



**Salisbury Conservation Commission  
Meeting Minutes  
October 16, 2019  
Colchester Auditorium, Town Hall  
5 Beach Road  
Salisbury, MA 01952  
7:00 P.M.**

---

**COMMISSION MEMBERS PRESENT:** Emily Round (**EGR**), Julie Doughman-Johnson (**JDJ**), Joanne Perreault (**JP**) and Blake Leibert (**BL**).

**COMMISSION MEMBERS ABSENT:** Chairman Sheila Albertelli (**SA**), and Jane Purinton (**JKP**).

**ALSO PRESENT:** Director of Planning & Community Development Lisa Pearson (**LP**), Conservation Secretary Adriane Marchand.

Emily Round opened the meeting at 7:08 pm under the Wetlands Protection Act & Open Meeting Law and informed the public that the meeting was being recorded.

**A. MINUTES:**

- 1. September 18, 2019 -**
- 2. October 2, 2019-**

**JDJ** motioned to continue the minutes for September 18, 2019 and October 2, 2019 until the next meeting 11/6/2019.

**JP** seconded.

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

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

**1. NOI: Town of Salisbury, Lafayette Rd. to NH Rail Trail Connector (10/16/19)**

Lisa Pearson (**LP**), Director of Planning and Development introduced the project. Reviewed the site conditions and the project history. Have been working with the Friends of the Seabrook Railtrail and the Seabrook Firemen's Association to create this plan. Funds have been awarded and the project is now ready to move forward. The proposed plan for this hearing includes a portion of the trail construction that is within the buffer zone to bordering vegetated wetland (BVW). Featured in the plan is the construction of a bog bridge to cross the damaged BVW; this will allow it to rebound naturally.

**BL** motioned to approve the Notice of Intent for Town of Salisbury, Lafayette Rd. to NH Rail Trail Connector with the standard special conditions.

**JP** seconded.

**Vote: 4-0, unanimous. Motion Carried.**

**2. NOI: Leo LoPiano, 199 Atlantic Ave (9/18/19)**

**JP** motioned to continue the Notice of Intent for 199 Atlantic Ave to November 6, 2019.

**JDJ** seconded.

**Vote: 4-0, unanimous. Motion Carried.**

**3. NOI: Richard Shaheen, 201 Atlantic Ave (10/2/19)**

**JDJ** motioned to continue the Notice of Intent for Richard Shaheen, 201 Atlantic Ave to November 6, 2019 at 7:10p.m.

**JP** seconded.

**Vote: 4-0, unanimous. Motion Carried.**

**4. NOI: Tom Patenaude Homes, Inc, 48 & 50 Old County Road (10/2/19)**

**BL** motioned to continue the Notice of Intent for Tom Patenaude Homes, Inc, 48 & 50 Old County Road to November 6, 2019 at 7:10p.m.

**JDJ** seconded.

**Vote: 4-0, unanimous. Motion Carried.**

**5. NOI: Tom Patenaude Homes, Inc, 35 Liberty Street (10/2/19)**

Matt Steinel (**MS**) of Millennium Engineering, Inc represented the applicant. They have received their DEP number and have received no comments from DEP. The Commission visited the site.

**JDJ** asked what precautions would be taken to stabilize the slope when the deck is removed by hand. **MS** replied they would vegetate the site where the deck would be removed that will further stabilize the slope. Offered to fill the holes left behind before they revegetate. **BL** asked what type of vegetation would be planted. **MS** answered a native coastal grass. **JDJ** asked if it would be maintained as a lawn. **MS** confirmed. **JDJ** suggested conditioning no fertilizers or pesticides allowed to be used. **EGR** suggested they leave a vegetated buffer by the edge. **BL** suggested they use a barricade by the edge, something like a post and rail fence. **MS** offered a five-foot (5') vegetated buffer. Commission discussed distance of the proposed vegetated buffer. **LP** suggested they submit a landscape plan. **EGR** asked if the stairs would have pile foundation or slab. Tom Patenaude (**TP**) stated the stairs stringers would be supported on blocks. **JDJ** specified the space should have a four-inch (4") opening left in the risers.

**MS** addressed the fill they proposed on the plan to bring to the site to rise the driveway grade to elevation 6 using gravel to provide a dry parking space during the regular tides. This is offered as an alternative to the suggested elevated parking. **LP** asked **MS** how much gravel. **MS** replied he does not have the square footage but it is about fifteen-feet (15') by fifty feet (50') of gravel. **EGR** asked if the gravel would be the only fill brought in or if they would be bringing in other types of fill. **MS** replied they would be bringing in gravel. **EGR** asked if the gravel would migrate into the marsh given the regular flooding. **MS** stated the flooding is from ground water but there is the possibility of flow from the river. They could use some retaining structure to prevent that but those structures are not usually allowed. **EGR** asked to consult the DEP circuit rider on the project to feel more comfortable with the decision.

**BL** motioned to continue the Notice of Intent for Tom Patenaude Homes, Inc, 35 Liberty Street to November 6, 2019 at 7:10p.m. to consult the DEP circuit rider and receive updated plans that show a updated planting plan and fence.

**JDJ** seconded.

**Vote: 4-0, unanimous. Motion Carried.**

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

**JDJ** motioned to continue the Notice of Intent for Li Family Trust, 139 Elm Street to November 6, 2019 at 7:10p.m.

**JP** seconded.

**Vote: 4-0, unanimous. Motion Carried.**

**7. RDA: Louis Papandrea, 41 Old County Rd. (10/16/19)**

Louis and Cheryl Papandrea (**LPA** and **CP**) were present. Introduced the project to expand their paved parking in the 50- 100' buffer zone to the salt marsh. Parking will start seven feet (7') from the road and will go in a straight line back to the garage door with a width of nine feet (9'). Commission discussed the pitch of the pavement and where the water flows. Requested the applicant employ erosion control to protect the marsh.

**EGR** motioned to issue the negative determination for the Request for Determination of Applicability for Louis Papandrea, 41 Old County Road with the following conditions: erosion control be installed around the limit of work for the duration of construction, to be installed as recommended by a representative of the Conservation Department.

**JP** seconded.

**Vote: 4-0, unanimous. Motion Carried.**

**8. NOI: Brian Mullen, 8 Friedenfels Rd. (10/16/19)**

David Smith (**DS**) of GZA Environmental represented the applicant. Brian Mullen was also present (**BM**). **DS** presented the project to cut back the timber bulkhead and replace with a steel bulkhead. Proposing to add two boatlifts on timber pile piers. Proposing a self-contained boat wash area and removing approximately three (3) cubic yards of ledge outcrop from the rocky intertidal zone. Will impact the salt marsh where the ten (10) piles will be driven and will be replicating six hundred ten square feet (610 sq. ft.). All work will be done in the winter. **JDJ** asked him to address how this site will not be a boat yard. **BM** stated the marina is not a boat yard because the tunnel restricts boat size and the size of the site. **JDJ** asked the boats would be serviced onsite. **BM** stated they do not currently service boats but it has in the past and may in the future on a small scale. **BL** asked why the ledge has to be removed. **DS** stated the rock needs to be removed so the boats can be lifted out. **DS** replied the rock would still be present but cut off at the top. Currently at elevation +3 proposing to bring it to +1. **EGR** expressed concern over the impact to the rocky intertidal zone. In addition, the impact to the salt marsh. The salt marsh performance standards allow pier structures as long as the piles are high enough to allow sunlight to reach the marsh below. There will be between 12 to 8 feet of separation from the salt marsh. DEP requires at least a 1:1 height to width ratio. **LP** asked **DS** to address the removal of the ledge. **DS** stated they will have machines reach from the surface and a barge will be present for when the reach is maxed out. They will have a crane with attachments to do the work. Work will be done at mean low tide and will clean up the ledge pieces before the tide came back in. **LP** asked him to provide a construction sequence. **EGR** asked to have the written procedure for the ledge removal and construction sequence submitted to the Commission and would like to contact DEP on the project. **EGR** asked to have Mary Rimmer review the project for Compliance with the WPA and for impacts. **DS** stated they would file for a new chapter 91 license.

**JDJ** motioned to continue the Notice of Intent for Brian Mullen, 8 Friedenfels Rd. to November 6, 2019 at 7:10p.m. to wait for the comment letters from MADMF and NHESP with a Mary Rimmer to review the project for compliance with the wetlands protection act and for impacts. Would like to see a best practice construction sequence for the project.

**JP** seconded.

**Vote: 4-0, unanimous. Motion Carried.**

**C. NEW BUSINESS:**

**1. Enforcement Order, 139 Elm Street**

**JDJ** motioned to ratify the Enforcement Order for 139 Elm Street.

**JP** seconded.

**Vote: 4-0, unanimous. Motion Carried.**

**D. ENFORCEMENT ORDERS:**

1. 81 Railroad Ave. **JDJ** had met on site with Mr. Joe Giarrusso (**JG**) to review the planting plan. **JG** replaced the plants that did not survive. There are more plants present now than approved in the restoration plan. **JDJ** recommended lifting the Enforcement Order.

**JDJ** motioned to lift the Enforcement Order on 81 Railroad Avenue.

**JP** seconded.

**Vote: 4-0, unanimous. Motion Carried.**

2. 438 N. End Blvd.
3. 565 North End Blvd.
4. 30 Main St.
5. 86/88 Elm St.
6. 212 N. End Blvd.
7. 83 Atlantic Ave.
8. 9 Bayberry Ln.
9. 211 N. End Blvd.
10. 279 N. End Blvd.
11. 82 Lafayette Rd.
12. 16 Hayes St.
13. 11 Railroad Ave.
14. 4 Main Street
15. 44 Old County Road
16. 61 Bridge Rd.

**E. COMMISSIONER COMMENTS:**

Buzz Couillard, 345 North End Blvd., spoke to the Commission about a possible violation that was observed earlier that day and was in the process of being discussed with staff. This property was not on the agenda so could not be discussed.

**F. ADJOURNMENT:**

**JP** motioned to adjourn the October 2, 2019 Conservation Commission Meeting at 10:13 pm

**JDJ** seconded.

**Vote: 4-0, unanimous. Motion Carried.**