



Salisbury Conservation Commission  
Meeting Minutes  
June 19, 2019  
Colchester Auditorium, Town Hall  
5 Beach Road  
Salisbury, MA 01952  
7:00 P.M.

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**COMMISSION MEMBERS PRESENT:** Emily Round (**EGR**), Jane Purinton (**JKP**), Julie Doughman-Johnson (**JDJ**), and Joanne Perreault (**JP**).

**COMMISSION MEMBERS ABSENT:** Chairman Sheila Albertelli (**SA**), Vice Chair Jessica Stucker (**JS**) and Blake Leibert (**BL**).

**ALSO PRESENT:** Conservation Agent, Michelle Rowden (**MR**) and Conservation Secretary, Adriane Marchand (**AM**).

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. June 5, 2019 -**

**JDJ** motioned to approve the minutes for June 5, 2019.

**JP** seconded.

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

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

**1. NOI: Big Block Development Group, 6-28 Ocean Front South, 16-18 Broadway (11/1/17)**

**JP** motioned to continue the Notice of Intent for Big Block Development Group, 6-28 Ocean Front South, 16-18 Broadway to July 17, 2019 at 7:10p.m.

**JDJ** seconded.

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

**2. NOI: C&R Realty Trust, 110 Elm St. (7/18/18)**

Brian Knowles (**BK**) represented the applicant. Peer review comments were addressed and new plans were submitted to the Commission. Revisions included removing proposed gravel area and replacing it with loam and seed and an additional stone trench, both to increase infiltration. Included a pre and post development impervious surface breakdown and load table. **JKP** stated she would like time to review the plans.

**JKP** motioned to continue the Notice of Intent for C&R Realty Trust, 110 Elm Street to July 17, 2019 at 7:10p.m.

**JDJ** seconded.

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

**3. NOI: Zap Development, LLC, 28 Rabbit Rd. and rear lots (10/17/18)**

**JP** motioned to continue the Notice of Intent for Zap Development, LLC, 28 Rabbit Road and rear lots to July 17, 2019 at 7:10p.m.

**JDJ** seconded.

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

**4. NOI: Northeast Properties & Investments, LLC, 187 Atlantic Ave. (1/2/19)**

**JDJ** motioned to continue the Notice of Intent for Northeast Properties & Investments, LLC, 187 Atlantic Avenue to July 17, 2019 at 7:10p.m.

**JP** seconded.

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

**5. NOI: Azar & Marian Korbey, 23 Commonwealth Ave. (1/16/19)**

**JP** motioned to continue the Notice of Intent for Azar & Marian Korbey, 23 Commonwealth Avenue to July 17, 2019 at 7:10p.m.

**JDJ** seconded.

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

**6. NOI: Outdoor Media Properties, Inc., 109 Rabbit Rd. (3/6/19)**

**JDJ** motioned to continue the Notice of Intent for Outdoor Media Properties, Inc., 109 Rabbit Road to July 17, 2019 at 7:10pm.

**JP** seconded.

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

**7. NOI: Kathleen Colwell, 179 Atlantic Ave. (5/15/19)**

Anne McEnemy (**AME**) represented the applicant. Received response from Natural Heritage that includes recommended conditions. **JKP** commented the site visit went well. The project has been modified to meet FEMA Standards.

**JKP** motioned to approve the Notice of Intent for Kathleen Colwell, 179 Atlantic Avenue with the standard conditions and the additional conditions:

No enclosure of any kind will be allowed under the structure

If any work is to be done on DCR property, permission will be sought before the start of work

Stairs will be removable.

**Limit of Work.** As proposed, all work detailed within the application, including deck and stair replacement and planting beach grass, is proposed within the surveyed boundaries of the Applicant's property. The site plan appears to depict an existing sand fence on the abutter's property. If in order to complete the proposed project any work will occur on the abutting property (owned by Commonwealth of MA Department of Conservation and Recreation), the applicant must provide landowner assent.

**Work Timing.** All work associated with the proposed project is prohibited during the period April 1 – August 31, unless otherwise approved in writing by the Division.

**State-listed Species Protection.** The applicant has the responsibility of protecting breeding Piping Plovers and state-listed species of terns that may be on this section of beach. Therefore,

the applicant must allow regular monitoring for the presence of Piping Plovers and terns by a qualified shorebird monitor, as determined by the Division, during the period April 1 – August 31 and shall allow any nests, scrapes, or unfledged chicks to be protected with symbolic fencing (warning signs and twine fencing).

**Authorization Duration.** This authorization is valid for 5 years from the date of issuance and limited to the project described herein.

**Notice.** Upon filing for renewal, extension, or amendment of the Orders of Conditions, the applicant shall contact the Division for written response regarding impacts to Resource Area habitat of state-listed wildlife.

**JDJ** seconded.

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

**8. NOI: Joseph Higgins, JFH Contracting, 35 Gardner St. (5/15/19)**

Matt Steinel (**MS**) of Millennium Engineering represented the applicant. Made two (2) changes to the plan since the last meeting. The first was a result of the peer review between Mary Rimmer and Mark West. They agreed on the wetland line with one extension, which is reflected on the plan. Have added grading changes to eliminate puddling along the driveway and water running off the property by request of the the neighbor. **MR** asked **MS** to address the clean-up of the debris piles on the property. **MS** replied work has begun but is not complete. Anticipates it being a condition of the approval.

**JKP** motioned to approve the Notice for Intent for Joseph Higgins, JFH Contracting, 35 Gardner Street with the standard conditions and the additional condition that any debris (leaf and log piles) left piled in the wetlands will be removed and that the pitch of the drive way will prevent water from running towards the neighbor's property.

**JDJ** seconded.

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

**9. NOI: Downeast Building & Development, 3 Bridge Rd. & 4 Beach Rd. (6/5/19)**

Matt Steinel (**MS**) of Millennium Engineering represented the applicant. Requested a continuance to allow the peer reviewers to complete their work. **JKP** expressed concerns about a strong chemical odor that the environmental reviewer smelled in the wetland that could indicate problem the applicant should address.

**JKP** motioned to continue the Notice for Intent for Downeast Building & Development, 3 Bridge Rd. & 4 Beach Road to July 17, 2019 at 7:10pm.

**JDJ** seconded.

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

**10. NOI: Marc and Cynthia Burkhardt, 212 North End Blvd. (6/19/19)**

Matt Steinel (**MS**) of Millennium Engineering represented the applicant. Proposing to remove the existing deck and construct a new deck and dune crossing. **JKP** asked if the project would require heavy equipment. **MS** replied it would likely be hand dug, as there is little access. Commission requested a site visit. Would like the representative to address if helical piles can be used.

**JP** motioned to continue the Notice for Intent for Marc and Cynthia Burkhardt, 212 North End Blvd. to July 17, 2019 at 7:10pm.

**JDJ** seconded.

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

**C. OLD BUSINESS:**

**1. Request for Certificate of Compliance, 167 Beach Rd.**

Matt Steinel (**MS**) of Millennium Engineering represented the project. Commission wanted to wait and see if the grass would grow on the bare slope. **MS** showed a photograph of the grass largely grown in, with only few spots looking sparse.

**JDJ** motioned grant the Certificate of Compliance for 167 Beach Rd.

**JP** seconded.

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

**D. NEW BUSINESS:**

**1. Request for Certificate of Compliance, 57 and 63 Railroad Ave**

**MR** informed the Commission the old order has expired and a new order has since been issued. This certificate is an administrative measure to clear the deed.

**JKP** motioned to issue the Certificate of Compliance for 57 and 63 Railroad Ave., as the Oder of Conditions, DEP # 065-0639, is invalid.

**JDJ** seconded.

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

**Enforcement Oder for 4, 6 & 16 Main Street.**

Curt Young (**CY**) of Wetlands Preservation Inc. represented the property owner. Also present were Frank Patel and Frank Vetere (**FV**), GZA Geo Environmental Inc. **CY** stated there are tires that extend onto abutting property and fill piles of unknown composition. **FV** stated the site is not considered a hazardous waste site at this time. They will do an assessment of what is present on site. An excavator will be used to dig about 15 test pits in the piles and in the landscape to remove representative samples of the piles composition to be analyzed. Any contaminates they find will be disposed of appropriately and if anything exceeds reportable concentrations they will be reported as required. After the assessment, the appropriate cleanup will follow.

**JKP** motioned to ratify the Enforcement Order for 4 Main Street. Would like to see erosion control in place to prevent further violation of the Act. The property owner will identify the existing fill piles, conduct monitoring for the duration of the cleanup and submit restoration plans by a qualified professional. Monthly reporting will be submitted to the Commission, with a narrative and a detailed accounting of the plan.

**JDJ** seconded.

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

**JDJ** motioned to add the Enforcement Order for 16 Commonwealth Ave to the agenda.

**JP** seconded

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

Mike Luciano (**ML**) represented the property owners. They had begun a patio with pergola project without proper permits. Project included a stone dust base; all stone dust has since been removed and replaced with sand. Brought in new spacers and blocks to maintain the needed infiltration on the site. **JDJ** asked if the spaces between the pavers would be filled with any material. **ML** stated he believes it will be filled with sand. **JKP** stressed the need to approve work done in the resource area before proceeding.

**JKP** motioned to ratify the Enforcement Order for 16 Commonwealth Ave with the condition all the stone dust is completely removed, replaced by sand, and the patio blocks will be installed with 80 percent permeability.

**JP** seconded

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

**E. ENFORCEMENT ORDERS:**

1. 81 Railroad Ave.
2. 438 N. End Blvd.
3. 565 North End Blvd.
4. 157 Bridge Rd.
5. 30 Main St. – Tyler Ferrick (**TF**) of DeRosa Environmental Consulting, Inc., delineated the wetland line. Millennium has created plan and it is being held pending payment for services. Once the plan is released, they can look at the numbers and present a return to compliance plan and a Notice of Intent, if needed.
6. 86/88 Elm St. – Tyler Ferrick (**TF**) of Derosa Environmental represented the property owner. The wetland line was delineated and reviewed by Mary Rimmer; Donohoe Survey is creating the plan. Plan is about 1 to 2 weeks from completion and they will be filing for a Notice of Intent.
7. 212 N. End Blvd.
8. 83 Atlantic Ave.
9. 9 Bayberry Ln.
10. 211 N. End Blvd.
11. 279 N. End Blvd.
12. 146 Central Ave.
13. 82 Lafayette Rd.
14. 16 Hayes St.
15. 11 Railroad Ave. – Mark Arnold (**MA**), Goddard Consulting, and David Manning (**DM**), New England Property Management, were present. **MA** submitted a letter arguing the fence-opening ratio. The Commission disagreed with their findings and did not find the fence to comply with the Order of Conditions and the Wetland Protection Act. Commission would like to table the Order to the next Conservation Commission Meeting.
16. 37 Gardner St. – Frank Carvalho (**FC**) was present. An excavator has backfilled the drainage swale. On June 12, 2019 Millennium check the flagging and found the site was incorrectly flagged and reflagged it appropriately. The grass seed and wetland seed mix are both germinating. Provided a letter from the Assessor that helps clarify the new property lines/ addresses for the site; 37 Gardner will now be 39 Gardner, the site for the new construction will be 41 Gardner Street. Asked the Commission to amend the Order to 41 Gardner Street, where the violations have taken place. **MR** stated they can amend the Enforcement Order but the Order of Conditions cannot release the site.

**JKP** motioned to lift the Enforcement Order for 41 Gardner Street, formerly 37 Gardner St.

**JDJ** seconded.

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

17. 109 Rabbit Rd- **MR** did a site visit with Millennium Engineering and presented some photographs of the site and the materials yet to be removed to the Commission.

**F.     COMMISSIONER COMMENTS:**

**JDJ** would like to remind beach residents that they should call the Conservation Commission Agent before they do any work outside.

**EGR** attended an MACC Wetlands Delineation course.

**G.     ADJOURNMENT:**

**JDJ** motioned to adjourn the June 19, 2019 Conservation Commission Meeting at 9:08 pm

**JP** seconded.

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