



**Salisbury Conservation Commission  
Meeting Minutes  
May 5, 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**), Michael Colburn (**MC**) Julie Doughman-Johnson (**JDJ**),

**COMMISSION MEMBERS ABSENT:** Daniel Richard (**DR**), Jane Purinton (**JKP**)

**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. EMERGENCY CERTIFICATE**

1. 176-270 North End Blvd.

**SA** stated an Emergency Certificate was issued for sand replacement between beach access 6 and 7. The project has also received its emergency authorization from the Natural Heritage Endangered Species program and is working with DCR and state legislators on final approvals.

**JDJ** motioned to ratify the Emergency Certificate of 176-270 North End Blvd.  
**MC** seconded

**Roll Call Vote:**

**SA**     yes  
**JDJ**   yes  
**BL**     yes  
**MC**     yes

**Vote: 4-0-0. Unanimous. Motion Carried.**

**B. MINUTES:**

1. February 17, 2021
2. March 3, 2021
3. March 17, 2021
4. April 7, 2021
5. April 21, 2021

**JDJ** motioned to approve the minutes for February 17, 2021  
**BL** seconded

**Roll Call Vote:**

**SA**     yes  
**JDJ**    yes  
**BL**     yes  
**MC**     yes

**Vote: 4-0-0. Unanimous. Motion Carried.**

**JDJ** motioned to continue the minutes for February 17, 2021, March 3, 2021, March 17, 2021, April 7, 2021, and April 21, 2021 until May 19, 2021  
**MC** seconded

**Roll Call Vote:**

**SA**     yes  
**JDJ**    yes  
**BL**     yes  
**MC**     yes

**Vote: 4-0-0. 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 May 19, 2021.

**JDJ** motioned to continue the Notice of Intent for Rodger Perlstein, 12 Wyman Greeley's Realty Trust, LLC, 12 Wyman Greeley Street to May 19, 2021 at 7:10 pm.  
**BL** seconded

**Roll Call Vote:**

**SA**     yes  
**JDJ**    yes  
**BL**     yes  
**MC**     yes

**Vote: 4-0-0. Unanimous. Motion Carried.**

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

**SA** stated the applicant had requested a continuance to May 19, 2021.

**MC** motioned to continue the Notice of Intent for Thomas Underwood, 80 Ave., until May 19, 2021 at 7:10 pm.  
**JDJ** seconded

**Roll Call Vote:**

**SA**     yes  
**JDJ**    yes  
**BL**     yes  
**MC**     yes

**Vote: 4-0-0. Unanimous. Motion Carried.**

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

**SA** stated the applicant had requested a continuance to May 19, 2021.

**JDJ** motioned to continue the Notice of Intent for Thomas Underwood, 86 Cable Ave., until May 19, 2021 at 7:10 pm,

**MC** seconded

**Roll Call Vote:**

**SA**     yes  
**JDJ**    yes  
**BL**     yes  
**MC**     yes

**Vote: 4-0-0. Unanimous. Motion Carried.**

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

**SA** stated the applicant had requested a continuance to May 19, 2021.

**JDJ** motioned to continue the Notice of Intent for Christopher DeLuca, 112 Elm St. to May 19, 2021

**MC** seconded

**Roll Call Vote:**

**SA**     yes  
**JDJ**    yes  
**BL**     yes  
**MC**     yes

**Vote: 4-0-0. Unanimous. Motion Carried.**

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

**SA** stated the applicant had requested a continuance to May 19, 2021.

**JDJ** motioned to continue the Notice of Intent for David Daly, North End Boulevard, LLC, 504 North End Blvd, to May 19, 2021 at 7:10 PM

**MC** seconded

**Roll Call Vote:**

**SA**     yes  
**JDJ**    yes

**BL**     yes  
**MC**     yes

**Vote: 4-0-0. Unanimous. Motion Carried.**

**6.        RDA: Mike Terminiello, 26 Cushing St. (4/7/21)**

**SA** stated the applicant had requested a continuance to May 19, 2021.

**JDJ** motioned to continue the Request for Determination for Mike Terminiello, 26 Cushing St until 5-19-21  
**MC** seconded

**Roll Call Vote:**

**SA**     yes  
**JDJ**    yes  
**BL**     yes  
**MC**     yes

**Vote: 4-0-0. Unanimous. Motion Carried.**

**7.        NOI: Shiv & Rojina Shrestha, 11 Commonwealth (4/21/21)**

**SA** stated a DEP number had been issued. Ron Laffley of Fulcrum Architects (**RL**) represented the applicant. **RL** reviewed the existing site conditions, and the proposed project, which was to remove the existing single-family home and construct a new single-family home on piles. Ornamental structures such as a lighthouse and flagpole will be removed and the areas restored. Sand will be brought in to back fill the foundation hole and to do some grading to accommodate the removal of retaining walls. Recreational area on the site will primarily be under the structure. A removable boardwalk will be installed. The building will be supported by a maximum of 38 steel piles. Air conditioner condensers and a generator will be elevated. American beach grass will be planted around the building. **JDJ** asked for the specifications for the removable boardwalk. **RL** replied they will be wood slats with cable going through them. They are 6-foot sections, easily rolled up and stacked like firewood when not in use. They will likely be in use from April through October, and the residents won't be using it for beach access, just another means of egress from the back stairs to the front of the structure. **SA** advised on grade structures aren't permitted and that there's no guarantee that they will be removed. The Commission will need to see specs for the mats, and it needs to align with what's recommended in the Beach Management Plan with regards to boardwalks. **RL** stated it wasn't necessary for the project and can be removed. **SA** asked what currently is in the area where turf pavers are proposed. **RL** replied they are currently impervious concrete pavers and compacted crushed stone that hardens like concrete, which will be removed. **BL** asked if potted plants are permitted. **SA** stated they weren't if they are at grade. **AM** clarified that the smaller plastic pots that are removable are ok. Large planting beds are effectively a wall so they are not allowed. **MC** questioned whether the plants proposed should be included on the plan. **SA** said they should. **RL** stated he can discuss with the Agent, the plants will be chosen based on availability at the time of planting. **JDJ** asked what was meant by turf pavers. **RL** explained you fill them with pea stone and they collect blown soil over time, and the pavers that aren't traveled on frequently will start to grow moss. **JDJ** asked if there will be a cobble stone border. **RL** replied they would blend into the sand. **SA** questioned whether the homeowners will be requiring storage. **RL** stated they'll likely put some Rubbermaid bins on the pavers under the home. **SA** advised that anything more for storage than the Rubbermaid bins will have to come before the Commission for approval.

**BL** motioned to approve the Notice of Intent for Shiv & Rojina Shrestha, 11 Commonwealth with the following conditions: all glass and hazardous materials shall be removed from the building prior to demolition; all exterior stairs will have the maximum opening in the risers allowed by building code; pavers shall be of a “turf paver” or “open paver” design. Paver specifications and installation procedure shall be submitted to the Commission or the Commission’s Agent for approval; any sand imported to the site shall be compatible to the site and meet the gradation requirements in the Salisbury Beach Management Plan (2008). An invoice or similar document documenting the size and type of sediment to be imported shall be provided to the Commission’s Agent. Any storage under the building will need to be approved by the Commission prior to placement. A planting plan will be submitted to and approved by the Agent. The removable boardwalk will be removed from the plan. The 50% open fence will be at the agent’s discretion.

**JDJ** seconded

**Roll Call Vote:**

**SA** yes

**JDJ** yes

**BL** yes

**MC** yes

**Vote: 4-0-0. Unanimous. Motion Carried.**

**8. NOI: Russell Ouellette, 82 Central (4/21/21)**

**SA** reviewed the technical comments from DEP which stated that the lift mechanism should be out of the velocity zone and on top of the building. Matt Steinel of Millennium Engineering (**MS**) represented the applicant and reviewed the project which was to install an elevator shaft on an existing home, and to relocate some exterior stairs. He noted that the ac unit will be elevated on a platform per the Commission’s request from the site visit. He reviewed the plans and noted the equipment room for the elevator will be located out of the velocity zone on the third floor. **MC** commented that it is a good project.

**JDJ** motioned to approve the Notice of Intent for Russell Ouellette, 82 Central with the following conditions: Applicant shall submit the elevator model and specification sheet prior to issuance of building permit for approval by the Commission or the Commissions representative; the project shall meet all applicable flood and building regulations as directed by the Building Inspector including providing a V- Zone Design Certificate and Elevation Certificate; the applicant shall have the elevator inspected annually. Any components found in poor condition will be replaced expeditiously; all exterior stairs will to have the maximum openings in the risers allowed by building code; there shall be no enclosure of the underside of the stairs two feet up from grade or below the base flood elevation, whichever is higher.

**MC** seconded

**Roll Call Vote:**

**SA** yes

**JDJ** yes

**BL** yes

**MC** yes

**Vote: 4-0-0. Unanimous. Motion Carried.**

**9. NOI: Mark Feigenbaum, 35 Commonwealth (4/21/21)**

Tom Hughes of Hughes Environmental Consulting (**TH**), Libby Bowker of Mead, Talerma and Costa (**LB**) and Matt Steinel of Millennium Engineering (**MS**) were representing the applicant. **TH** gave a quick overview of the project and the site walk, and reviewed the updates to the plans, including snow fence along the front of the site and they staked out the easement adjacent to the property. Will have signage to direct people onto the easement, and a rope gate restricting access to the property from the easement. Natural Heritage submitted a letter requesting shorebird monitoring when construction is occurring during certain times of the year. **AM** asked what was entailed with the removal of the dune in the front, and what the vegetation was like currently in that area. **TH** replied that the area in question is a mound of sand that appears to be left over from when the driveway was dug out. The area would be smoothed out, and a gravel driveway installed. The dune is not a natural form, and he doesn't consider it a change in dune form, and any surplus sand from smoothing out the area would be moved to the ocean side to nourish the dune there, and to back fill the foundation hole when the building is removed. **SA** asked if a planting plan had been included. **TH** replied they would plant primarily American Beach Grass. **AM** advised that a note should be added to the plan noting species to be planted and planting instructions. **JDJ** asked if there would be storage under the structure for things like trash cans or recreational equipment. **TH** replied they would park under it, but they can't enclose underneath. **MS** shared photos of the site from the survey for the beach access and Right of Way. **SA** stated there was a question whether written permission would be needed to work on the Right of Way owned by the Salisbury Beach Betterment Association. The Agent has reached out to various parties regarding that question and has not heard back as of yet. **LB** reviewed the description and history of the lot, stating the lot was registered in the Southern Essex Registry of Deeds on June 30, 1913. She reviewed regulations regarding registered land, noting that the property bounds cannot be infringed upon, all or part of the property cannot be lost due to adverse possession, and that a shifting dune does not affect property lines or permit people to cross the property. She also stated the homeowners are willing to plant additional vegetation on their property to compensate for any anticipated vegetation removal to clear the adjacent pathway for public use. **JDJ** asked whether there would be base layers under the crushed stone for the driveway. **MS** replied there would not be base layers. **JDJ** confirmed the driveway would be on the sand and **MS** replied it would. Abutter Bill Hornby of 38 Commonwealth Ave. asked if clearing the path up to DCR property was part of the plan. **MS** stated snow fencing would be installed as a barrier to 35 Commonwealth, and signage directing people to use the right of way would be installed, and over time the pathway would naturally form. **MS** reviewed the proposed location of the snow fencing and rope gate. **SA** verified that clamshells would be clean. **MS** stated they would be washed shells.

**BL** motioned to approve the Notice of Intent for Mark Feigenbaum, 35 Commonwealth.  
**MC** seconded

**Roll Call Vote:**

**SA** yes  
**JDJ** yes  
**BL** yes  
**MC** yes

**Vote: 4-0-0. Unanimous. Motion Carried.**

**10. NOI: New Cingular Wireless PCS LLC, 91 North End Blvd. (4/21/21)**

**SA** stated the applicant requested a continuance to May 19, 2021

**JDJ** motioned to continue the Notice of Intent for New Cingular Wireless PCS LLC, 91 North End Blvd. to May 19, 2021 at 7:10 PM..  
**MC** seconded

**Roll Call Vote:**

SA yes  
JDJ yes  
BL yes  
MC yes

**Vote: 4-0-0. Unanimous. Motion Carried.**

**11. NOI: Daniel & Jodi Marks, 21 True Road. (5/5/21)**

SA stated there was no DEP # issued yet. The applicants were present to discuss the project. SA stated there was an Order of Conditions to construct the home and the deck, but the Order expired before the deck was built. Now the homeowner wants to add the previously approved deck. The applicants confirmed.

JDJ motioned to continue the Notice of Intent for Daniel & Jodi Marks, 21 True Road to May 19, 2021 at 7:10 PM.

BL seconded

**Roll Call Vote:**

SA yes  
JDJ yes  
BL yes  
MC yes

**12. RDA: Marc & Sandra Quinn, 4, 16<sup>th</sup> St. W (5/5/21)**

The applicant Marc Quinn (MQ) was present. SA noted that the front deck is over concrete. MQ confirmed and stated that they would be removing 200 square feet of concrete and replacing it with a wood frame deck on diamond piers.

BL motioned to approve the Request for Determination for Marc & Sandra Quinn, 4, 16<sup>th</sup> St. W.

MC seconded

**Roll Call Vote:**

SA yes  
JDJ yes  
BL yes  
MC yes

**Vote: 4-0-0. Unanimous. Motion Carried.**

**D. NEW BUSINESS:**

**1. Request for Certificate of Compliance, 6 Central Ave to 176 North End Blvd.**

SA/AM/Darryl Forgione of DCR (DF) explained that this was a dune nourishment project that was completed and has since eroded away, and so there is no way to produce as built plans.

JDJ motioned to grant the Certificate of Compliance for 6 Central Ave to 176 North End Blvd.

MC seconded

**Roll Call Vote:**

**SA**     yes  
**JDJ**    yes  
**BL**     yes  
**MC**     yes

**Vote: 4-0-0. Unanimous. Motion Carried.**

**2.     Request for Certificate of Compliance, 1, 3, Murray St. & 70 Brissette Ave.**

**SA** noted that the project initially came before the Commission in April of this year for a Certificate of Compliance but was denied due to not meeting the landscape plane. Two growing seasons have since passed. Arthur Broadhurst (**AB**) was present to discuss the request. **JDJ** noted the site didn't look good, and they should replace what's dead. **AB** stated the plantings at the back of the site have done well, and the plantings in the front have survived, the problem area is as you approach the site from Murray Street partly because the homeowner uses the area for recreation. The site is tight with four houses, and the residents use the yards, but he could attempt to plant more. He thinks the beach grass will end up spreading over the property over time. The trampling is not likely to stop. **SA** advised that they need to stop because it's a protected dune. **AB** asked when he should come back again to request a Certificate of Compliance. **SA** replied he should wait another two growing seasons, and suggested fencing to keep people off the area. **AB** asked if he could get a partial certificate covering units B, C, and D. **MC** advised that the area in question is not the only one without vegetation, and the site is nowhere near being finished in his opinion. **JDJ** added that trash that was unearthed should be taken off site. **AM** advised if the homeowners continue to not cooperate with Mr. Broadhurst, the Commission could back him up with an enforcement order if it is necessary.

**JDJ** motioned to table the Request for a Certificate of Compliance for 1, 3, Murray St. & 70 Brissette Ave. until the applicant is ready.  
**MC** seconded

**Roll Call Vote:**

**SA**     yes  
**JDJ**    yes  
**BL**     yes  
**MC**     yes

**Vote: 4-0-0. Unanimous. Motion Carried.**

**3.     Request for Significance of Change, 128 North End Blvd.**

**SA** stated this request is for the modification of the proposed building footprint. The applicant was not present to discuss the request.

**JDJ** motioned to continue the Request for a Significance of Change for 128 North End Blvd. until May 19, 2021  
**BL** seconded

**Roll Call Vote:**

**SA**     yes  
**JDJ**    yes  
**BL**     yes  
**MC**     yes



**Vote: 4-0-0. Unanimous. Motion Carried.**

**4. Enforcement Order, 36 Pike Street**

**SA** stated the homeowner has set up a site visit for tomorrow.

**JDJ** motioned to ratify the Enforcement Order for 36 Pike Street

**MC** seconded

**Roll Call Vote:**

**SA** yes

**JDJ** yes

**BL** yes

**MC** yes

**Vote: 4-0-0. Unanimous. Motion Carried.**

**5. Enforcement Order, 2 Baker Road**

The homeowner, Brendan Corcoran (**BC**), stated he had told the Building Inspector in the fall that he would be taking an old metal barn down in preparation for possible constructing a new building in its place. The Inspector said everything looked fine. **BC** stated he took the building down and was in the process of removing the foundation when he received the Enforcement Order. **SA** asked where the fill in the photo came from. **BC** replied it's what was removed from the center of the foundation. **SA** noted it looked like hydraulic soils and advised him to speak with the Conservation Agent and create a mitigation plan. **AM** advised that the first thing he should do is put down some kind of erosion control around the resource area and he should set up a site visit.

**JDJ** motioned to ratify the Enforcement Order for 2 Baker Road

**MC** seconded

**Roll Call Vote:**

**SA** yes

**JDJ** yes

**BL** yes

**MC** yes

**Vote: 4-0-0. Unanimous. Motion Carried.**

**E. ENFORCEMENT ORDERS:**

**HOLD, PENDING UPDATE:**

**1. 16 Commonwealth**

Tom Hughes of Hughes Environmental (**TH**) presented the restoration plan to the Commission. He reviewed the plan that was approved during the RDA hearings. He noted that they had traced the drain on the property back to the patio area and that maybe it dead ended in an old drywell or French drain. They will locate the pipe and cap it to be safe. There is granite curbing with a 3-inch reveal along the property line that prevents storm water from going onto the neighbor's property. It also runs in front of a building, preventing water from hitting

it. They propose to leave this curbing and remove the curbing that runs parallel to the road. Instead they propose to install two granite light posts to prevent parking too close to the stairs. They are proposing to keep the driveway apron. Loam will be removed from a landscaped bed and replaced with sand and plantings. The pervious paver patio will be completed in the rear of the property. Fence screens have been removed from the whole site. Lawn will be removed from the rear of the site, and the area raked, aerated and reseeded. They will also create a landscaped area with dune restoration and plants for screening. **JDJ** asked if there was concrete under the mail posts. Property Manager Mike Luciano (**ML**) replied he didn't know. **JDJ** commented that they didn't need new posts, and **SA** agreed. **TH** offered to instead install potted plants or light posts with no footings. **MC** asked if Mr. Hughes was on site regularly. **TH** replied he's not there all the time but he is monitoring. **AM** asked about repurposing the loam being removed. **TH** replied they would use it for the planting bed and top dressing for lawn, loam will not be brought in, and there actually be a net export of loam. Plans will be updated with the addition of two mail posts and amend the two granite to include no concrete footings. The Commission will receive weekly progress reports. **SA** advised that only native plantings should be installed.

**JDJ** motioned to accept the restoration plan with the following changes: granite light posts will not have footings, loam that was imported will be exported off the property, curbing will be removed, plantings will be native species, drain will be capped, weekly progress reports will be submitted to the Commission. The existing enforcement order will be amended so once updated plans are accepted by the Agent, work can proceed. **MC** seconded

**Roll Call Vote:**

**SA**     yes  
**JDJ**    yes  
**BL**     yes  
**MC**     yes

**Vote: 4-0-0. Unanimous. Motion Carried.**

2.     150 North End Blvd.
3.     15 Learned Lane
4.     438 N. End Blvd.
5.     565 North End Blvd.
6.     30 Main St.
7.     212 N. End Blvd.
8.     83 Atlantic Ave.
9.     211 N. End Blvd.
10.    16 Hayes St.
11.    11 Railroad Ave.
12.    37 Atlantic Ave.
13.    6 Sycamore Ln.
14.    2 Linda Ln.

**ACTIVE, PENDING COMPLETION:**

15.    139 Elm St
16.    61 Bridge Rd.

**COMPLETE, PENDING APPROVAL:**

17.    86/88 Elm St.
18.    165 Atlantic Ave.
19.    4 Main Street
20.    9 Bayberry Ln.

21. 82 Lafayette Rd

**F. COMMISSIONER COMMENTS:**

**F. ADJOURNMENT:**

**JDJ** motioned to adjourn the May 5, 2021 Conservation Commission Meeting at 10:10 PM  
**BL** seconded.

**Roll Call Vote:**

**SA** yes

**JDJ** yes

**BL** yes

**MC** yes

**Vote: 4-0-0. Unanimous. Motion Carried.**