



**Salisbury Conservation Commission
Meeting Minutes
March 17, 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**), Daniel Richard (**DR**), Julie Doughman-Johnson (**JDJ**)

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.

SA called for a moment of silence to honor the passing of Commissioner Mark Hatem, who passed away recently.

A. MINUTES:

1. January 20, 2021

JDJ motioned to approve the minutes for January 20, 2021

MC seconded

Roll call vote:

SA – Yes

MC – Yes

JKP – Yes

DR – Abstain

BL – Yes

JDJ – Yes

Vote: 5-0-1. Motion Carried

2. February 3, 2021

3. February 17, 2021

4. March 3, 2021

JDJ motioned to continue the minutes for February 3, 2021, February 17, 2021, and March 3, 2021 until the next meeting, April 7, 2021

BL seconded

Roll call vote:

SA – Yes

MC – Yes

JKP – Yes

DR – Yes

BL – Yes

JDJ - Yes

Vote: 6-0-0. Unanimous. Motion Carried

B. EMERGENCY CERTIFICATES

1. 126 Central Ave.

SA stated that due to damage from the February storm, beach access stairs were inaccessible. Minor repairs were needed to stairs, and additional sand was needed to make them safe. Sand will be unloaded at the front of the property and moved via wheelbarrow to the beach access. About five yards of sand will be brought in.

JDJ motioned to issue the Emergency Certificate for 126 Central Ave

DR seconded

Roll call vote:

SA – Yes

MC – Yes

JKP – Yes

DR – Yes

BL – Yes

JDJ - Yes

Vote: 6-0-0. Unanimous. Motion Carried

C. 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 April 7, 2021. Michael Seekamp of Seekamp Environmental Consulting (**MS**) stated he had an update regarding the project. They have been dealing with the extension of the road, and Attorney Lisa Mead of Mead Talerman and Costa was consulting with DPW Director Lisa Demeo to work out how the extension would be achieved.

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

DR seconded

Roll call vote:

SA – Yes

MC – Yes

JKP – Yes

DR – Yes

BL – Yes

JDJ - Yes

Vote: 6-0-0. Unanimous. Motion Carried.

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

Michael Seekamp of Seekamp Environmental Consulting (**MS**) provided an update regarding the project. He informed the Commission that Mary Rimmer had reviewed the wetland boundaries and disagrees with his delineation and the issue has not been resolved. She also pointed out that they'll need to look at alternatives. They did so, and the alternative would require a variance from ZBA. He is working on the variance and will deal with the disagreement regarding the wetland boundary if the variance is not approved.

JKP motioned to continue the Notice of Intent for Thomas Underwood, 80 Cable Ave., until April 7, 2021 at 7:10 pm.

BL seconded

Roll call vote:

SA – Yes

MC – Yes

JKP – Yes

DR – Yes

BL – Yes

JDJ - Yes

Vote: 6-0-0. Unanimous. Motion Carried

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

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

MC seconded

Roll call vote:

SA – Yes

MC – Yes

JKP – Yes

DR – Yes

BL – Yes

JDJ - Yes

Vote: 6-0-0. Unanimous. Motion Carried

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

SA stated the applicant had requested a continuance to April 7, 2021.

JDJ motioned to continue the Notice of Intent for Christopher DeLuca, 112 Elm St. until March 17, 2021 at 7:10 pm.

MC seconded

Roll call vote:

SA – Yes

MC – Yes

JKP – Yes

DR – Yes
BL – Yes
JDJ - Yes

Vote: 6-0-0. Unanimous. Motion Carried

5. RDA: Mark Cardillo, 163 Elm St. (2/3/21)

SA stated the applicant had requested a continuance to April 7, 2021

JDJ motioned to continue the RDA for Mark Cardillo, 162 Elm St. until April 7, 2021.
MC seconded.

Roll call vote:

SA – Yes
MC – Yes
JKP – Yes
DR – Yes
BL – Yes
JDJ - Yes

Vote: 6-0-0. Unanimous. Motion Carried

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

SA stated the applicant had requested a continuance to April 7, 2021.

BL motioned to continue the Notice of Intent for David Daly, North End Boulevard, LLC, 504 North End Blvd until April 7, 2021 at 7:10 pm.

JKP seconded

Roll call vote:

SA – Yes
MC – Yes
JKP – Yes
DR – Yes
BL – Yes
JDJ - Yes

Vote: 6-0-0. Unanimous. Motion Carried

7. ANRAD: Steven Paquette, 6 Forest Road, LLC, 6, 10, 18 Forest Rd. (2/3/21)

Tom Hughes of Hughes Environmental Consulting (**TH**) reviewed the area and noted what delineations were changed after Mary Rimmer's peer review, and some of her comments in her letter. **JDJ** asked whether the delineation shows where Small Pox Brook floods. **TH** stated that's captured in the FEMA maps. He noted the flood plain wetlands surrounding the brook on the photos submitted with the ANRAD.

JKP motioned to approve the ANRAD for Steven Paquette, 6 Forest Road, LLC, 6, 10, 18 Forest Road

BL seconded

Roll call vote:

SA – Yes

MC – Yes

JKP – Yes

DR – Yes

BL – Yes

JDJ - Yes

Vote: 6-0-0. Unanimous. Motion Carried

8. NOI: Margaret & Rachel Morrison, 244 North End Blvd (3/3/21)

SA stated the applicant had requested a continuance to April 7, 2021.

BL motioned to continue the NOI for Margaret & Rachel Morrison, 244 North End Blvd until April 7, 2021

JDJ seconded

Roll call vote:

SA – Yes

MC – Yes

JKP – Yes

DR – Yes

BL – Yes

JDJ - Yes

Vote: 6-0-0. Unanimous. Motion Carried

D. NEW BUSINESS:

1. Request for Extension, Near Shore Disposal Site off Salisbury Beach

SA stated that this was a dredge project moving forward and will be happening in the coming year. Sediments to be removed from the Piscataqua River are a mix of sand and larger rocks that are not appropriate for onshore placement, but if placed nearshore the finer sediments can contribute to littoral drift system. **SA** noted the applicant was requesting a 3-year extension. **JKP** requested the specific date the Order would be extended to. **AM** replied it would be extended until March 29, 2024.

JKP motioned to grant the extension for Near Shore Disposal Site off Salisbury Beach to March 29, 2024

JDJ seconded.

Roll call vote:

SA – Yes

MC – Yes

JKP – Yes

DR – Yes

BL – Yes

JDJ - Yes

Vote: 6-0-0. Unanimous. Motion Carried

2. Request for Extension, 40 Lafayette

SA stated the project was delayed and the applicant is requesting a three-year extension to December 11, 2023

JKP motioned to grant the extension for 40 Lafayette Road until December 11, 2023.

MC seconded.

Roll call vote:

SA – Yes

MC – Yes

JKP – Yes

DR – Yes

BL – Yes

JDJ - Yes

Vote: 6-0-0. Unanimous. Motion Carried

3. Request for Significance of Change, 110 Elm St.

SA stated the applicant had requested a continuance until April 7, 2021.

BL motioned to grant the continuance for the Request for Significance of Change, 110 Elm St. until April 7, 2021

JKP seconded

Roll call vote:

SA – Yes

MC – Yes

JKP – Yes

DR – Yes

BL – Yes

JDJ - Yes

Vote: 6-0-0. Unanimous. Motion Carried

4. Commission Update, 195, 201 Elm St

Mike Seekamp of Seekamp Engineering (MS) provided an update to the Commission. The area is behind the Vision Max Cinema, and the original plan was to construct a dinner theater. The plan was then changed to a self-storage facility around 2018, then the applicant withdrew. The applicant wants to move forward with the plan for the self-storage facility with either a minor modification or amendment. They plan to reduce impervious surfaces. The project would be completed in phases, with the rear being completed first, then the middle with landscaping. MS reviewed the proposed plants. SA noted there have been drainage issues at the site in the past and asked whether anything would be changing. MS stated no changes are proposed for the stormwater system. JKP asked whether there would be trees and MS replied there would. AM stated she

would be most comfortable with the applicant filing an amendment as there are many changes proposed. SA agreed as that would include abutter notifications.

5. Enforcement Order, 150 North End Blvd.

SA explained that a retaining wall was removed and replaced. The work was ceased on March 9 and the site was cleared March 12. The property owner is preparing to sell the property and would like to replace the, but would rather leave it as is as opposed to filing a Notice of Intent. SA noted that the wall may belong to a neighboring property, and the Commission may wish to have the site surveyed, and the property owners should be included in the proceedings. SA discussed other options for stabilization so the space can continue to be utilized for parking, and stated that the Commission needs to decide based on the scope they wish to see if engineered plans or a wetlands scientist will be required. MC stated he'd like an engineered plan showing the property line, and that he'd like a professional to determine what the best plan would be for stabilization. The homeowner, Vicky Laflamme (VL) stated the wall was falling, and it was being replaced with exactly the same thing. JKP replied that the contractor should have known better. AM noted that the area in question belongs to the neighbors, and a survey would be required. JDJ asked whether hay bales should be put in and MC agreed that it would be a good idea. JKP advised that the area should be secured before a storm hits in two days. DR agreed it should be fixed quickly. AM questioned whether the Commission wanted to move forward with the enforcement or if the homeowner should submit a Notice of Intent. The commissioners agreed on moving forward with the enforcement. JKP advised the area be stabilized by Friday and before a wall is installed an engineer or surveyor is hired and the work done within 2 weeks. MC expressed concern regarding the timeline and suggested it might be hard to meet. The Commission discussed the time line and agreed the bank would be stabilized by March 19th, an update would be provided to the Commission by April 7th, and a restoration plan submitted for approval by April 21st, at which point they would determine a target completion date.

JKP motioned to ratify the Enforcement Order for 150 North End Blvd., with the conditions that the bank would be stabilized with salt hay by March 19th, an update would be provided to the Commission by April 7th, and a restoration plan submitted for approval by April 21st.

BL seconded

Roll call vote:

SA – Yes
MC – Yes
JKP – Yes
DR – Yes
BL – Yes
JDJ – Yes

Vote: 6-0-0. Unanimous. Motion Carried

6. Enforcement Order, 151 Cable Ave

SA stated the homeowners were sent a Notice of Violation with regards to an on-grade deck, and no action had been taken to remove the deck. Homeowner Mark Seaverns stated the deck is not attached to the house and was built in sections, so it could be removed if there were any issues. He plans to remove the deck by the end of March if he can get time to get to the property. If he plans to put the deck back he will go through the proper permitting process. SA informed him the deck would have to be on piles. The Commission discussed a timeframe for removal of the deck and agreed on by the next meeting.

JDJ motioned to ratify the Enforcement Order for 151 Cable Ave. with the condition that the deck would be removed by April 7.

JKP seconded

Roll call vote:

SA – Yes

MC – Yes

JKP – Yes

DR – Yes

BL – Yes

JDJ - Yes

Vote: 6-0-0. Unanimous. Motion Carried

E. ENFORCEMENT ORDERS:

HOLD, PENDING UPDATE:

1. 165 Atlantic – Enforcement Order Amendment – **JKP** stated the homeowner will provide a description of the activity that altered the dune, and by April 2, 2021 he will submit an engineered restoration plan, and restoration will be completed by May. **JDJ** asked whether a bond would be needed and **SA** replied it would not, and if the restoration is not completed satisfactorily it will be referred to DEP.

JDJ motioned to ratify the amended Enforcement Order for 165 Atlantic Ave.

MC seconded

Roll call vote:

SA – Yes

MC – Yes

JKP – Yes

DR – Yes

BL – Yes

JDJ - Yes

Vote: 6-0-0. Unanimous. Motion Carried

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

ACTIVE, PENDING COMPLETION:

14. 139 Elm St – **SA** stated that work has begun and will be completed by the end of April. **JDJ** asked whether there was a wetland scientist as there is a lot of heavy equipment present. **AM** stated that they are removing pavement and working on the stormwater so there's lots of disturbance. Tom Hughes is the Wetland Scientist and is aware of the project and that he needs to be on site when they are working on the wetland restoration portion of the project. Erosion control is in and installed and has been checked by Tom and herself, and they're waiting until the thaw to work on the wetland restoration area.
15. 61 Bridge Rd.
COMPLETE, PENDING APPROVAL:
16. 86/88 Elm St.
17. 4 Main Street
18. 9 Bayberry Ln.
19. 82 Lafayette Rd

F. COMMISSIONER COMMENTS:

MC stressed the importance of contacting the Agent regarding any work planned at the beach.

AM stated they had received an official response regarding the emergency declaration for the February storms, and to contact her for more information.

F. ADJOURNMENT:

JDJ motioned to adjourn the March 17, 2021 Conservation Commission Meeting at 9:09 p.m.

MC seconded.

Vote: 6-0-0. Unanimous. Motion Carried