



**Salisbury Conservation Commission
Meeting Minutes
August 4, 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**), Daniel Richard (**DR**)

COMMISSION MEMBERS ABSENT: None

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

Chairwoman Sheila Albertelli opened the meeting at 7:08 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
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 until August 18, 2021

MC seconded

Roll Call Vote: SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes; BL – Yes; DR - Yes
Vote: 6-0-0. 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 August 18, 2021, and asked if there was an update for the project. She also advised that without an update they will issue a decision next meeting. There was no one present to provide an update.

JDJ motioned to continue the Notice of Intent for Rodger Perlstein, 12 Wyman Greeley's Realty Trust, LLC, 12 Wyman Greeley Street to August 18, 2021 at 7:10 pm, with an update required at the next meeting.

BL seconded

Roll Call Vote: SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes; BL – Yes; DR - Yes
Vote: 6-0-0. Unanimous. Motion carried.

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

SA stated the applicant had requested a continuance to August 18, 2021 and asked if anyone was present to provide an update. Matt Steinel of Millennium Engineering (MS) stated that the matter had been handed over to counsel to file for a variance with the Zoning Board of Appeals, and they are currently waiting for a meeting date.

JDJ motioned to continue the Notice of Intent for Thomas Underwood, 80 Ave., until August 18, 2021 at 7:10 pm.

MC seconded

Roll Call Vote: SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes; BL – Yes; DR - Yes
Vote: 6-0-0. Unanimous. Motion carried.

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

SA stated the applicant had requested a continuance to August 18, 2021.

JKP motioned to continue the Notice of Intent for Thomas Underwood, 86 Cable Ave., until August 18, 2021 at 7:10 pm,

MC seconded

Roll Call Vote: SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes; BL – Yes; DR - Yes
Vote: 6-0-0. 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 August 18, 2021.

JKP motioned to continue the Notice of Intent for Town of Salisbury, Resilient Ring's Island Road Improvement Project to August 18, 2021.

MC seconded

Roll Call Vote: SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes; BL – Yes; DR - Yes
Vote: 6-0-0. Unanimous. Motion carried.

5. NOI: Russell Ahern, Garden Primrose, LLC., 220 North End Blvd (7/7/21)

Matt Steinel of Millennium Engineering (**MS**) was present with architect Ron Laffely of Fulcrum Architects (**RF**) MS discussed the site walk and issues they were advised to work on, and stated an updated plan has been provided. Hanging storage has been removed from the plan, and if the homeowner decides he wants the storage he can permit it at a later date. They reduced the size of the proposed utility chase and changed its orientation per the Agent's request so it is now perpendicular to the shoreline. Stairs accessing the beach have been made

removable. **MS** noted that a DEP number has been issued. **AM** added the request to reduce the size of the utility chase was to meet FEMA regulations. **SA** noted there would be 530 square feet of impacts to the dune to make room for the stairs and roll out mats on either side of the house. These impacts could be reduced by having access off the front decks, and she questioned why they aren't taking the less impactful route. **MS** replied there is not a centralized access point on the front, the units are accessed from the sides, so they need individual accesses. **JDJ** asked if there would be any additional access points to the front and **MS** replied there would not, just the side stairs and access off the rear of the structure. **JDJ** asked if the decking on the boardwalk will have thru flow material. **RL** said it would. **AM** asked for a special condition that dune grass to be removed be reused on site rather than removed from the property.

JKP motioned to approve the Notice of Intent for Russell Ahern, Garden Primrose, LLC., 220 North End Blvd. with the standard order of conditions, also referencing amended architectural scope of work dated 8.4.21, any dune grass to be removed should be replanted on the dune if possible.

DR seconded

JKP amended her motion to state the grass should be replanted on the site

DR seconded

Roll Call Vote: SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes; BL – Yes; DR - Yes
Vote: 6-0-0. Unanimous. Motion carried.

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

SA stated the applicant had requested a continuance to August 18, 2021.

BL motioned to continue the Notice of Intent for Marsha Kazarosian, Esq., 506 North End Blvd. to August 18, 2021.

MC seconded

Roll Call Vote: SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes; BL – Yes; DR - Yes
Vote: 6-0-0. Unanimous. Motion carried.

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

SA stated the applicant had requested a continuance to August 18, 2021, and there is no DEP #. **SA** asked if there was an update. Applicant Patrick DiMartino (**PD**) was present and wanted to give an overview. **PD** stated he would replace the existing 5x7 deck that functions as a landing with a new deck which would be a 10x20 functioning as a second-floor deck, supported by 6x6 posts on diamond piers. He can't get a DEP number because DEP is looking for additional information. **JKP** suggested a site visit. **PD** reviewed the deck details and existing photos with the Commission.

JKP motioned to continue the Notice of Intent for Patrick DiMartino, 14 Lewis Ave. to August 18, 2021. Site visit in the interim

MC seconded

Roll Call Vote: SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes; BL – Yes; DR - Yes
Vote: 6-0-0. Unanimous. Motion carried.

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

SA stated a DEP # has not been issued yet. Chris York of Millennium Engineering (**CY**) and Tom Patenaude were present. **CY** reviewed the project, which is for a 14-unit condominium complex. He reviewed the

existing conditions, stating the site is currently an open field with bordering vegetated wetland in the north west corner. The proposed complex will consist of twelve duplexes and two single family homes. A 24-foot driveway runs from Old County Road to Beach Road. **CY** reviewed the stormwater system, and stated it would remove around 80% of suspended solids before discharging into the salt marsh across Beach Road via the existing drainage system. He also noted that the homes will have stone trenches around them to catch roof run off. They doubled up on silt fence and silt sock along the wetland per the Agent's request, and also added a post and rail fence to prevent encroachment into the wetlands. The driveways accessing the units have been narrowed and islands placed between the units for added greenspace. **CY** reviewed the landscaping plan which was changed to all native plants per the Agent's request. **AM** advised that Salt Marsh will need to be added to the application. **JKP** referred back to the discussion regarding the stormwater system and asked if they can do better than 80%. **CY** stated he believed it was closer to 93%. **JKP** advised that this section of Beach Road is under water during high tides and bad storms. **JDJ** asked if Joe Serwatka would look at the project. **CY** stated Mr. Serwatka had looked at it for drainage for the Planning Board. **JDJ** suggested he look at it for WPA. **SA** noted that the grades on the plan made it look like stormwater would be shed onto the sidewalk. **CY** replied that everything will be caught by the catch basins. **SA** noted that according to Mr. Serwatka's comments to the Planning Board, there was not much effort to retain run off on the site, or to use low-impact development design. **CY** stated the roof run off is being infiltrated, which is almost 10,000 square feet of impervious surface being infiltrated, and the driveways have been narrowed with grass spaces between each unit. he had also suggested rain gardens to the landscape architect. **SA** also noted that Mr. Serwatka stated that the soil conditions may not be suitable for construction and may require large scale excavation and import of fill to build on, or additional support for the foundation, also that flood opening will be required and were not shown on the plans. **CY** replied the flood openings would be on the building plans when they are submitted to the Building Inspector. **SA** advised that the O&M plan should go into condo docs. **JKP** noted they only received Mr. Serwatka's letter this afternoon and asked that Mary Rimmer review the project as well, and that the Commission conduct a site visit.

JKP motioned to continue the Notice of Intent for Tom Patenaude, 207 Beach Road, lots 249-258. to August 18, 2021 at 7:10 PM, in the interim, Joe Serwatka will review drainage for WPA, Mary Rimmer will review for BVW, delineation of Salt Marsh, and impacts, and the Commission will conduct a site visit.

BL seconded

Roll Call Vote: **SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes; BL – Yes; DR - Yes**
Vote: 6-0-0. Unanimous. Motion carried.

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

SA noted there is not a DEP number for this project. **JDJ** asked why they are different NOIs. Chris York of Millennium Engineering (**CY**) explained that the property for this proposal is registered land. He reviewed the proposed plan, which is for a duplex. He reviewed the existing site conditions and the proposed erosion control. Tom Patenaude clarified that 207 Beach is a series of 11 lots, and that the two duplex lots are separate from the larger 14-unit complex. **CY** stated the two duplex lots will have Old County addresses, while the 14 unit complex will have a new road address, and 207 Beach will cease to exist. **JDJ** asked that Mary Rimmer and Joe Serwatka check this submission as well, and the Commission conduct a site visit.

JKP motioned to continue the Notice of Intent for Tom Patenaude, 207 Beach Road, lot 259. to August 18, 2021 at 7:10pm, and in the interim Joe Serwatka will review for WPA and Mary Rimmer will review for wetlands, salt marsh delineation as well as general impacts, and the Commission will conduct a site visit.

JDJ seconded

Roll Call Vote: **SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes; BL – Yes; DR - Yes**
Vote: 6-0-0. Unanimous. Motion carried.

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

CY stated the project was the same as lot 259.

JKP motioned to continue the Notice of Intent for Tom Patenaude, 207 Beach Road, lot 260. to August 18, 2021 at 7:10 pm. and in the interim Joe Serwatka will review for WPA and Mary Rimmer will review for wetlands, salt marsh delineation as well as general impacts, and the Commission will conduct a site visit. **JDJ** seconded

Roll Call Vote: SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes; BL – Yes; DR - Yes
Vote: 6-0-0. Unanimous. Motion carried.

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

MS represented the applicant and discussed the location of the site which is a parking lot. The pavement is degraded and cracked and needs repair. They plan to just place a 3-inch top coat without expanding the lot or taking any of the existing pavement up. **JKP** discussed drainage issues on the lot. **MS** stated the problem area is the low point of the lot and the water is trapped there. **SA** cautioned that there can be significant flooding there and adding impervious surface won't help the issue. She suggested having Mary Rimmer review. **MS** stated he has no objection. Abutter Dan Kelly (**DK**) of 44 North End Blvd. expressed concerns regarding the tidal flow into the lot, water tends to cover 30% of the lot, and over 100% during storms. **MS** acknowledged there are flooding issues and stated they would not be fixing, nor would they be making the problem worse. Michael Fay (**MF**) of South Beach Landing at 233 Beach Rd. asked if the water should be pumped off the lot into the marsh. **DK** stated he's seen a machine pumping the water back into the marsh. **JKP** advised that if water is being pumped off the lot into the marsh, it should be treated first. Dawn McGinnity of 30 North End Blvd. stated a sump pump or something similar pumps the water out into the marsh. **SA** replied they can have Mary Rimmer look into the water pumping. **MC** stated he wants more grade lines and topo lines on the plan, and that he has concerns with water flowing to other properties once the new pavement is added. **MS** asked if he wants proposed grades. **MC** stated the 3-4 inches of new pavement isn't shown, and he'd like to see how that change might affect the neighboring properties. **MF** asked if the property could be developed beyond the parking area. **MS** stated it could not. **MF** then asked whether there were plans to remove the existing poles in the marsh. **SA** stated removing the poles would do more damage than just leaving them there. **JKP** suggested removing the asphalt and replacing with pea stone or something pervious. **DR** stated he didn't feel adding the hot top would affect the water flow. **JKP** suggested an abutter take a photo of the sump pump when it's working. **DR** volunteered to get photos.

JDJ motioned to continue the Notice of Intent for Wayne Capolupo, 13 Beach Road, LLC, 13 North End Blvd. to August 18, 2021 at 7:10 pm and in the interim, the Commission will conduct a site visit and Mary Rimmer will conduct a peer review.

JDJ amended her motion to include that Mary Rimmer will review for delineation and impacts, and for any pumps on site; and Millennium will place the high tide line and spot grades on the plan
JKP seconded

Roll Call Vote: SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes; BL – Yes; DR - Yes
Vote: 6-0-0. Unanimous. Motion carried.

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

SA stated there was no DEP # assigned yet. MS explained the project, which was to hook up to water and sewer. Plans had changed since the neighbor was no longer going to build on their property. They'll use directional drilling. There will be 530 feet of sewer line to the west, and 150 feet of water line to the east. BL asked if they could wait for the 207 Beach Rd. project to hook in. MS stated that is much further than what they're proposing with this filing.

JDJ motioned to continue the Notice of Intent for Edwin Garside, 39 Old County Rd. to August 18, 2021. MC seconded

Roll Call Vote: SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes; BL – Yes; DR - Yes
Vote: 6-0-0. Unanimous. Motion carried.

13. NOI: William Goddard, 93 Railroad Ave. (8/4/21) DEP # 065-1244

Wetland scientist Jon Dick (JD) represented the applicant. JD discussed the proposed project, which is to pick up the existing house and move it further back on the site. JKP requested more specific details in the narrative, such as foundation type, utility chase size, and exact building elevation. JD replied that information is on the plans submitted. JDJ requested a site visit. SA stated they need details regarding the driveway extension and whether the area is vegetated, and when the driveway will be repaved. She would also like the following to be noted on the plan: whether the entire foundation is being removed, or only a portion; what is proposed in the areas on the plan labeled “existing features to be removed”; how those areas will be finished; and finished elevations.

JDJ motioned to continue the Notice of Intent for William Goddard, 93 Railroad Ave. to August 18, 2021 7:10pm and in the interim there will be a site visit, and the plan and narrative will be updated with more specific information. JKP seconded

Roll Call Vote: SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes; BL – Yes; DR - Yes
Vote: 6-0-0. Unanimous. Motion carried.

C. NEW BUSINESS

1. Enforcement Order, 123 Railroad Ave

SA stated a patio was installed that does not meet dune standards. AM stated the homeowner were planning on attending the next meeting.

JKP motioned to ratify the Enforcement Order for 123 Railroad Ave. JDJ seconded

Roll Call Vote: SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes; BL – Yes; DR - Abstain
Vote: 5-0-1. Motion carried.

D. 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.
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.
15. 6 Sycamore Ln.

ACTIVE, PENDING COMPLETION:

16. 61 Bridge Rd.

COMPLETE, PENDING APPROVAL:

17. **2 Linda Ln**

SA stated the violation was from a prior property owner. The new owners have completed the restoration. **AM** is optimistic on the plants' survival. **JDJ** asked how many growing seasons had passed. **AM** stated this was the first. Everything was planted in June and the homeowners are requesting to lift the enforcement early.

BL motioned to lift the Enforcement Order for 2 Linda Lane.

JDJ seconded

Roll Call Vote: SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes; BL – Yes; DR - Yes
Vote: 6-0-0. Unanimous. Motion carried.

18. 139 Elm
19. 86/88 Elm St.
20. 165 Atlantic Ave.
21. 4 Main Street
22. 9 Bayberry Ln.
23. 82 Lafayette Rd

E. COMMISSIONER COMMENTS:

E. ADJOURNMENT:

JDJ motioned to adjourn the August 4, 2021 Conservation Commission Meeting at 10:10 PM
DR seconded.

Roll Call Vote: SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes; BL – Yes; DR - Yes
Vote: 6-0-0. Unanimous. Motion carried.