

May 7, 2014  
Colchester Auditorium, Town Hall  
5 Beach Road  
Salisbury, MA 01952  
7:00 P.M.

**COMMISSIONER MEMBERS PRESENT:** Chairperson Sheila Albertelli (SA), Matt Carignan (MC), Joanne Perreault (JP) and Andria Nemoda (AN)

**COMMISSIONER MEMBERS ABSENT:** Sally Laffley

**ALSO PRESENT:** Michelle Rowden, Conservation Agent and Lori Robertson, Secretary

S. Albertelli opened the meeting at 8:00 pm under the Wetlands Protection Act & Open Meeting Law and informed the public that the meeting is being recorded.

**MINUTES:**  
**March 19, 2014**

**MC** motions to approve the minutes from 3/19/14. **JP** seconded the motion. All members present voted in favor. **Motion Passed.**

**PUBLIC HEARINGS at 7:15 p.m.**

**NOI: Jay Davis, 12 Wyman Greely Street, MR** stated the applicant requested a continuance.

**AN** motioned to continue to the May 21, 2014 at 7:00 pm. **SA** seconded the motion. All members present voted in favor. **Motion Passed.**

**NOI: Marybeth Bonheur, 9 Bartlett,** Applicant not present at meeting.

**JP** motioned to continue to the May 21, 2014 at 7:00 pm. **AN** seconded the motion. All members present voted in favor. **Motion Passed.**

**RDA: Daniel Abdulla and Mark Moquin, 160 North End Blvd.,** Ronald Laffely (RL) for Fulcrum Architects addressed the board on behalf of the applicant. We have an existing concrete sidewalk. We are asking permission to take up the concrete sidewalk and put an elevated walk in the same location. The other part of the application is to extend the balcony on the second floor. **SA** asked will you use machinery to take this sidewalk up? **RL** stated it will be hand-dug and maybe a jack-hammer will be used. **AN** asked if the boardwalk will be elevated? **RL** stated its 16" off the ground. We do plan on using a roll-up mat. Mike Magnifico from DCR asked what type of mat will you be using? **RL** stated cedar slates with. **AN** asked will the applicant need permission from the neighbors? **RL** stated no. **AN** asked will a dumpster be needed? **RL** stated it will be hauled out the same day.

**MC** motioned to issue a negative determination for 160 North End Blvd. **JP** seconded the motion. All members present voted in favor. **Motion Passed.**

**RDA: Susan Leger-Ferraro, 16 Commonwealth Avenue,** Mr. Russell Stott of Russell Stott (RS) Landscape Design addressed the board on behalf of the applicant. He went over the existing site plan. He also went over the proposed landscape plan improvement plan. We would like to remove all the existing concrete and replace with pervious materials such as beach pebble, pea stone and beach sand laid granite. We are proposing to remove a large area of lawn and replace with native vegetation. We would like to replace the shed in kind. The proposal has us removing the existing old fence that goes from Commonwealth Avenue parallel and back to the house and we would also like to put the fence back and raise it 6" above finished grade. All down-spouts to the property will be captured in a drywell we are going to put in the lawn. In this proposal we will be removing the dead pine tree and the juniper. There will be no fill.

**SA** stated you have a request to remove existing fence along Commonwealth Avenue and re-set fence parallel to North End Blvd. 6" above finished grade. The existing condition, we have already spoken to the property owner about this over a year ago and she is not in compliance. **MC** asked if there was an Order to fix the fence now? **SA** stated no. We had a long conversation with the owner telling her the fence needs to be 50% open on the beach. **RS** stated this is mostly for safety. **AN** stated this is not in compliance. **MR** asked if this is the same fence just put back up somewhere else? **RS** stated yes. **MR** stated typically when a fence is being replaced/fixed the replacement has to be 50% open. Eliminating the one in front is more important and raising it is helping. There is not much sand or dune movement

across this property. This is a judgement call for the commission. **AN** stated I can't ask neighbor to neighbor to have it in compliance and allow one not to. This is not in compliance. I would be more than happy to do a site visit. **MC** stated since its existing already and they are trying to modify it I okay with this. **RS** stated the only fence that is being removed in this proposal is parallel to Commonwealth and comes back into the building. **JP** and **SA** stated they would like to do a site inspection. **MC** asked about the green space. **RS** stated we are reducing the amount of lawn but increasing the square footage of native plants. **MC** asked about the equipment that will be used. **RS** stated a bobcat and would be hauled off on the day of the demo. No dumpster.

**JP** motioned to continue RDA...

**RS** asked if I were to install a plant hedge, arborvitae and put a gate to remove the fence parallel to North End Blvd. **JP** stated that sounds good to me. **RS** stated in this proposal we would leave the north and south fence Commonwealth Avenue fence. **JP** asked if you need to get permission from the homeowner. **RS** stated I am hear as a representative so I feel comfortable she will be happy with these changes. **MC** asked if the applicant will need to revise the RDA. **SA** stated we will just need to condition it. **AN** asked about the request of the remaining fence to be in compliance. **MC** stated there was no enforcement order. **SA** stated there is some mitigation to that area with a lot of improvement. **AN** asked if there was list of native plants. **RS** stated I plan on using American Beach Grass, Big Blue, High bush Blueberry, ink berry, Virginia Rose. **SA** asked if **AN** was okay now. **AN** stated I think a site visit would be good as the project progresses. It seems like a good compromise. **SA** stated we can provide a list of approved shrubs.

No abutters present.

**JP** motioned to issue a negative determination with the following conditions 1. Replace the fencing with native plantings on the North End Blvd. side. 2. Site visit to see during construction how it is going. 3. Also the agreement of the property owner for all this. **SA** seconded the motion. All members present voted in favor. **Motion Passed.**

**RDA: MA DCR, 218 Beach Road.** Mike Magnifico (MM) of DCR addressed the board. We are asking permission to put an on-grade ADA compliant walkway. It will be 600' long. There will be minimal disturbance. The work will be completed using hand-tools. It will start on E Street. We will do minimal digging. We are trying to prevent kids from driving their bikes on the rogue trails. We will install handrails at the viewing point. All work will occur within the buffer zone of the salt marsh. All preparation of work will occur outside of the buffer zone. Minimal to no sand disturbance will be required in the installation of the accessible path. **MC** asked how far above the grade will the boardwalk be. **MM** stated it will be on grade. **MR** stated it looks raised up a few inches. **MM** stated it maybe 6" off the ground. **MC** asked if trees were going to be taken down. **MM** stated no. **AN** asked if this area flooded? **MM** stated no. **AN** asked the width of the boardwalk? **MM** stated 4', actually 5'. **AN** stated there is a discrepancy on the plan saying 4' and 5'. Darryl Forgione (DF) of DCR addressed the board. I believe 5' is required.

No abutters present.

**JP** motioned to issue a negative determination for 218 Beach Road. **MC** seconded the motion. All members present voted in favor. **Motion Passed.**

**NOI: MA DCR, 176-270 North End Blvd.,** **SA** stated I just want to make clear that the application should read 168-270 North End Blvd. (public access 6 through 7) Mr. Darryl Forgione (DF) of DCR and David Smith (DS) of GZAGeoenvironmental addressed the board. We surveyed from access 5 to access 8 and we also did a survey near the Salisbury Beach Reservation near the north jetty. It was determined that the most beneficial place was between access 6 through 7. We had a meeting on March 20<sup>th</sup> with representatives from DCR, DEP, Town of Salisbury, myself and representative from Costello's office. We had to do some math to figure out how much sand we can get in that area. We came up with two alternatives, 1. Provides placement of imported sand on Salisbury Beach within the DCR property limits only. The sand placement template will be constructed with the landward toe of the slope stating on the DCR property line. The sand will be sloped seawards at a 5:1 slope elevation 14.0 NAVD88. The crest will be approximately 10' wide and a slope will be constructed at 5:1 to meet the existing grade. Sand will not be placed below mean high water level. Alternate 2: this provides for placement of imported sand on Salisbury Beach on both private and DCR property. The sand template will be constructed with the landward limit being placed against the existing escarpment of the eroded dune face. The sand will be placed against the existing dune and extending seaward for a crest width of 10' at an elevation of 17.0 NAVD88. The seaward sand slope will be at 5:1 slope to existing grade. Sand will not be placed below mean high water level. Alternate 2 will require a right of entry access agreements from the private landowners. On both alternates we would have snow fencing perpendicular to the dune. Both options will be planted with American Beach Grass. The contractor will be importing the sand and it will be compatible (we did testing for the sand up and down the beach). We are going to use access #7 the trucks will back along the access way, there will be timber mats. Bulldozers will shape it to the template as shown. Resource area coastal beach and coastal dune and barrier beach.

**SA** stated I would like to publicly thank the hard-work of Senator O'Connor Ives and Representative Costello.

**MC** asked if an explanation of the positive and negatives between alternative 1 and 2. **DS** stated alternate 1 you are closer to the water, storm action. Alternate 2 in my opinion is the best option. Alternate 2 is a dune restoration and Alternate 1 is a

dune nourishment. **MC** asked about the high tide point. **DS** stated mean high water mark 3.1 for alternate 2. For alternate 2 the mean high water mark 3.9. **AN** asked when would you be making a decision on the plan? **DS** stated I am trying to get an approval for 1 or the other or possibly a hybrid. It depends on the access agreement. **SA** asked if there was a backup plan in case neighbors don't want it. **DF** stated we may do a hybrid of both. This is a fairly dynamic project. **MC** asked about the snow fencing on alternate 2, will there be openings? **DF** stated yes.

Abutter, Donald Snow (DS) of 256 North End Blvd., addressed the board. I represent Patrick Bisonette and his family. It's a bad plan if each individual homeowner chooses if they want dunes or not. When the next storm comes not only does your dune get hit from the front it breaches around the back. In option #2 I want to make sure my access to the beach will be protected? **DF** stated we will fill up to that. We will then run the snow fencing from your dune crossing to the beach making a proper access. The dune grass will be planted in the fall. **DS** asked if the snow fence will be buried? **DF** stated it would be a case by case basis. **DS** stated the walkway will be intact. **DS** stated yes. The sand will be put in front or behind it.

Abutter, Augie Peppetti of Oceancrest Condominium addressed the board. We have nine families living there. This is my primary residence. I have witnessed a number of storms. I am for alternate #2. We lost 14-17 vertical feet of sand during the February 2013 storm. We need to marry the new sand and the dune that we purchased last year to prevent this from happening again.

Abutter, Bob King (BK) of 206 North End Blvd., addressed the board. My family has lived at the beach since 1972. I have a question about the mean high tide compared to summer and winter. **DS** stated there is no difference. **BK** stated it is my understanding there is a difference between winter and summer because of the angle of the earth. I've seen the difference every year. I like the flexibility. Some people believe that the dunes are not a good idea. The reason why it is good not to have a dune is because the dune causes a flat area and then a hump. Some of the top wave people at MIT say that it is better to have a gradual incline because each foot of incline takes away energy. I believe in a no-name storm the house with a gradual hill will have less damage. At this particular moment the sand is low and bringing sand into that area is a wonderful idea. I think the net benefit will be good. For the last several years, every year we spend a considerable amount of money on snow fencing to see them wash away. I would like to see in this project that we can do it in a way that will have a lasting value. My understanding the snow fencing will be on the toe. My personal experience by next spring will be gone. My suggestion would be to put it up further.

Abutter, Mark Bean of 220 North End Blvd., addressed the board. I agree that the winters are when we get most of the erosion and loss of sand. I agree with option #2. I question the timing of this. Beach grass doesn't grow in the winter. My feeling would be to plant the beach grass in the spring. **DF** stated there is a planting season for beach grass. April 15<sup>th</sup> is a drop dead date to plant the grass. My next planting season is in October. Discussion about the best time and outcome of planting dune grass. **MB** stated I just want you to think about when you put the sand in that you think about planting dune grass in March.

Abutter, Pat Kelly (PK) of 276 North End Blvd., addressed the board. I have concerns about the trucks coming up. Last year when the sand was being replenished it lasted all night. Our foundation was shaking. We were not treated very nicely. **DF** stated we were trying to knock off by midnight. **PK** stated it is somewhat alarming that the trucks will be backing in to access #7. These contractors are not careful, they hit our wall. The state came in and repaired the fence and planted the grass. Are you saying you are going to take the fence down and go over that grass? **DF** stated I am hoping we work within the fence. I respectfully disagree, I don't believe we hit your wall. I photo documented the entire project. **PK** stated I was there and saw it. **DF** stated it should've been brought to my attention. **PK** stated he stated he would come back and fix it and he didn't. **PK** stated I have concerns about the contractor who is supplying the sand. This sand is like dirt. **DF** stated the sand we trucked in was from the jetty. **SA** stated there is different homeowners that didn't bring in compatible sand. **DS** stated we took some samples up and down the beach so we could get a good representation of what is out there. **PK** stated last year you would help those property owners to the left and this year you are going to the right and we are stuck in the middle. We are not getting any sand and we didn't get a letter. **DS** stated we will be feathering in. **DF** stated when we are done we will have to feather in to your property. **PK** stated I just want to make sure you are careful. **Audience** stated we are trying to go grow the dune grass and we want you to be as careful as possible.

Abutter, of 242 North End Blvd., asked about private walkways. Last year we restored our dune. We have a second access way to the beach. The second access that we have a right of way on is through my neighbor's yard. They decided to block it with the snow fence. How are you going to tell where the proper access ways are? **DF** stated we typically do this with Mike and his staff and with the homeowners. **Abutter** asked about the dune heights. We all have different heights. **DS** stated the intent is to try to keep them as uniform as we could. We are trying to keep it as uniform and consistent as we can.

Abutter, Tom Saab (TS) of 190 North End Blvd. addressed the board. We know that option #1 was presented in case many residents didn't want the sand brought onto their property. Option #2 was always the first choice for DCR. I question the time frame I thought the documents were already drawn up and would be ready to sign. **MR** stated we are working on that now. We are working on different options. 1. Is a right of entry form? 2. Temporary easement. **TS** asked what does DCR prefer? **DF** stated we are working with the Town Counsel and DCR Counsel. It's in legal and I can't answer your question. **TS** stated as soon as the forms are ready I can get the majority signed. The season actually begins June

21<sup>st</sup> and 28<sup>th</sup>. It will be more difficult for them to do their job with all the people. **DF** stated my objective is to be off the beach as soon as we are on the beach. **TS** asked about the metal stakes. **DF** stated we have a contract to remove the stakes. Please let us know if there are stakes sticking out. **TS** stated we don't want the contractors to bury them.

Abutter, Augie Peppetti of Oceancrest Condominium addressed the board. Do I need to have my nine condominium owner's sign or can I sign as a trustee. **MR** stated it is probably anyone who has the legal right to sign those documents.

**SA** stated it seems like option #2 looks like the most popular. A right of entry will need to be filled out. If there is an owner who does not want the sand that DCR takes precautionary steps to make sure there will be no breach of the dune.

**MC** stated I would like to list what I think should be on the Order: 1. some type of agreement needs to be signed. 2. Starting time could be an issue (**MR** stated I don't think a time limit should be placed on this)

Abutter, William McGuire of 264 North End Blvd. addressed the board. I would agree with Michelle and suggest no time limit on the order.

**AN** stated I think we just list both in the motion. I support option #2. I think we need to grant that flexibility. **MC** asked if we make a motion for the NOI do we make a motion for the option? **DS** stated we would prefer to have some flexibility.

**Discussion of what the motion should say.** **AN** stated I think the words restoration and sand nourishment. **MR** stated my suggestion would be to leave out alternate #1 and #2 and to say dune restoration to match existing dunes wherever possible. **AN** stated I think we should reference option #1 and #2 because that is what was presented before us.

Abutter, Gus Lagrasse of 186 North End Blvd. addressed the board. I really appreciate all the work everyone has been doing.

**MC** stated I am starting to lean more picking 1 or the other. This is the way it was presented. **AN** stated it is also for a hybrid. **MC** stated it doesn't say hybrid. **JP** stated but it was mentioned tonight.

**MC** asked what if 20 homes one way and 20 homes the other way and 1 house doesn't want to, would this be a hybrid? **DF** stated we would work with Michelle.

**AN** asked if we should have compliance check for the grass? **SA** stated that is more for mitigation.

Abutter, Pat Kelly (PK) of 276 North End Blvd., addressed the board. Does the protection of the dune grass and fences need to be in your motion. **SA** stated it's in their Notice of Intent. We can add it in.

**JP** motions to issue an Order of Conditions with the following conditions, to restore the existing dunes match the form of the existing dune and create a continuous dune system. If permission can be obtained. If permission cannot be granted DCR will work with the property owner to develop an alternate solution or alternative and the dune line or solution shall not be constructed so as not to cause any part of the dune to be placed in a vulnerable position.

**DF** that motion sounds like liability.

**MC** stated I make a recommendation to approve the NOI for option #2 as long as DCR is able to get temporary access to the property owners to their property to do dune restoration from beach access 6 – 7. **SA** stated can we add without right of entry there is still an option for #1 and protect the homeowner who does not want to partake. **SA** stated we don't want to hold DCR accountable.

**JP** stated approve the noi for public access 6 -7 that permission will be obtained for access from all property owners.

**MR** stated if you want to reference the two options you can say: approved as presented the two options being performed giving site constraints.

**JP** motions to approve the NOI as presented utilizing the two alternatives as appropriate giving site constraints and public access #7 restored to original conditions snow fence and dune vegetation. Also included all property owners must provide authorization either a right of entry or temporary easement where work will be accomplished. **AN** seconded the motion. All members present voted in favor. **Motion Passed.**

**Request for a Certificate of Compliance, 27 Liberty Street, JP** stated she would do the site visit.

**OLD BUSINESS:**

**ENFORCEMENT ORDERS:**

20 Dock Lane-no action  
Salisbury Woods-no action  
2 Broadway-no action  
16 Hayes Street-no action  
4 Fanaras Drive-no action  
178 North End Blvd.-no action  
44 Lafayette Road-no action

**COMMISSIONERS COMMENT:**

**ADJOURNMENT:**

**MC** motioned to adjourn at 11:00 p.m. **JP** seconded the motion. All members present voted in favor. **Motion Passed.**