under it. **AM** stated as long as it maintains permeability it doesn't matter. **FC** said he'd like to use chipped stone as a base if it was ok. **MC** asked what would go between the pavers. **FC** stated that there would be no space, and **PD** corrected him. **MC** advised that the proper installation technique was to use chipped stone as a base, and between the paver. **JKP** advised **FC** that he would need to furnish the Commission with the exact specifications for the pavers, and the installers would need to follow the manufacturer's directions for installation.

**BL** motioned to approve the Request for Determination for Frank Cann, 14 11<sup>th</sup> Street.

**MC** seconded

**Vote: 5-0, unanimous. Motion Carried.**

## **C. NEW BUSINESS:**

### **1. Request for Certificate of Compliance, 38 Pike St.**

**JKP** noted that the Agent checked out the property and had no issues. Matt Steinel of Millennium Engineering (**MS**) reviewed the site with the Commission and noted three minor deviations. A proposed retaining wall wasn't needed so wasn't constructed; the stairs were configured slightly differently; and the septic was moved away from the wetland.



**JDJ** motioned to issue the Certificate of Compliance for 38 Pike Street

**MC** seconded

**Vote: 5-0, unanimous. Motion Carried.**

## **2. Request for Certificate of Compliance, 233 Beach Rd.**

**JKP** noted that the air conditioning units need to be elevated, and an existing fence was extended by three panels which were solid and not 50% open. Steve Paquette (**SP**) discussed grading and drainage at the site, noting an area on the plan where ponding was occurred in the past. **JDJ** stated that at a site visit this week, unit owners expressed concern about an area of ponding in front of the dumpsters. **SP** explained that because the marsh elevation is higher, they cannot channel any of the water to the marsh. He also noted that the ponding in the rear has been alleviated, and suggested that some fill may have been put in at an abutting property and may be contributing to run-off. **JDJ** commented that she thought the swale in the rear was supposed to drain out to the marsh, but by looking at the plan, it's designed to infiltrate in itself. **SP** confirmed that it designed to hold stormwater for a period of time. **AM** remarked that her understanding is that the water is going to either side of the crest in the grading, and that there is a low spot that is causing ponding. The water should discharge to the marsh. **MC** asked if it was a swale or a retention basin. **AM** stated it is supposed to be a swale. She discussed how the grading of the area is contributing to the problem. **SP** explained that regrading is not going to fix the issue. Michael Fay of 233 Beach Road, Unit D1 (**MF**), stated that the area in question has always acted as a retention basin and holds water almost all the time for most of the year from October to May. **JKP** suggested that there is asphalt under the marsh from an old drive in. Paula Oliveira, Chair of the Condo Association (**PO**) further discussed the pooling that is occurring near the Tens property, and noted that the landscaper had difficulty digging holes to plant shrubs in that area. **SP** added that prior to adding fill, the swale held more. **MF** asked why it was not leveled. **MC** replied that the water would go under the building. **JDJ** advised Mr. Paquette that the air conditioner units will need to be elevated two feet. Jim Menard of 233 Beach Road, Unit C1 (**JM**) noted that there is still ponding by the dumpster, even with the new asphalt. **SP** replied that they had done micro grading on the site, and the grading cannot be adjusted in such a way that puddling won't occur. **MC** explained that the water can't be pumped anywhere. **PO** referred to comments by Joe Serwatka. **JKP** asked about the fence, **PO** replied that it was extended due to theft issues. **JKP** advised that it needed to be 50% open. **MH** asked if they had gotten a second opinion regarding the drainage issues, and **SP** replied that he has spoken with a few engineers. **AM** noted the two outstanding issues are elevating the air conditioning units, and the fence and suggested continuing the hearing and speaking with Joe Serwatka for a resolution to the drainage issue.

**JDJ** motioned to continue the Request for a Certificate of Compliance for 233 Beach Road until September 16, 2020 and for the Agent and Steve Paquette to speak with Joe Serwatka.

**MC** seconded

**Vote: 5-0, unanimous. Motion Carried.**

## **3. Request for Certificate of Compliance, 71, 73, 75 North End Blvd.**

**JKP** stated that she did a site visit with **AM** and **MC**, and it looks good except the grass is not stabilized, but the Certificate could still be issued with a bond for landscaping of about \$2,000, or they could not grant the certificate at this time. A fence that was previously an issue was determined to not be on the property. **JKP** advised that if any fence is installed on the property in the future, that it be 50% open. **AM** requested elevation certificates from the developer. Project Engineer Dennis Griecchi (**DG**) confirmed that he would forward the certificates.

**MC** motioned to issue the Request for Certificate of Compliance for 71, 73, and 75 North End Blvd, with a bond in the amount of \$2000 to insure the stabilization of the grass.

**BL** seconded.

**MC** amended his motion to include that any future fence will be 50% open.

**BL** stated his second stands

**Vote: 5-0, unanimous. Motion Carried**

#### **4. Request for Certificate of Compliance, 48 & 50 Old County Rd.**

**AM** stated the site is in compliance, the grass is sparse, but stable.

**BL** motioned to issue the Certificate of Compliance for 48 & 50 Old County Road

**MC** seconded

**Vote: 5-0, unanimous. Motion Carried**

#### **5. Request for Extension, Habitat for Humanity, 22 Old County Rd.**

**JKP** stated the applicant had requested a three-year extension to expire on August 9, 2023.

**JDJ** motioned to grant the extension for Habitat for Humanity, 22 Old County Road for until August 9, 2023.

**BL** seconded

**Vote: 5-0, unanimous. Motion Carried**

#### **6. Request for Extension, Town of Salisbury, Partridge Brook Park**

**JKP** stated the Town is request a three-year extension to September 11, 2023.

**BL** motioned to grant the extension for Town of Salisbury, Partridge Brook Park, until September 11, 2023.

**JDJ** seconded.

**Vote: 5-0, unanimous. Motion Carried**

#### **7. Request for Certificate of Compliance, 10 Bartlett St.**

**AM/JKP** stated only half the site is stable, and the part that isn't is next to the resource area. The Commission needs proof that the entire site is stable. **AM** suggested a bond would be a good idea in this situation. The Commission put the decision to the applicant, David Elgart (**DE**) as to whether they continue the Request for a Certificate of Compliance, or issue it with a bond of \$2000.00. **DE** stated the site had already been re-seeded and was waiting for it to sprout, so he was ok with continuing the request.

**JDJ** motioned to continue the Request for Certificate of Compliance for 10 Bartlett Street until September 16, 2020

**MC** seconded

**Vote: 5-0, unanimous. Motion Carried**

#### **8. Request for Certificate of Compliance, 28 Rabbit Rd.**

**JKP** stated the vegetation was in question and suggested a site visit.

**JDJ** motioned to continue the Request for Certificate of Compliance for 28 Rabbit Road in order to conduct a site visit until September 16, 2020.

**BL** seconded

**Vote: 5-0, unanimous. Motion Carried**

## **9. Request for Significance of Change, 57 Railroad Ave.**

**JKP** informed the Commission that the applicant is proposing a modification to include raised stairs to return the site to compliance after constructing stone stairs in the VE Zone. Libby Bowker of Mead, Talerman & Costa (**LB**) explained that there was a mix up regarding steps on the rip rap area adjacent to Libby Ave. The plan that was approved by the Conservation Commission showed no stairs, while the Planning Board approved a plan with stone stairs proposed, which were installed. They would like to correct this error and make sure the stairs meet the performance standards and Wetland Protection Act. They propose installing raised wooden steps over the rip rap embankment to minimize impact on the dune from people attempting to cross the rip to access Libby Ave. **JDJ** remarked that it looked like there was more gravel than what was on the plan. And suggested that most of the gravel be removed and replaced with sand, and gravel should only be under the stairs. She also questioned whether anything allowing passing over the dune was approved by Conservation. **JKP** stated that the Agent had checked, and that part was ok. **AM** informed the Commission that she had stopped by the site mid construction, and the whole site was to be developed and was previously a parking lot. Jersey barriers were on site and they were advised that they should be removed. The stairs weren't discussed prior to installation, so they were issued a violation notice. **JKP** asked whether the rip rap had been approved and **AM** replied that it was. Matt Hamor of Landplex Engineering (**MH**) added that the rip rap was only in one area to help with run off. **JKP** stated that as long as it is in compliance, there's no issue with the rip rap. **JKP** also confirmed with **MH** that there will be open risers with 2 feet of separation, and railings, and the stairs will be properly secured.

**BL** motioned to find the changes to 57 Railroad Ave not significant

**MC** seconded

**Vote: 5-0, 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. 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.

E. **COMMISSIONER COMMENTS:**

F. **ADJOURNMENT:**

**JDJ** motioned to adjourn the September 2, 2020 Conservation Commission Meeting at 11:35 p.m.

**BL** seconded.

**Vote: 5-0, unanimous. Motion Carried**