



**Salisbury Conservation Commission
Meeting Minutes
October 6, 2021
Colchester Auditorium, Town Hall
5 Beach Road
Salisbury, MA 01952
Virtual Meeting
7:00 P.M.**

COMMISSION MEMBERS PRESENT: Chairwoman Sheila Albertelli (SA), 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. **May 5, 2021**
2. **May 19, 2021**
3. **June 2, 2021**
4. **July 7, 2021**
5. **July 21, 2021**
6. **August 4, 2021**
7. **September 1, 2021**
8. **September 15, 2021**

JDJ motioned to approve the minutes for May 5, 2021
MC seconded

Roll Call Vote: SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes
Vote: 4-0-0. Unanimous. Motion carried

JDJ motioned to continue the minutes for May 19, 2021; June 2, 2021; July 7, 2021; July 21, 2021; August 4, 2021; September 1, 2021; and September 15, 2021 until October 20, 2021
MC seconded

Roll Call Vote: SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes
Vote: 4-0-0. Unanimous. Motion carried

B. PUBLIC HEARINGS at 7:10pm:

1. RDA: Town of Salisbury, Shea St. (10/6/21)

DPW Director Lisa DeMeo (**LD**) discussed the project. She stated it doesn't seem right to leave the road alone with all the work on the roads surrounding it. There will be no changes to elevations or grades, everything stays the same. **MC** asked if any work was proposed for the structures. **LD** replied that nothing needs to be rebuilt.

JKP motioned to issue a negative determination for Town of Salisbury, Shea Street.

MC seconded

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

Vote: 4-0-0. Unanimous. Motion carried

2. NOI: Patrick DiMartino, 14 Lewis Ave (7/21/21)

SA stated no DEP # has been issued, the applicant had requested a continuance to October 20, 2021.

JDJ motioned to continue the Notice of Intent for Patrick DiMartino, 14 Lewis Ave. to October 20, 2021.

MC seconded

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

Vote: 4-0-0. Unanimous. Motion carried

3. NOI: Tom Patenaude, 207 Beach Road, lots 249-258 (8/4/21)

SA stated the applicant has requested a continuance to October 20, 2021

JDJ motioned to continue the Notice of Intent for Tom Patenaude, 207 Beach Road, lots 249-258. to October 20, 2021.

MC seconded

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

Vote: 4-0-0. Unanimous. Motion carried

4. NOI: Tom Patenaude, 207 Beach Road, lot 259 (8/4/21)

SA stated the applicant has requested a continuance to October 20, 2021

JDJ motioned to continue the Notice of Intent for Tom Patenaude, 207 Beach Road, lot 259. to October 20, 2021..

MC seconded

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

Vote: 4-0-0. Unanimous. Motion carried

5. NOI: Tom Patenaude, 207 Beach Road, lot 260 (8/4/21)

SA stated the applicant has requested a continuance to October 20, 2021

JDJ motioned to continue the Notice of Intent for Tom Patenaude, 207 Beach Road, lot 260. to October 20, 2021.

MC seconded

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

Vote: 4-0-0. Unanimous. Motion carried

6. NOI: Wayne Capolupo, 13 Beach Road, LLC, 13 North End Blvd. (8/4/21)

SA stated the applicant has requested a continuance to October 20, 2021

JDJ motioned to continue the Notice of Intent for Wayne Capolupo, 13 Beach Road, LLC, 13 North End Blvd. to October 20, 2021.

MC seconded

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

Vote: 4-0-0. Unanimous. Motion carried

7. NOI: Damon Amato, Downeast Residential, LLC, 30 & 32 Cable Ave. (9/15/21)

SA stated the applicant has requested a continuance to October 20, 2021

JDJ motioned to continue the Notice of Intent for Damon Amato, Downeast Residential, LLC, 30 & 32 Cable Ave. to October 20, 2021.

MC seconded

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

Vote: 4-0-0. Unanimous. Motion carried

8. RDA: Blue Lagoon II, LLC, 157 Bridge Rd. (10/6/21)

Bill Simmons (**BS**) of Simmons Environmental Services explained that the project is the removal of underground storage tanks with a total capacity of 25000 gallons. The owner does not intend to replace the tanks. They don't anticipate contamination, and work should take 4-5 days to complete and will occur within existing paved areas. Salt hay bales will be utilized as erosion control. **JKP** asked what did the tanks contain? **BS** replied gasoline. **JKP** advised that nothing should go into marsh, it should be discharged into water treatment. **BS** agreed and stated they do not plan to discharge in the marsh. DPW Director Lisa Demeo (**LD**) confirmed she has spoken with Simmons, and they will not be able to discharge into wastewater as they have a very specific permit with DEP and it is not on the allowed list of inflows. **BS** stated they could discharge to salt marsh and back with an NPDES permit. **SA** advised that if that happens, then they would need to file an NOI for higher oversight. The other commissioners agreed. **BS** suggested treating water so it's clean before going into wastewater system to meet their permit requirements. **LD** advised that putting clean ground water in with the septic water is the issue, as the town is spending a lot trying to keep ground water out. **MC** stated he was uncomfortable with permitting the project as an RDA. He didn't see any erosion control on the plans and there

needs to be some, and he advised that the work should be done during low tide. He added that the project needs more planning for him to be comfortable. **BS** disagreed and stated the ground water in that area is not tidally influenced. The property owner, Francis Karam (**FK**) informed the Commission that the tanks were installed in 1996, and at that time they had pumped water into a frac tank and back into the marsh at the corner of the property. He suggested he can just keep the tanks in the ground and keep it a gas station, but he wants to make it something else. **BS** suggested they continue and, in the interim, do the NPDES permit through the EPA and then get back in front of the Commission. **SA** advised it might still be beneficial to do an NOI.

JKP motioned to issue a positive Determination for Blue Lagoon II, LLC, 157 Bridge Road, to give the applicant the opportunity to refile with a Notice of Intent
MC seconded

Roll Call Vote: SA – Yes; **JDJ** – Yes; **JKP** - Yes; **MC** – Yes
Vote: 4-0-0. Unanimous. Motion carried

9. RDA: Jared Thomas, 11 Old County Rd. (10/6/21) –

Jared Thomas, the applicant (**JT**), discussed the project. He would like to build deck for a pool. **JDJ** stated she would like a site visit. **JKP** commented that when the pool installation was approved, erosion control was to be installed along the fence, which did not happen. **JT** stated he wasn't involved with that project. **JKP** advised that trees have been removed without notification. **JT** stated he would pass that information along to the homeowner. **JKP** stated she would also like a site visit.

JDJ motioned to continue the Request for Determination for Jared Thomas, 11 Old County Road to October 20, 2021.
JKP seconded

Roll Call Vote: SA – Yes; **JDJ** – Yes; **JKP** - Yes; **MC** – Yes
Vote: 4-0-0. Unanimous. Motion carried

10. NOI: ABCAP Properties, LLC, 7 Broadway (10/6/21)- DEP # 065-1253 -

Matt Steinel of Millennium Eng. (**MS**) represented the applicant. **MS** reviewed the current conditions, noting that the building is in disrepair. The intent is to demo whole building, remove the foundation, bring in sand to fill the foundation hole. A stone bed will be installed for roof run off, and they will create a structure to house a carousel. Some concrete areas will be returned to sand. The building will be raised 2 feet and will include retail space and the carousel. They have received a height variance from the Zoning Board. **JKP** commented that the rendering is beautiful and asked whether pilings will be sufficient to support the structure, and if there will be any cross beams. **MS** replied that the structural design is being drafted now. It may have cross bracing, but only what they need. **JKP** advised they will want to know exactly how it will be stabilized, and if there will be cross beams, horizontal or otherwise. **MS** suggested they could condition what will be allowed. **SA** asked if there are details regarding stairs and risers. **MS** replied not yet, but the applicant has been advised that they need to be open with a small kickplate for safety. **SA** asked what the material under building would be. **MS** stated everywhere under will be sand with the exception of a clean washed stone infiltration bed for roof run off, and some paving and pavers in front. **SA** asked if the pavers will be pervious. **MS** replied they would, but not open cell as it is in a public space, but it will still be an improvement over the current concrete area. **SA** advised they would want specs for the pavers. **MS** agreed he would send specs. **SA** asked if there would be roof drains. **MS** reviewed the roof drain system. **JKP** noted the corner area with pavers and asked why the area will not be sand and vegetation. **MS** replied they are not adding hardscape, they are replacing what's there,

which is impervious, with something somewhat pervious which is an improvement. **MS** added that the **ADA** ramp ends in that area, so it needs to be pavers and not sand. **MC** asked if the plan has been approved by other boards. **MS** stated they've gone to ZBA, and they have filed with Planning but no hearing has been held yet. **MC** asked if there will be a curb cut out back and whether the plan could be changed if the Planning Board asks for changes. **MS** replied there will be a curb cut, and if the Planning Board asks for changes they would need to do a modification. **MC** stated he was concerned with sand being blown out from under the building. **MS** stated the applicant would be open to adding crushed stone. He added that they would like to move forward with the demo portion of the project. **SA** advised they do their diligence during the demo and remove glass and other hazardous materials for public safety reasons.

JKP motioned to approve the Notice of Intent for ABCAP Properties, LLC, 7 Broadway with the standard order of conditions, and all conditions stated in the project narrative, soil survey narrative, stormwater management report, paver specifications and installation instructions will be submitted, details for stairs and risers should be updated on the plan, there will be no horizontal bracing, if any changes to the plan are made, they will return to Conservation for approval, clean washed stone will be used under the structure, and the applicant will come back with final structural design if any changes are to be made.

JDJ seconded

Roll Call Vote: SA – Yes; **JDJ** – Yes; **JKP** - Yes; **MC** – Yes
Vote: 4-0-0. Unanimous. Motion carried

11. RDA: Salisbury Beach Realty, LLC, 4 Oceanfront N. (10/6/21)

Matt Steinel of Millennium Engineering (**MS**) represented the applicant. They are proposing to conduct the work at low tide, take a machine out to the beach to inspect and replace window flashing that has damage. The machine will only on beach during use, with access from the parking lot. The beach will be inspected every day to remove debris, and the project is anticipated to last 30-60 days. **SA** asked if it is possible to put up staging on the side of the building instead **MS** replied he's not sure if it's cost effective, and it may trigger OSHA issues. They have access to the machine so it's easier. **JKP** advised that they notify DCR prior to commencing work. **MS** stated they are happy to do so. **JKP** added they should see if additional permits are needed from DCR.

JKP motioned to issue a negative Determination for Salisbury Beach Realty, LLC, 4 Oceanfront N. with the condition that any heavy equipment will be on tracks, the applicant will contact DCR to determine if any additional permits will be necessary, work will be conducted at low tide only, equipment will be stored in the parking lot at high tide, and they will clean up every day.

JDJ seconded

Roll Call Vote: SA – Yes; **JDJ** – Yes; **JKP** - Yes; **MC** – Yes
Vote: 4-0-0. Unanimous. Motion carried

12. AMD. NOI: Gary Jaffarian, 8 Poor Farm Rd. (10/6/21)

Matt Steinel of Millennium Engineering (**MS**) stated the original NOI was approved in 2018, and it included demoing an existing building and building a single-family home. A new owner has come in with a new house footprint. The proposed grading hasn't changed much from what was approved, and erosion control hasn't changed; just the house footprint has been altered. **MC** stated he would like site visit. **JKP** asked if the trees and vegetation will still be disturbed. **MS** replied most of the disturbances will be the same as was previously approved.

JKP motioned to continue the Amended Notice of Intent for Gary Jaffarian, 8 Poor Farm Road to October 20, 2021, and in the interim the Commission will conduct a site visit.

MC seconded

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

Vote: 4-0-0. Unanimous. Motion carried

13. NOI: Brian Thibaut, ZJBV Investment Realty Trust, 191 Atlantic Ave. (10/6/21) –

SA stated DEP has not issued a file number yet. Nick Golon of TF Moran (**NG**) represented with Mark West of West Environmental (**MW**). **NG** reviewed the existing conditions and noted that the existing multifamily structures are in a state of disrepair and are required to be removed. They proposed to remove the existing structures and construct a new single-family home, approximately **40** feet from the rear property line. Approximately 574 square feet of existing vegetation will be disturbed, with 861 square feet to be revegetated. **MW** reviewed site photos. They propose to remove dune vegetation, store it, and then replant it. There will be a shell walkway, and everything else will be natural sand except the house and patio. **JKP** asked why the house isn't closer to the street. **NG** replied that the proposed structure is set further back than what is currently there, and the new owners want to take advantage of the ocean views. **MC** suggested a site visit. **SA** requested a clarification regarding the flood zones on the property. **NG** stated a portion of the lot is out of the flood zone based on elevation versus the FEMA map. **AM** advised that the site elevation isn't used to determine flood zone. The flood zone is determined by using the FEMA map, which sets the base flood elevation. She noted the entire site is located within the VE 19 zone, and requested that the notes be updated to reflect that. **JDJ** asked what will be under the house. **NG** replied there will be piles and explained that the structural design was not complete. The structure will be elevated above the grade by no less than 2 feet. **JDJ** advised they'd need to see the structural plans. **AM** added they would need a profile view showing lowest structural member, adjacent grades. **SA** noted there wasn't anything showing beach access. **NG** replied it would be across the sand. **SA** advised that the plan should be updated to show the beach access. **AM** recommended that the path to the beach be angled 45 degrees to the south to improve dune resiliency. **JKP** requested construction fence instead of silt sock be added to show limit of work. **JKP** asked if they would vegetate the frontal dune in front of the structure. **MW** replied that since it wasn't vegetated currently, they weren't planning on doing any plantings there, but what does get planted may spread into it. They didn't plan on any planting taking place there because they didn't want to do any work in the habitat area. **JKP** noted there are other places plantings could go in. **AM** asked if they would be bringing in sand to match the adjacent grades once the structures are removed. **NG** replied they haven't done the analysis yet, but that is a reasonable expectation. **AM** advised that the project provides a good opportunity to plant in front of the house to increase resiliency. She also suggested having details put on the plan as opposed to only in the narrative to make it less likely they are missed by contractors. **MW** noted that the only vegetation on site is American beach grass. **SA** asked how the dune will be stabilized during construction. **MW** replied they don't expect a lot of erosion during construction. **MC** stated that now is the time to put vegetation on the dune. He also expressed concern that the proposed house may be in dune, and commented that the house should be closer to street. **SA** reviewed the items to be added to the plan, including stair locations, details regarding construction entrances and any heavy equipment usage, details regarding dumpster use and locations, and pavement details for apron. **JKP** added that parking details, beach access details, and construction fence instead of silt sock needed to be added to the plan.

JKP motioned to continue the Notice of Intent for Brian Thibaut, ZJBV Investment Realty, 191 Atlantic Ave. to October 20, 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

Vote: 4-0-0. Unanimous. Motion carried

14. NOI: Michael Wolpert, H & M Industries, Inc, 40 Jak-Len Dr. (10/6/21)-

Applicant Mike Wolpert (**MW**) discussed the project. He wants to put a 26' x 56' home on the property with associated driveway and utilities. He has been to ZBA for a variance for frontage so there would be no disturbance for wetlands. The whole project is in the buffer zone. **JDJ** suggested a site visit. **JKP** commented that there were conflicting flags noted on the plan. **MW** stated there were flags noted on the plan in a smaller font that were from Town records with regards to the sewer pump station across the street. **SA** asked if there were drainage details on the plan **MW** replied they can discuss drainage at the site visit. **SA** advised that the limit of clearing should be marked on the plan. **MW** explain it will be where the erosion control is on the plan. **SA** should be marked.

JDJ motioned to continue the Notice of Intent for Michael Wolpert, H & M Industries, 40 Jak-Len Drive, to October 20, 2021 and in the interim the Commission will conduct a site visit and the plan will be updated with the requested information.

JKP seconded

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

Vote: 4-0-0. Unanimous. Motion carried

C. NEW BUSINESS

1. Request for Certificate of Compliance, 55 Lafayette Road

Ben Taylor of Mead Talerman and Costa (**BT**) represented the applicant. **BT** discussed the plan that was approved and stated that construction was never started on the project. **BT** reviewed photographs of the current conditions.

JKP motioned to find the Order of Conditions invalid for 55 Lafayette Road as no work commenced.

JDJ seconded

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

Vote: 4-0-0. Unanimous. Motion carried

2. Request for Extension, 8 Poor Farm Rd.-

AM stated the representative had to step away, but project was previously discussed earlier in the meeting. The Order of Conditions is due to expire next May.

JKP Motioned to approve the Request for Extension for 8 Poor Farm Road for until, with a new expiration date of May 9, 2025.

JDJ Seconded

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

Vote: 4-0-0. Unanimous. Motion carried

3. Request for Certificate of Compliance, 110 Elm St

SA stated the applicant has requested a continuance.

JDJ Motioned to continue the Request for a Certificate of Compliance, 110 Elm Street until October 20, 2021
JKP Seconded

Roll Call Vote: SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes
Vote: 4-0-0. Unanimous. Motion carried

4. **Request for Certificate of Compliance, 46 Lafayette Rd.**

SA stated the applicant has requested a continuance.

JDJ motioned to continue the Request for a Certificate of Compliance, 46 Lafayette Road, until October 20, 2021.

JKP seconded

Roll Call Vote: SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes
Vote: 4-0-0. Unanimous. Motion carried

D. ENFORCEMENT ORDERS:

HOLD, PENDING UPDATE:

1. 97 Atlantic Ave.
2. 114 Bridge Rd.
3. 36 Pike St.
4. 2 Baker Rd.
5. 16 Commonwealth Ave.
6. **150 North End Blvd.** – **JDJ** asked if there was a status regarding this Enforcement Order. **AM** stated they're having trouble finding a contractor, and thus have been delayed. They're hoping to move forward shortly
7. 565 North End Blvd.
8. 30 Main St.
9. 83 Atlantic Ave.
10. 211 N. End Blvd.
11. 16 Hayes St.
12. 11 Railroad Ave.
13. 6 Sycamore Ln.

ACTIVE, PENDING COMPLETION:

14. 61 Bridge Rd.
15. 438 N. End Blvd

COMPLETE, PENDING APPROVAL:

16. 139 Elm
17. 86/88 Elm St.
18. 165 Atlantic Ave.
19. 4 Main Street
20. 82 Lafayette Rd

E. COMMISSIONER COMMENTS:

AM advised the Commissioners it's time to register for the MACC fall conference and stated it's a great learning opportunity for members of the public as well.

F. ADJOURNMENT:

JDJ motioned to adjourn the October 6, 2021 Salisbury Conservation Commission Meeting at 9:53
MC seconded.

Roll Call Vote: SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes
Vote: 4-0-0. Unanimous. Motion carried