



**Salisbury Conservation Commission  
Meeting Minutes  
July 7, 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)

**COMMISSION MEMBERS ABSENT:** Daniel Richard (DR)

**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. MINUTES:**

1. April 7, 2021
2. April 21, 2021
3. May 5, 2021
4. May 19, 2021
5. June 2, 2021
6. June 16, 2021

**JDJ** motioned to continue the minutes for April 7, 2021; April 21, 2021; May 5, 2021; May 19, 2021; June 2, 2021; and June 16, 2021 to July 16, 2021.

**BL** seconded

**Roll Call Vote:** SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes; BL - Yes  
**Vote: 5-0-0. Unanimous. Motion carried.**

**JDJ** motioned to amend her motion continuing the minutes in order to correct the date to July 21, 2021

**BL** seconded

**Roll Call Vote:** SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes; BL - Yes  
**Vote: 5-0-0. 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 July 21, 2021.

**BL** motioned to continue the Notice of Intent for Rodger Perlstein, 12 Wyman Greely's Realty Trust, LLC, 12 Wyman Greely Street to July 21, 2021 at 7:10 pm.

**MC** seconded

**Roll Call Vote:** SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes; BL - Yes  
**Vote: 5-0-0. Unanimous. Motion carried.**

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

**SA** stated the applicant had requested a continuance to July 21, 2021.

**JDJ** motioned to continue the Notice of Intent for Thomas Underwood, 80 Ave., until July 16, 2021 at 7:10 pm.

**MC** seconded

**Roll Call Vote:** SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes; BL - Yes  
**Vote: 5-0-0. Unanimous. Motion carried.**

**JDJ** motioned to amend her motion to continue the Notice of Intent for Thomas Underwood, 80 Ave. to correct the date to July 21, 2021.

**BL** seconded

**Roll Call Vote:** SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes; BL - Yes  
**Vote: 5-0-0. Unanimous. Motion carried.**

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

**SA** stated the applicant had requested a continuance to July 21, 2021.

**BL** motioned to continue the Notice of Intent for Thomas Underwood, 86 Cable Ave., until July 21, 2021 at 7:10 pm,

**JDJ** seconded

**Roll Call Vote:** SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes; BL - Yes  
**Vote: 5-0-0. Unanimous. Motion carried.**

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

Paul Alunni (**PA**) and Ryan Hale (**RH**) were present representing the applicant. **PA** stated they tied up the loose ends and reviewed the most recent information provided. The retaining wall narrative has been submitted along with information regarding the temporary disturbance associated with constructing the retaining wall, along with protocol on how to re-establish the area once disturbed. They also included information regarding proposed plantings and invasive vegetation removal. They have received edits from Town Counsel regarding the easements, which the applicant has accepted. They have also received the draft Order of Conditions, and they accept all except one of the Special Conditions. **PA** stated condition number 34, which reads that "*the Town's engineer will monitor construction of the stormwater system; the PM will notify the engineer when work is scheduled to begin, and with construction updates as requested by the Engineer. These services will be coordinated with other town departments as needed and funded by the developer's escrow held by the Salisbury*

*Conservation Commission. The amount of escrow will be determined by a quote from the engineer for estimated services. Any remaining funds will be returned to the applicant upon issuance of the COC".* **PA** stated he felt that the size and scope of the project did not warrant that type of oversight. As the engineer for the project, he has to certify that all the stormwater system components were constructed in accordance with the specification in the design plan, so the condition is redundant. **SA** asked how long the project should take. **PA** replied it should only take one construction season. **JKP** noted that the project as a whole will have to be monitored periodically anyway, and has no issue with condition 34 being stricken from the Order of Conditions. **SA** asked if that would mean no reports would go to the Agent during construction. **AM** replied there will be monthly reports from the Project Manager, weekly reports on the restoration area, and the Stormwater can be checked at the end of construction. **JDJ** asked if they need to have a maintenance easement or if that was taken care of by the Attorney. **PA** stated the onus is on the owner for the maintenance, not the Town. **JDJ** then asked if the Stormwater plan meets the BVW performance standards and **PA** replied that it does. **JDJ** asked if they need a replication plan. **SA** stated they have one.

**JKP** motioned to approve the Notice of Intent for Christopher DeLuca, 112 Elm St. with the Standard Order of Conditions and drafted Special Conditions, striking special condition number 34.

**MC** seconded

**Roll Call Vote:** SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes; BL - Yes  
**Vote: 5-0-0. Unanimous. Motion carried.**

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

**SA** stated an engineering report had been submitted to peer reviewer Mary Rimmer and they are awaiting her final report. **Matt Steinel** of Millennium Engineering (**MS**) confirmed and stated they would be requesting a continuance to the next meeting.

**JDJ** motioned to continue the Request for Determination for Mike Terminiello, 26 Cushing St until July 21, 2021  
**BL** seconded

**Roll Call Vote:** SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes; BL - Yes  
**Vote: 5-0-0. Unanimous. Motion carried.**

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

**SA** stated the applicant requested to withdraw the application without prejudice.

**JKP** motioned to withdraw the Notice of Intent for New Cingular Wireless PCS LLC, 91 North End Blvd. without prejudice.  
**JDJ** seconded

**Roll Call Vote:** SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes; BL - Yes  
**Vote: 5-0-0. Unanimous. Motion carried.**

**7. NOI: Evan and Kayla Weymouth, 20 Pike St (6/2/21)**

**SA** noted there had been a site visit on June 11. **Bob Grasso** of Engineering Land Services (**BG**) represented the applicant. **BG** stated that the plan was revised after the site walk to show that instead of replacing the

retaining wall, they will be burying it and creating a 3:1 slope, which will be only 6 feet out towards the wetland. The old wooden fence will be replaced with a new fence. Also, a lone pine tree near the fence will be replaced with a native tree. The slope will be loamed and seeded and planted with native plants. **JDJ** stated there was no discussion about burying the wall during the site visit, but they did discuss removing it. **BG** replied taking it out would create more disturbance. They would use the fill removed from the existing septic system to bury it and create the slope. **SA** asked if there was a chance for it to become unstable over time and get into the wetland. **BG** replied that it is a solid concrete wall, there's no chamber that is at risk of collapsing. **MC** stated it was his opinion he could leave the wall, but that they should probably break the top six inches off so vegetation can get in. **JDJ** agreed that the pine tree in question is potentially a danger. **SA** asked where the replacement trees would be planted. **BG** stated in the disturbed area, likely near the property line, at the base of the slope. **JKP** advised to leave the stump. **BG** agreed. He added they would likely plant a Dogwood. **SA** suggested conditioning a check point with the Agent with regards to the plantings. She also advised that the owners can't mow past the fence. **BG** agreed it would be the limit of disturbance. **SA** asked if there would be a demarcation. **BG** stated the new fence would go where the existing fence is. **JKP** suggested a sign. **SA** agreed.

**BL** motioned to approve the Notice of Intent for Evan and Kayla Weymouth, 20 Pike St.

**MC** seconded

Discussion: **SA** requested that the motion be amended to include demarcation signs and that the applicant contact the Agent to confirm the plantings and planting placement

**BL** amended his motion to state the applicant will obtain a sign to place on the fence to demarcate the do not disturb area, and the plantings will be approved by the Agent

**JDJ** seconded

**Roll Call Vote:** SA – Yes; **JDJ** – Yes; **JKP** - Yes; **MC** – Yes; **BL** - Yes

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

#### **8. NOI: Town of Salisbury, Resilient Ring's Island Road Improvement Project (6/2/21)**

**SA** stated the applicant has requested a continuance to the next meeting on July 21, 2021

**JDJ** motioned to continue the Notice of Intent for Town of Salisbury, Resilient Ring's Island Road Improvement Project to July 21, 2021.

**BL** seconded

**Roll Call Vote:** SA – Yes; **JDJ** – Yes; **JKP** - Yes; **MC** – Yes; **BL** - Yes

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

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

**SA** stated no DEP number has been assigned. Matt Steinel of Millennium Engineering (**MS**) represented the applicant. **MS** reviewed the existing conditions of the property. They propose to remove the existing structure and foundation and construct a 2-unit structure on piles. The asphalt driveway will be replaced with gravel. Elevated boardwalks will extend from the two rear decks and terminate at the base of the dune on the ocean side. The applicant plans to bring in sand to replace what's been lost due to recent erosion, and to revegetate the dune. The total vegetation impacts proposed is 535 square feet, with 1284 square feet of replication proposed. **JKP** suggested a site visit. **JDJ** expressed concern that the structure wouldn't be high enough and asked if it could be elevated another foot or two. **MS** replied that it couldn't really be elevated due to zoning height restrictions. He added that wave action occurs at elevation 19, and they are two feet above that elevation. **JDJ** asked if they would be ok with having their beach access stairway be removable. **MS** stated he would check

with the applicants. **SA** advised they should come out for the winter per the Beach Management Plan. **BL** asked where parking would be. **MS** replied it would be where the existing asphalt driveway is, which will be replaced with clean washed stone. **MS** added that the stairs accessing the structure on either side will have roll-up mobile walkways leading to the parking area. **SA** asked about the presence of hanging storage as noted on the plan. **MS** replied there would be storage containers hanging under the front decks.

**JDJ** motioned to continue the Notice of Intent for Russell Ahern, Garden Primrose, LLC., 220 North End Blvd to July 21, 2021, and in the interim the Commission will conduct a site visit.

**JKP** seconded

**Roll Call Vote:** SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes; BL - Yes  
**Vote: 5-0-0. Unanimous. Motion carried.**

**10. NOI: Kevin Johnson, 22 True Realty, LLC., 37 True Rd. (7/7/21)**

**SA** stated no DEP number has been issued. Matt Steinel of Millennium Engineering (**MS**) represented the applicant. **MS** reviewed the existing conditions of the property, the existing home will be demolished, the barn will remain, and a new three-bedroom single family home with a deck on the rear will be constructed to the side of the barn. Soil testing was conducted on the property, but additional testing will be needed. They are proposing a new septic system with the tank between the two structures and leaching field towards the rear of the property. A plastic membrane will be used along the back side of the leach field. Debris such as old farm equipment will be removed from the site. Roof gutters will direct runoff into a stone trench along the side of the structure, keeping the water from going onto the neighboring property. The trench will connect into a foundation drain, which will terminate at the rear of the property, where they also propose a post and rail fence with signage to prevent further encroachment on the wetland area. **JKP** requested a site visit.

**JDJ** motioned to continue the Notice of Intent for Kevin Johnson, 22 True Realty, LLC., 37 True Rd. to July 21, 2021, and in the interim the Commission will conduct a site visit.

**JKP** seconded

**Roll Call Vote:** SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes; BL - Yes  
**Vote: 5-0-0. Unanimous. Motion carried.**

**11. NOI: Jennifer Gauthier, 144 Cable Ave (7/7/21)**

**SA** stated a DEP number has not been issued yet. She also noted the project was to remove and replace a retaining wall. Applicant Jennifer Gauthier (**JG**) was present, with her landscaper, Russ Robidoux of Willow Creek Land Design. **JDJ** suggested a site visit. Due to audio problems and the lack of a DEP number, **SA** suggested the hearing be continued. **JG** agreed.

**JDJ** motioned to continue the Notice of Intent for Jennifer Gauthier, 144 Cable Ave. to July 21, 2021 and in the interim the Commission will conduct a site visit.

**BL** seconded

**Roll Call Vote:** SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes; BL - Yes  
**Vote: 5-0-0. Unanimous. Motion carried.**

**C. NEW BUSINESS:**

**1. Enforcement Order, 97 Atlantic Ave.**

**SA** stated the Enforcement Order needs to be ratified. She noted that the homeowner had contacted the Agent when she received the Enforcement Order and stated the structure had already been removed. The Agent had requested photos showing the structure had been removed, which have not been received yet.

**JKP** motioned to ratify the Enforcement Order for 97 Atlantic Avenue.

**JDJ** seconded

**Roll Call Vote:** SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes; BL - Yes  
**Vote: 5-0-0. Unanimous. Motion carried.**

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

Matt Hamor of LandPlex Engineering (**MH**) represented the applicant and stated there was a small change to the proposed plan. He noted they had previously requested a Certificate of Compliance, but there was some erosion on the rear of the property. During a site walk, they discovered run-off coming up gradient down onto the slope of the dune. They would like to embed a straw wattle into the grade of the dune, about 3-4 inches below grade, secured by wooden stakes. They would also like to put stone in front of it to dissipate the water and allow the dune grass to become established. They also propose to plant more dune grass on the dune, 6 inches on center, during the fall, and place a natural fiber wattle on the down gradient side of the dune to prevent sand from eroding into the driveway. **MH** stated they feel these measures will help to establish the dune grass on the embankment. **SA** stated everything looked acceptable but there was an issue with the size of the stone proposed. **MH** stated they are proposing 2-inch stone, which will act better than a processed gravel. He feels it will compact on the filter fabric they plan on putting under the stone. The stone layer will be 6 inches in depth. **SA** replied the concern is that the stone could become a projectile during a storm. **MC** asked whether retaining the water would have an adverse effect on the neighbors above. **MH** replied they don't believe the device would retain water, it would just help water infiltrate behind the dune. If it does get trapped, it will travel down Libby Ave., as it does currently. **SA** asked if there was going to be filter fabric. **MH** replied there would be filter fabric under the stone, and a fiber blanket to help stabilize the dune and allow vegetation to grow. **SA** replied the filter fabric would not be a recommendation as it would get torn and ripped out and prevent sand from moving. **MH** replied the filter fabric would only be under the stone at the top of the slope. **AM** asked if it was a geotextile fabric that does not break down. **MH** replied it was, and offered to remove the filter fabric once the plantings have established themselves, or they can remove it from the plan. **AM** stated the plan is inspired by CZM recommendations on how to stabilize a coastal bank. **MH** added that the geotextile fabric and stone will be going in the area of an existing driveway. **AM** advised it is in the velocity zone and will need to withstand water moving over it. **MH** stated they could use a smaller stone. **MC** stated he would like a site visit. **JKP** agreed.

**JKP** motioned to continue the Request for Significance of Change, 57 Railroad Ave. to July 21, 2021 and in the interim the Commission will conduct a site visit.

**JDJ** seconded

**Roll Call Vote:** SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes; BL - Yes  
**Vote: 5-0-0. Unanimous. Motion carried.**

## **D. ENFORCEMENT ORDERS:**

HOLD, PENDING UPDATE:

1. **114 Bridge Rd.**

**SA** stated the site walk was done and a restoration plan is anticipated for the next meeting.

- 2. 36 Pike St.
- 3. 2 Baker Rd.
- 4. 16 Commonwealth Ave.
- 5. **150 North End Blvd.**

**SA** stated a restoration plan was received for review. Devon Morse of Hancock Associates (**DM**) was present to update the Commission. She stated they would like them to approve the restoration plan, which includes replacing a retaining wall, and to add native plantings of beach grass. The Enforcement Order identified gravel in the destabilized dune, which has been removed. **JKP** requested an explanation of the design and materials for the new wall. **DM** stated it would have a 4:1 back slope and would basically be a replacement in kind. She showed the plan for the wall, as well as the site plan showing proposed restoration areas on either side of the concrete walkway. **AM** asked if they had looked at the access easement to see if the work can be done by crossing the neighbor's lot. **DM** stated the work was not on the abutter's property, and that to access 150 North End Blvd. at all from North End Blvd., they need to cross over the abutting property. They did not find any temporary easements with regards to this parcel, just with regards to the beach access. They are still waiting for communication from the other property owner regarding permission for access to repair the retaining wall. **AM** suggested conditioning the approval with regards to access.

**JKP** motioned to approve the restoration plan for 150 North End Blvd. with the condition that the applicant obtain legal access to the property before starting the work.

**MC** seconded

**Roll Call Vote:** SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes; BL - Yes  
**Vote: 5-0-0. Unanimous. Motion carried.**

6. **15 Learned Ln.**

**SA** stated the house is on the market, and the homeowner would like to close out the Enforcement Order. He has submitted photographs. The activity has ceased and the crossings removed. The main path was a pre-existing logging trail. The ruts were not raked out, but the vegetation is rebounding. The new path is vegetated and is indistinguishable from the surroundings. The crossing by the beaver dam has been removed. The homeowner would like the Enforcement Order lifted. **JDJ** asked whether the Environmental Police had gotten involved and if so, have they signed off on it. **AM** stated they were involved and she has not spoken to them recently regarding the situation. **JDJ** suggested marking the area so it doesn't happen again. **BL** suggested marking the area of the newly created trails as do not disturb, since the logging trail has been there for years. The Commission discussed whether or not to require signage. **SA** asked whether there was wetland along the sides of the logging trail. **AM** replied that the homeowners had started getting the property delineated, but she's unsure whether it was completed.

**BL** motioned to continue the lifting of the Enforcement Order for 15 Learned Lane until the Agent determines the opinion of the Environmental Police and in the interim, the Agent will discuss signage with the homeowner.

**JDJ** seconded.

**Roll Call Vote: SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes; BL - Yes  
Vote: 5-0-0. Unanimous. Motion carried.**

- 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.
  - 18. 139 Elm St
  - 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 July 7, 2021 Conservation Commission Meeting at 9:16 PM  
**BL** seconded.

**Roll Call Vote: SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes; BL - Yes  
Vote: 5-0-0. Unanimous. Motion carried.**