



**Salisbury Conservation Commission  
Meeting Minutes  
June 3, 2020  
Colchester Auditorium, Town Hall  
5 Beach Road  
Salisbury, MA 01952  
Virtual Meeting  
7:00 P.M.**

**COMMISSION MEMBERS PRESENT:** Chairman Sheila Albertelli (**SA**), Jane Purinton (**JKP**), Julie Doughman-Johnson (**JDJ**), and Blake Leibert (**BL**), Joanne Perreault (**JP**)

**COMMISSION MEMBERS ABSENT:** Emily Round (**EGR**)

**ALSO PRESENT:** Conservation Agent, Adriane Marchand (**AM**).

Chairman Sheila Albertelli opened the meeting at 7:09 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. DCR, Salisbury Beach Pile Removal**

**SA** explained that piles from an old structure that was known as The Frolics were unearthed due to storm activity and needed to be removed because they had become a safety hazard.

**JDJ** motioned to ratify the Emergency Certificate for DCR, Salisbury Beach Pile Removal

**BL** seconded

**Vote: 5-0, unanimous. Motion Carried.**

**B. MINUTES:**

- 1. April 1, 2020**
- 2. April 15, 2020**
- 3. May 6, 2020**
- 4. May 20, 2020**

**JDJ** motioned to approve the minutes for April 1, 2020, April 15, 2020, and May 6, 2020.

**BL** seconded

**Vote: 5-0, unanimous. Motion Carried.**

**JDJ** motioned to continue the minutes for May 20, 2020 to June 17, 2020.

**JP** seconded

**Vote: 5-0, unanimous. Motion Carried.**

**C. PUBLIC HEARINGS at 7:10pm:**

**1. NOI: Li Family Trust, 139 Elm St. (10/2/19)**

**BL** motioned to continue the Notice of Intent for Li Family Trust, 139 Elm Street to June 17, 2020 at 7:10pm

**JDJ** seconded.

**Vote: 5-0, unanimous. Motion Carried.**

**2. NOI: Jessica White, 35 Old County Rd. (11/6/19)**

Mark Beaudry (**MB**), and Janice Weldon of Meridian Associates, and Jessica White (**JW**) were present. **MB** reviewed the temporary construction entrance, which was to be partly on the abutter's property, as well as the location for stockpiling and compensatory flood storage. Utilities will be run under the walkway in the wetland. The house will be constructed out of shipping containers on pilings. There will be natural vegetation and no lawn, and the decking will be through flow decking. **JDJ** questioned how the utility lines will be kept from freezing. **MB** replied they would be insulated. **JKP** noted the utility lines and pipes under the structure could be subject to wave action and questioned how the containers would be moved and put in place. **MB** and **JW** discussed some possibilities and stated the process will be determined by the contractor after the property is purchased, but the purchase is contingent upon getting the necessary approvals to build. **JKP** advised them that that information was important for the Commission to assess potential impacts. **JW** noted that construction of the containers can be done offsite and brought onsite by crane. **JKP** questioned **JW** regarding the type of demarcations to be used and **JW** replied she decided on signs instead of the boulders indicated on the plans. **SA** asked about the type of piles to be used **MB** replied helical will only be used for the walkway. **SA** then noted the construction access seemed close to wetland. **MB** explained the construction access is about 4 feet from the wetland at the closest point, and silt fence. **JKP** suggested a site walk. Tom Hughes of Hughes Environmental spoke on behalf of Edwin Garside at 39 Old County Road and stated that the abutter wanted to review the plans to understand the details of the temporary access.

**JKP** motioned to continue Notice of Intent for Jessica White, 35 Old County Road to June 17, 2020 at 7:10pm to allow for a site walk and for Edwin Garside to sign the NOI for the work being done on his property.

**JPJ** seconded.

**Vote: 5-0, unanimous. Motion Carried.**

**3. NOI: Raymond & Dona Champagne, 552 North End Blvd. (3/4/20)**

**SA** noted that that a DEP file number has been issued. Matt Steinel from Millennium Engineering (**MS**) represented the applicant. He reviewed previous hearings and the most recent plan with the Commission.

**JKP** motioned to approve the Notice of Intent for Raymond & Dona Champagne, 552 North End Blvd with the standard Order of Conditions.

**JP** seconded.

**Vote: 5-0, unanimous. Motion Carried**

**4. NOI: Rodger Perlstein, 12 Wyman Greeley's Realty Trust, LLC, 12 Wyman Greeley St. (3/18/20)**

**BL** motioned to continue the Notice of Intent for Rodger Perlstein, 12 Wyman Greeley's Realty Trust, LLC, 12 Wyman Greeley Street to June 17, 2020 at 7:10 pm.

**JDJ** seconded

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

**5. NOI: Steve Paquette, Forest Salisbury, LLC, 15 Forest Rd., Lot 2 (5/20/20)**

Tom Hughes of Hughes Environmental (**TH**) represented the applicant. He reviewed minor adjustments made to the plans based on the recommendations of Mary Rimmer, and the location of the proposed home in the Buffer Zone.

**BL** motioned to approve the Notice of Intent for Steve Paquette, Forest Salisbury, LLC, 15 Forest Rd., Lot 2.

**JKP** Seconded

**Vote: 5-0, unanimous. Motion Carried.**

**6. NOI: Steve Paquette, Forest Salisbury, LLC, 15 Forest Rd., Lot 3 (3/18/20)**

Tom Hughes of Hughes Environmental (**TH**) represented the applicant. **TH** reviewed the property and the location of the proposed house. The driveway crosses over an area of overland flow, so a culvert will be installed with the driveway passing over.

**JKP** motioned to approve the Notice of Intent for Steve Paquette, Forest Salisbury, LLC, 15 Forest Rd., Lot 3.  
**BL** seconded

**Vote: 5-0, unanimous. Motion Carried.**

**7. NOI: Steve Paquette, Forest Salisbury, LLC, 15 Forest Rd., Lot 4 (3/18/20)**

Tom Hughes of Hughes Environmental (**TH**) represented the applicant. **TH** Reviewed the location of the proposed home, which was moved closer to the river, but is still in the outer riparian zone. **TH** stated the lot as a whole is under 10% for riverfront impacts, but when subdivided, this lot will be at 11.3%, which is allowed in the regulations since the lot hasn't been divided yet. **JKP** asked if a lot line could be adjusted to make the individual lot 10% or under. **AM** stated they would be more comfortable if this lot were at or under 10% for impacts. Matt Steinel of Millennium Engineering stated adjusting the lot line should be possible. Steve Paquette agreed.

**JKP** motioned to approve the Notice of Intent for Steve Paquette, Forest Salisbury, LLC, 15 Forest Rd., Lot 4, with the condition that the lot line between lots 3 and 4 be altered such that lot 4 comes to 10% or under for riverfront impacts, and the standard conditions.

**JP** seconded

**Vote: 5-0, unanimous. Motion Carried.**

**8. RDA: US Fish and Wildlife Service, Invasive Plant Management (6/3/20)**

Kiah Walker of US Fish and Wildlife Service (**KW**) presented. They have been working to remove Pepperweed from the Great Marsh since 2006, which will improve marsh health. The Pepperweed is hand-pulled or an herbicide is used. **JDJ** asked what type of pesticide is used. **KW** stated it is an herbicide called Escort that is specific to broadleaf plants. If there is Pepperweed around Marsh Elder, the Pepperweed will be hand-pulled. Deborah Shafer of 141 Atlantic Ave questioned whether the herbicide is a carcinogen. **AM** stated it was not. **KW** added it is a very targeted application.

**JKP** motioned to issue a negative determination for US Fish and Wildlife Service, Invasive Plant Management.  
**JP** seconded.

**Vote: 5-0, unanimous. Motion Carried.**

**9. NOI: Department of Conservation and Recreation, Salisbury Beach Management Plan (6/3/20)**

**SA** noted there was no DEP number yet and nothing had been heard from Natural Heritage. Andy Backman of the Department of Conservation and Recreation (**AB**) presented. The application is for the day-to-day operation and maintenance of the beach. Deborah Shafer of 141 Atlantic Avenue requested an overview of the activities to take place adjacent to her home. **AB** replied beach raking and the installation of life guard stations. Ms. Shafer suggested a lifeguard station be installed at Access #2, and mentioned various other issues, such as

seaweed being deposited on private property and the possibility of placing trash receptacles on the beach to be emptied by DCR. **AB** suggested she mention that to Mike Magnifico. He added that Natural Heritage has advised them in the past to leave the seaweed as it is habitat for the plovers. Ms. Shafer asked if there was anything new in the plan. **AB** replied there was not. **SA** added that it was renewing the pre-existing plan which has an expiration date. Rick Rigoli of 180 North End Boulevard **RR** asked whether this is covered under the September 2008 Beach Management Plan, or if there has been a recent amendment. **AB** replied that the plan Mr. Rigoli is referring to is a more comprehensive barrier beach plan, and is in the process of being updated. When it is ready, it will be brought to the Conservation Commission as a Notice of Intent. **RR** asked when the public can comment on the revisions to that plan. **AB** replied when it is filed with the Conservation Commission. **JKP** asked whether the Barrier Beach Plan is available online. **AB** replied it's still in draft form and not available.

**JKP** motioned to continue the Request for Determination for the Department of Conservation and Recreation, Salisbury Beach Management Plan to June 17, 2020 at 7:10 pm.

**JP** seconded.

**Vote: 5-0, unanimous. Motion Carried.**

#### **10. RDA: Daniel & Wanda Garland, 19 Harrison Ave. (6/3/20)**

Tom Hughes of Hughes Environmental (**TH**) represented the applicant. The project is to construct a deck with a screened porch on the rear of garage on helical piles. He reviewed the resource areas and explained that roof run-off will be captured by a gutter and run into a stone bed under the deck.

**BL** motioned to issue a negative determination for Daniel & Wanda Garland, 19 Harrison Ave.

**JDJ** seconded

**Vote: 5-0, unanimous. Motion Carried.**

### **D. NEW BUSINESS**

#### **1. Request for Extension, 139 Elm Street**

**JDJ** questioned what the extension is for. Tom Hughes of Hughes Environmental (**TH**) explained that the open Order of Conditions that the work creating the outstanding issues were created under would have expired were it not for the COVID-19 extension, and they wanted a 2 year extension in order to bring the property into compliance, if the new Notice of Intent is not approved.

**JDJ** motioned to extend the Order of Conditions for 139 Elm Street to May 10, 2022.

**JKP** seconded

**Vote: 5-0, unanimous. Motion Carried.**

#### **2. Request for Certificate of Compliance, 3 Patriot Way (formally lot E.)**

Judith Stebulis explained that the Order of Conditions was for work on Lot E. They subdivided and purchased a portion of the lot that work was not conducted on, but their portion was still subject to the Order. **AM** recommended granting the certificate.

**JKP** motioned to grant the Certificate of Compliance for Patriot Way (formerly Lot E)

**JDJ** seconded.

**Vote: 5-0, unanimous. Motion Carried.**

**E. OLD BUSINESS:**

**1. Request for Certificate of Compliance, 585 North End Blvd.**

Matt Steinel of Millennium Engineering (**MS**) represented the applicant. He explained that he spoke with the president of the association and they were still having difficulty reaching one owner who still had mesh up. He suggested issuing the certificate for the other units so funds can be released from escrow, and issuing an enforcement order for the one unit that has not removed the mesh. **SA** stated the Certificate would have to be for all the units, and then to issue an enforcement order saying one is not in compliance would not make sense. The Commission members agreed. **MS** also suggested issuing a partial certificate for the compliant units. **AM** agreed it's an option. **JDJ** asked whether the Agent had conducted a site visit and **AM** replied not in a few weeks. She added it was her recommendation to continue the Certificate of Compliance and hold a site visit with the unit owners once they feel the entire property is in compliance. **MS** added they could do a site visit and identify what unit(s) aren't in compliance and issue the partial certificate next meeting if necessary.

**BL** motioned to continue the Request for Certificate of Compliance for 585 North End Boulevard, in the meantime the Agent and Matt Steinel will conduct a site visit.

**JP** seconded

**Vote: 5-0, unanimous. Motion Carried.**

**E. ENFORCEMENT ORDERS:**

**HOLD, PENDING UPDATE:**

1. 15 Learned Ln.
2. 438 N. End Blvd.
3. 565 North End Blvd.
4. 30 Main St.
5. 212 N. End Blvd.
6. 83 Atlantic Ave.
7. 211 N. End Blvd.
8. 279 N. End Blvd.
9. 16 Hayes St.
10. 11 Railroad Ave.
11. 61 Bridge Rd.
12. 139 Elm St – Tom Hughes of Hughes Environmental (**TH**) updated the Commission. They have received comments from Mary Rimmer regarding the restoration plan and have made adjustments as advised. The updated restoration plan has not been submitted to the Agent yet. Ms. Rimmer wants detail on how to get storm water basins back to what was originally designed and permitted. **TH** added that the ideal time to do wetland restoration is mid-September to mid-October. Drainage issue has been addressed with stone swale. **SA** questioned whether the storm water be worked on leading up the September-October planting schedule. **TH** will look into and have a proposed schedule for the next meeting.

**ACTIVE, PENDING COMPLETION:**

13. 86/88 Elm St.
14. 4 Main Street
15. 37 Atlantic Ave.

**COMPLETE, PENDING APPROVAL:**

16. 9 Bayberry Ln.
17. 82 Lafayette Rd
18. 44 Old County Rd.

19. 128 Bridge Rd

**D. COMMISSIONER COMMENTS:**

Agent Marchand announced the Conservation Commission is looking for new members

**JKP** announced the passing of Elizabeth Duff who worked for Massachusetts Audubon and lead their Salt Marsh Science Project.

**E. ADJOURNMENT:**

**JDJ** motioned to adjourn the June 3, 2020 Conservation Commission Meeting at 10:53 p.m.

**JP** seconded.

**Vote: 5-0, unanimous. Motion Carried.**