



**Salisbury Conservation Commission  
Meeting Minutes  
April 21, 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. **February 17, 2021**
2. **March 3, 2021**
3. **March 17, 2021**
4. **April 7, 2021**

**JDJ** motioned to continue the minutes for February 17, 2021, March 3, 2021, March 17, 2021, and April 7, 2021 until May 5, 2021.

**MC** seconded

**Roll Call Vote:**

**SA** Yes  
**BL** Yes  
**JDJ** Yes  
**JKP** Yes  
**MC** 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 May 5, 2021.

**JDJ** motioned to continue the Notice of Intent for Rodger Perlstein, 12 Wyman Greely's Realty Trust, LLC, 12 Wyman Greely Street to May 5, 2021 at 7:10 pm.

**JKP** seconded

**Roll Call Vote:**

**SA** Yes

**BL** Yes

**JDJ** Yes

**JKP** Yes

**MC** 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 May 5, 2021.

**JDJ** motioned to continue the Notice of Intent for Thomas Underwood, 80 Cable Ave., until May 5, 2021 at 7:10 pm.

**JKP** seconded

**Roll Call Vote:**

**SA** Yes

**BL** Yes

**JDJ** Yes

**JKP** Yes

**MC** 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 May 5, 2021.

**JDJ** motioned to continue the Notice of Intent for Thomas Underwood, 86 Cable Ave., until May 5, 2021 at 7:10 pm.

**JKP** seconded

**Roll Call Vote:**

**SA** Yes

**BL** Yes

**JDJ** Yes

**JKP** Yes

**MC** Yes

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

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

SA stated that the applicant had requested a continuance to May 5, 2021.

**JDJ** motioned to continue the Notice of Intent for Christopher DeLuca, 112 Elm St. until May 5, 2021 at 7:10 pm.

**MC** seconded

**Roll Call Vote:**

**SA** Yes

**BL** Yes

**JDJ** Yes

**JKP** Yes

**MC** Yes

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

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

SA stated that the applicant had requested a continuance to May 5, 2021.

**JDJ** motioned to continue the Notice of Intent for David Daly, North End Boulevard, LLC, 504 North End Blvd, to May 5, 2021 at 7:10 PM

**MC** seconded

**Roll Call Vote:**

**SA** Yes

**BL** Yes

**JDJ** Yes

**JKP** Yes

**MC** Yes

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

**6. NOI: Massachusetts Department of Conservation and Recreation, Salisbury Beach Reservation Campground (4/7/21)**

SA stated a DEP # had been issued and they had received a letter from NHESP. Darryl Forgione from the DCR (**DF**) and Matt Devlin of AECOM (**MD**) were present to discuss updates. **MD** stated they had received the determination from Natural Heritage which stated there was no take, and no adverse effect. **MC** asked whether there were any updates regarding the status of the beach plan. **DF** reached out to the Assistant Commissioner Geigis who runs the Natural Resource section, and the Director of Natural Resources, Erik Seaborn, will be in contact with the Agent to provide an update on the Beach Management Plan status.

**JKP** motioned to approve the Notice of Intent for Massachusetts Department of Conservation and Recreation, Salisbury Beach Reservation Campground with standard

**JDJ** seconded

**Roll Call Vote:**

**SA Yes**  
**BL Yes**  
**JDJ Yes**  
**JKP Yes**  
**MC Yes**

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

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

SA stated they would need to continue to May 5, 2021 as Mary Rimmer hadn't completed her review yet.

**JKP** motioned to continue the Request for Determination for Mike Terminiello, 26 Cushing St until May 5, 2021  
**MC** seconded

**Roll Call Vote:**

**SA Yes**  
**BL Yes**  
**JDJ Yes**  
**JKP Yes**  
**MC Yes**

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

**8. NOI: Susan & Bassam Taleb, 153 North End Blvd (4/7/21)**

Matt Steinel of Millennium Engineering (**MS**) stated they had received a DEP #. He noted there was a comment at the last meeting regarding the location of the relocated shed being a little close to the wetland. **MS** stated they were unable to pull away it too further, but were able to move it an additional foot away from wetland, they are also proposing a post and rail fence with signage to mark the resource area. The project is an overall improvement for site itself. **MS** stated DEP had a comment regarding the pervious pavers which he wanted to discuss, since they've been allowed in the past. **AM** stated DEP typically leaves pavers up to the commission's discretion, and historically the Commission has compromised on pavers as long as the installation is in the spirit of improving dune function. **MS** stated the existing paved driveway is being removed and will be replaced with gravel and a pervious paver pathway.

**JKP** motioned to approve the Notice of Intent for Susan & Bassam Taleb, 153 North End Blvd. with the standard order of conditions and the open cell pavers must be installed by a professional installer following the manufacturer specifications.

**MC** seconded

**Roll Call Vote:**

**SA Yes**  
**BL Yes**  
**JDJ Yes**  
**JKP Yes**  
**MC Yes**

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

**9. Amended NOI: Bruce Arakelian, 195-201 Elm St. (4/7/21)**

Michael Seekamp of Seekamp Environmental Consulting (**MS**) represented the applicant. He stated the original plan was for adding a dinner theater and additional parking. Most of storm water system has already been built. Mr. Arakelian decided to change it to a storage facility, but will retain the current restaurant and theater. There will be a slight reduction in impervious surfaces, so no additional stormwater will be needed. And there will be cleaner run off over all. **SA** asked if they renotified abutters. **MS** stated they did. **JDJ** confirmed whether some of the light poles originally proposed were removed because lighting will be installed on the building. **MS** stated he was not familiar with the lighting plan, however in 2020 the project went before the Planning Board, who required some enhancements to landscaping, and maybe to the lighting also. **JDJ** stated she wants to be sure the lighting is dark sky compliant. **JKP** noted that in ASB Design Group's Response to Comments dated April 9, 2021, there is mention of cattails in the installed BMPs, which implies the area is wet. **MS** stated he can have an engineer determine if the capacity of the detention basin has been reduced. **SA** requested they condition that at certain intervals the Commission should receive reports on the condition and maintenance of the BMPs. **JDJ** asked at what frequency. **MS** suggested after each phase of construction, or within the first year of the completion of each phase, and they shall determine future inspections based on results of each inspection.

**JKP** motioned to amend the Notice of Intent for Bruce Arakelian, 195-201 Elm St. with the standard order of conditions, which refer to the previous conditions, and the Commission will receive an inspection report for the detention basins from an engineer after phase 1 and phase two of construction.

**MC** seconded

**Roll Call Vote:**

**SA Yes**

**BL Yes**

**JDJ Yes**

**JKP Yes**

**MC Yes**

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

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

**SA** stated no DEP # has been issued and advised continuing to May 5, 2021. The Commission can conduct a site visit in the interim.

**JDJ** motioned to continue the Notice of Intent for Shiv & Rojina Shrestha, 11 Commonwealth until May 5, 2021 at 7:10 pm, and in the interim the Commission will conduct a site visit.

**MC** seconded

**Roll Call Vote:**

**SA Yes**

**BL Yes**

**JDJ Yes**

**JKP Yes**

**MC Yes**

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

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

**SA** stated that a DEP # has not been issued yet. Matt Steinel of Millennium Engineering (**MS**) confirmed they will be requesting a continuance, but would still like to review the project and existing conditions. They plan to modify an existing deck to install an elevator. The machine room will be on the second level, above flood elevation on the street side away from wave action. The elevation will be for access to upper level. **JKP** asked if the elevator would go up the exterior of building? **MS** replied that it would **JKP** requested a site visit. **MS** added they will have float switch so the cab will elevate in flood conditions. **SA** asked whether the switch was shown on the plan. **MS** stated he will look into it. **MC** asked whether there will be pistons in the ground? **MS** replied that the mechanics will be on the second floor. **JKP** reviewed the suggested conditions for the elevator, including: All vital components for the elevator shall be located above elevation 21; elevator shall be installed with a float switch or similar system that, when triggered, will rise the elevator above elevation 21 and prevent it from descending into flood water; the project shall meet all applicable flood and building regulations as directed by the Building Inspector; the applicant shall have the elevator inspected annually; any components found in poor condition will be replaced expeditiously; all exterior stairs are 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.

**JDJ** motioned to continue the Notice of Intent for Russell Ouellette, 82 Central. to May 5, 2021 at 7:10 pm.  
**MC** seconded

### **Roll Call Vote:**

**SA** Yes  
**BL** Yes  
**JDJ** Yes  
**JKP** Yes  
**MC** Yes

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

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

**SA** stated that no DEP # has been issued. Tom Hughes of Hughes Environmental (**TH**) was present with architect Scott Brown (**SB**), applicants Mark and Gail Feigenbaum, and Attorney Olympia Bowker of Mead Talerman and Costa (**OB**). **TH** stated the property is located next to one of the beach accesses and discussed the existing house and property. They are proposing to construct a new house on piles, with elevated decks with thru flow decking. There will be 236 square feet of impacts to vegetation, and 835 square feet of dune grass is proposed to be planted. A utility chase is proposed in the landward portion of the structure, and parking is proposed under the structure. **TH** clarified that they are installing fence to force people to use the right of way and will not be blocking access to the beach, and they anticipate a path to the beach will form naturally in the right of way. Mary Beth Timony of 556 North End Blvd. stated the pathway used to be clear shot to the beach and 6 feet wide, and has been filled in by dune grass over the years. Would like to see a 3-foot path straight from Commonwealth to the beach and relocation of the dune grass. **TH** advised that such work would involve work on DCR property and would require permitting at the state level. Ken Dahar of 31 Commonwealth noted that the access being discussed is access # 12, and is a public access to the beach. He further stated that the path through the property has been there around 20 years, and suggested it might be subject to eminent domain. He questioned why they would need DCR approval. He also asked why the existing and proposed site plans were presented side by side and not over top one another **TH** stated the property is registered land and therefore prescriptive easements do not apply. He added that to make a path straight back from Commonwealth, work would need to be done on DCR property such as removing fencing, and such work would need to be approved

by Boston. With regards to the site plans, presenting them side by side makes it easier to read as the plans get more complicated. **KD** wants the neighbors to be aware how much the new structure will protrude back towards the beach. **TH** advised that that is a zoning issue and has been approved by the Zoning Board zoning requirements. **OB** added that zoning only requires structures to be 20 feet from the rear property line, and the proposed house does not come close to that. Bill Hornby of 38 Commonwealth raised concerns about people with mobility issues navigating the new portion of the path to the beach before it's completely formed. **TH** stated he didn't think it wouldn't be long for the path would be worn, but the can work with individuals with mobility issues until the path is well worn. **SA** advised that the hearing will need to be continued, and the Commission can do site visit in the interim.

**JDJ** motioned to continue the Notice of Intent for Mark Feigenbaum, 35 Commonwealth. until May 5, 2021 at 7:10 pm and in the interim the Commission will conduct a site visit

**JKP** seconded

**Roll Call Vote:**

**SA** Yes

**BL** Yes

**JDJ** Yes

**JKP** Yes

**MC** Yes

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

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

**SA** stated the applicant had requested a continuance to May 5, 2021.

**JDJ** motioned to continue the Notice of Intent for New Cingular Wireless PCS LLC, 91 North End Blvd. to May 5, 2021 at 7:10 pm.

**JKP** seconded

**Roll Call Vote:**

**SA** Yes

**BL** Yes

**JDJ** Yes

**JKP** Yes

**MC** Yes

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

**C. NEW BUSINESS:**

**1. Request for Certificate of compliance, 1 Gerrish Road.**

Matt Steinel of Millennium Engineering (**MS**) presented. He stated the Order was from 2002-2003. Work was done in 2004 for a sewer extension and 500-gallon pump station. He reviewed the project, noting the location of pump station shifted, which was the only real deviation. **SA** stated the Agent recommends granting the Certificate of Compliance.

**JKP** Motioned to grant the Certificate of Compliance for 1 Gerrish Road.

**JDJ** seconded

**Roll Call Vote:**

**SA** Yes  
**BL** Yes  
**JDJ** Yes  
**JKP** Yes  
**MC** Yes

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

**D. OLD BUSINESS**

**1. Request for Certificate of Compliance, 107 Railroad Ave.**

Todd Fitzgerald (**TF**) was present and stated the Commission had conducted site visit. **MC** and **JDJ** were at the site visit and both stated it looked good. **SA** asked if they would recommend granting and **JDJ** stated they would.

**JDJ** motioned to grant the Request for a Certificate of Compliance for 107 Railroad Ave.

**JKP** seconded

**Roll Call Vote:**

**SA** Yes  
**BL** Yes  
**JDJ** Yes  
**JKP** Yes  
**MC** Yes

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

**2. Request for Significance of Change, 16 Cable Ave.**

**SA** stated a site visit was conducted on April 12. The property owner Robert Jacobs (**RJ**) and contractor Barry Dion (**BD**) were present. **MC** stated he thought it was a great project. **BD** explained they're removing 2 red cedars and repositioning 1. They're also taking out 5 Mugo Pines and adding back 2, and they're planting three more beach plums. They are moving landscaping around to improve the parking. **BD** reviewed the proposed changes. **SA** stated the changes sound insignificant. **BL** agreed.

**JKP** motioned to find the Request for a Significance of Change for 16 Cable Ave non-significant

**BL** seconded

**Roll Call Vote:**

**SA** Yes  
**BL** Yes  
**JDJ** Yes  
**JKP** Yes  
**MC** Yes

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



**D. ENFORCEMENT ORDERS:**

HOLD, PENDING UPDATE:

1. 150 North End Blvd.
2. 151 Cable Ave. -
3. **165 Atlantic Ave. –**

Tom Hughes of Hughes Environmental (**TH**) provided an update. He reviewed conditions at time of enforcement order. Workers were at the property on Friday during storm. They placed 5 cubic yards of sand, which didn't go as far as he thought it would. tire tracks were raked out, and additional sand was collected from the storm. **TH** flagged where plantings should go, and dune grass plugs have been planted. **SA** asked about the presence of old roots. **TH** replied he saw them starting to sprout, and there is a strong likelihood of success with plantings. They will also add snow fence to trap sand.

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

ACTIVE, PENDING COMPLETION:

16. 139 Elm St
17. 61 Bridge Rd.

COMPLETE, PENDING APPROVAL:

18. 86/88 Elm St.
19. 4 Main Street
20. 9 Bayberry Ln.
21. 82 Lafayette Rd

**E. COMMISSIONER COMMENTS:**

**F. ADJOURNMENT:**

**JKP** motioned to adjourn the April 21, 2021 Conservation Commission Meeting at 9:24 p.m.  
**JDJ** seconded.

**Roll Call Vote:**

**SA** Yes

<b>BL</b>	<b>Yes</b>
<b>JDJ</b>	<b>Yes</b>
<b>JKP</b>	<b>Yes</b>
<b>MC</b>	<b>Yes</b>

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