



**Salisbury Conservation Commission
Meeting Minutes
December 15, 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), Jeffrey Ward (JW), Christopher Leahy (CL)

COMMISSION MEMBERS ABSENT: Julie Doughman-Johnson (JDJ)

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

Chairwoman 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. MINUTES:

1. August 4, 2021
2. August 18, 2021
3. September 1, 2021
4. September 15, 2021
5. October 6, 2021
6. October 20, 2021

MC motioned to approve the minutes for August 4, 2021

JW seconded

Roll Call Vote: SA – Yes, JKP - Yes; MC – Yes; JW – yes; CL - Yes

Vote: 5-0-0. Motion carried

JKP motioned to continue the minutes for August 18, 2021; September 1, 2021; September 15, 2021; October 6, 2021; October 20, 2021; and December 1, 2021 to January 5, 2022

MC seconded

Roll Call Vote: SA – Yes, JKP - Yes; MC – Yes; JW – yes; CL - Yes

Vote: 5-0-0. Motion carried

B. PUBLIC HEARINGS at 7:10pm:

1. **NOI: Town of Salisbury, Gerrish Rd. over Smallpox Brook (12/1/21)**

Public Works Director, Lisa Demeo (LD) was present with Jody Trunfio (JT) and Matthew Perry (MP) of TEC. JT reviewed updates to the plan and discussed the site visit. MC stated he thought it was a good site visit,

and it answered all his questions. He would like a dewatering monitor during construction, and a condition that the Order won't be released until easements are in place. **CL** agreed the site visit answered all his questions, and it's a good project. **SA** advised she was concerned with daily monitoring of erosion controls. **JW** requested an update on obtaining the easements. **LD** stated they haven't really started yet and explained there's a certain process they need to follow. Plans showing the rights of way, easements, and property lines need to be developed first, then they meet with the affected homeowners and the easement would be worked out between the Assessor and the property owner. **CL** added that typically if easements can't be obtained, the MassDOT won't allow the project to move forward. **JT** stated that the grant is just for the design. They will apply for funding for construction in a future grant round, and at that time they will make sure the easements are in place. **JKP** advised they will have to name a project manager who will also be the environmental monitor. **MC** asked if it should be a Town official or an independent contractor. The Commission agreed it should be independent. **LD** stated it is too early to identify personnel who will be onsite during construction, but it will likely be herself and someone from TEC.

JKP motioned to approve the Notice of Intent for Town of Salisbury, Gerrish Rd. over Smallpox Brook with the standard order of conditions, and the following special conditions: release of the Order is contingent upon obtaining the necessary easements; any work on private property needs written permission from the property owner before the preconstruction meeting; the Project Manager will be responsible for inspection of erosion control on a daily basis; an Environmental Monitor will oversee work during construction on the bridge and on the restoration area

MC seconded

Roll Call Vote: SA – Yes, JKP - Yes; MC – Yes; JW – yes; CL - Yes

Vote: 5-0-0. Motion carried

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

SA stated no DEP # has been issued, and the applicant has requested a continuance to January 5, 2022.

JKP motioned to continue the Notice of Intent for Patrick DiMartino, 14 Lewis Ave. to January 5, 2022.

MC seconded

Roll Call Vote: SA – Yes, JKP - Yes; MC – Yes; JW – yes; CL - Yes

Vote: 5-0-0. Motion carried

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

SA stated the applicant has requested a continuance to January 5, 2022.

JKP motioned to continue the Notice of Intent for Tom Patenaude, 207 Beach Road, lots 249-258. January 5, 2022.

MC seconded

Roll Call Vote: SA – Yes, JKP - Yes; MC – Yes; JW – yes; CL - Yes

Vote: 5-0-0. Motion carried

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

SA stated the applicant has requested a continuance to January 5, 2022.

JKP motioned to continue the Notice of Intent for Tom Patenaude, 207 Beach Road, lot 259. to January 5, 2022.

MC seconded

Roll Call Vote: SA – Yes, JKP - Yes; MC – Yes; JW – yes; CL - Yes

Vote: 5-0-0. Motion carried

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

SA stated the applicant has requested a continuance to January 5, 2022.

JKP motioned to continue the Notice of Intent for Tom Patenaude, 207 Beach Road, lot 260. to January 5, 2022.

MC seconded

Roll Call Vote: SA – Yes, JKP - Yes; MC – Yes; JW – yes; CL - Yes

Vote: 5-0-0. Motion carried

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

SA advised there was not a quorum to vote, and the matter should be continued. **AM** advised they applicant may re-advertise to alleviate the quorum issues.

MC motioned to continue the Notice of Intent for Wayne Capolupo, 13 Beach Road, LLC, 13 North End Blvd. to January 5, 2022

JKP seconded

Roll Call Vote: SA – Yes, JKP - Yes; MC – Yes; JW – yes; CL - Yes

Vote: 5-0-0. Motion carried

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

Tom Hughes with Hughes Environmental (**TH**) represented the applicant. He informed the Commission that they would like to continue but have a question. They are currently working through the Planning Board process. The Board would like to screen the cars parked under the building. The applicant would like to know, if the garage door was designed to not extend into flood elevation, would it be approved. He also suggested they could add signage in garage advising owners that the doors cannot be modified without approval. Another option would be to design the doors so they would open during a power outage or flood event. **TH** asked if he could design something that wouldn't go below flood and included signage and advisories in the condo docs, would the Commission entertain the design. The co-applicant, Ben Legare described the proposed door. **JKP** requested some drawings of what is proposed.

MC motioned to continue the Notice of Intent for Damon Amato, Downeast Residential, LLC, 30 & 32 Cable Ave. to January 5, 2022.

JW seconded

Roll Call Vote: SA – Yes, JKP - Yes; MC – Yes; JW – yes; CL - Yes

Vote: 5-0-0. Motion carried

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

SA stated the applicant has requested a continuance to January 5, 2022.

MC motioned to continue the Notice of Intent for Brian Thibeaup, ZJBV Investment Realty, 191 Atlantic Ave. to January 5, 2022.

JW seconded

Roll Call Vote: SA – Yes, JKP - Yes; MC – Yes; JW – yes; CL - Yes

Vote: 5-0-0. Motion carried

9. NOI: Todd Fitzgerald, Father & Son Construction, 40 Brissette Ave. (10/20/21)

SA noted there was a site visit recently. No one was present to discuss the project.

CL motioned to continue the Notice of Intent for Todd Fitzgerald, Father & Son Construction, 40 Brissette Ave. to January 5, 2022.

MC seconded

Roll Call Vote: SA – Yes, JKP - Yes; MC – Yes; JW – yes; CL - Yes

Vote: 5-0-0. Motion carried

10. RDA: Paul Harty, 408 North End Blvd. (12/15/21)

The applicant, Paul Harty (PH) presented the application, which is to remove and reconstruct a third-floor roof. He noted that it's a third-floor project, and he wants to change the roof from an East/West a-frame to a North/South. There is a large driveway for dumpster and construction vehicles/storage. Decks will also be utilized. JKP asked if he has an idea of how invasive this project will be. PH replied he has a builder familiar with building on the beach. There are 3 beachside decks, so they won't need to touch the beachside of the dune. Ladders will be used on the north side of the structure in an existing pathway, and there will be no vehicles on the dune. The roof will come off on the street side. Jim Cook of Alliance Home Builders (JC) stated he is well prepared for the project, and he doesn't need to use the north or east side of the property as the existing decks provide more than enough room. He Won't need to touch down on sand at all. JW asked how would the old roof be handled JC replied they would remove it by hand, they would cut it into pieces from the 3rd floor, and put them into the dumpster. JW asked if there would be no heavy equipment. JC replied there would not. MC advised they monitor trash as they demo and asked when will it be done. JC replied the timeline is dependent on permitting and weather.

MC motioned to issue a negative determination Request for Determination for Paul Harty, 408 North End Blvd. JW seconded

Roll Call Vote: SA – Yes, JKP - Yes; MC – Yes; JW – yes; CL - Yes

Vote: 5-0-0. Motion carried

C. NEW BUSINESS

1. Enforcement Order, Lafayette Rd. Sewer project

SA stated there were two more sediment discharges today. Lisa D., the director of the DPW introduced, John Sykora, and Eric Doe of Weston and Sampson. Marcella Albanese (**MA**) of Albanese Brothers, Inc. was also present to discuss. Eric Doe (**ED**) stated he is on site every day, and discussed the different methods employed to dewater as they try to improve the situation. They first used silt sacks in the catch basins, then tried utilizing a 1000 gallon settling basin. They then tried a filter bag, a defect in which caused one of the sediment discharges. Today the fourth method for dewatering was set up, which was a 3000 gallon settling basin with a secondary overflow to a haybale and filter fabric basin, which would then discharge to a grassy area. **SA** asked about an incident that happened today. **MA** introduced Rob Kenyon (**RK**), the assistant superintendent on the job site. **RK** discussed what issues they encountered while dewatering and stated that the drain pipes in the area are bad condition and causing some of the dirty water issues. He also noted the sediment in the pump station area are so fine that they pass through the silt sock they were using. **RK** reviewed how they tried to mitigate the situation. **SA** advised they need a wetland scientist at this point to analyze what's happening, and a management plan going forward. **MC** noted one of the issues from today was that material in a dump truck had water which was draining from the truck and running into catch basins. He agreed they need a monitor to guarantee they won't see sediment in resource areas and that they need Mary Rimmer to review. **JKP** noted the project has been problematic from the start and asked why it has been so problematic. **MC** commented that the old drainage pipes aren't mapped, and there is a lot of ground water. It's a difficult job site. **SA** advised they need a dewatering management plan for the wetland scientist to review, and to step up the oversight. **CL** asked if they were discharging to the catch basins. **RK** replied that was what they were directed to do. **CL** cautioned that their MassDOT permit doesn't allow them to discharge to catch basins. **SA** advised that there are concerns regarding how often the current mitigation technique will be cleaned to avoid further illegal discharges, and reiterated that a wetland scientist needs to review for impacts from the discharges and destabilized slope, and to make recommendation on remediation. Additionally, the applicant will need to present a dewatering management plan for the wetland consultant to review, and oversight of the project needs to be bumped up and improved. **LD** agreed with the need for a wetland scientist to review. **JW** asked what happens tomorrow as plans and review take time. **MC** stated he would like Joe Serwatka to look at the dewatering plan, and agreed that they need to decide what will happen tomorrow. **CL** asked if other work can be done. **MA** cautioned there were impacts from stopping work, such as the risk of keeping the pit open, pump station completion delay, extra costs, etc. She added that they do not intend to negatively impact these resource areas. **LD** stated she can't answer what will happen tomorrow tonight, and stated that having Joe Serwatka review would be redundant. She also stated she supports the contractor and the project is running well. **CL** noted that both peer reviewers bring something to the table and again asked whether other work could be done. **MA** stated that the project is nearly done. **JW** asked how many gallons are pumped per day, and how long will the tank last? **RK** replied maybe currently a gallon a minute, and more during rain events. **MC** stated he wants a town official to monitor the project, daily reports, and employee training. **SA** instructed them that there would be no further discharge into catch basins

JKP motioned to ratify the Enforcement Order for Lafayette Rd. Sewer Project.

MC seconded

Roll Call Vote: **SA – Yes, JKP - Yes; MC – Yes; JW – yes; CL - Abstain**

Vote: 4-0-1. Motion carried

2. Request for Certificate of Compliance, 16 Cable Ave.

SA stated the Agent has been by the site and it is in compliance, but plantings were just installed last week, so some growing seasons need to pass, or there needs to be a bond. **AM** agreed. The applicant, Robert Jacobs stated he planted over 100 plugs, and that he would prefer to pay a bond and have full compliance.

JKP motioned to grant the Certificate of Compliance for 16 Cable Ave. with a bond in the amount of \$3,320.00 that will be returned after 2 seasons of successful growth.

JKP amended the bond amount to be the cost of plugs and labor 2 years from now.

MC seconded

Roll Call Vote: **SA – Yes, JKP - Yes; MC – Yes; JW – yes; CL - Yes**

Vote: 5-0-0. Motion carried

3. Request for Significance of Change, 369 North End Blvd.

SA stated the Order of Conditions was for a larger deck. They are no longer going to pursue that plan and would instead like to change enlarge an existing 8x8 deck to an 8x12. **JKP** asked how many pilings will be added Homeowner John Williams (**JW**) stated they are adding one additional post **JKP** asked what the material of the piling will be and how it will be installed. **JW** replied he didn't know and it would be whatever the Building Inspector required. He added that. Trex decking will be used.

CL motioned to find the Request for Significance of Change non-significant for 369 North End Blvd.

MC seconded

Roll Call Vote: **SA – Yes, JKP - Yes; MC – Yes; JW – yes; CL - Yes**

Vote: 5-0-0. Motion carried

4. Request for Extension, 369 North End Blvd.

SA stated the applicant is requesting a 3-year extension

JKP motioned to grant the Extension for 369 North End Blvd for three years

CL seconded

Roll Call Vote: **SA – Yes, JKP - Yes; MC – Yes; JW – yes; CL - Yes**

Vote: 5-0-0. Motion carried

D. ENFORCEMENT ORDERS:

HOLD, PENDING UPDATE:.

1. 100 Main St
2. **53 Railroad** – **SA** advised that an update regarding the enforcement order was sent out
3. **14, 10th St. W.** - **AM** reviewed the updates and requests from the homeowner. They want to keep the loam in place, and they have verified it won't negatively impact the drainage in the area. **SA** advised that any water along the wall needs to be directed towards the outlet. Denis Hamel of GM2, Inc. (**DH**) stated the drainage didn't change from what they did, and there is no soil moving during heavy rainfall. They want to re-establish the lawn they had before the Army Corps did the work. They planted in November, and will see what it does in spring. He added that most of the fill that was brought in was to even out the backyard where the septic system sank over the years. **SA** advised that if the homeowners want to wait until the spring to permit

the shed, then she'd like to keep the enforcement order open until the NOI is filed. **DH** questioned raising the shed under an NOI and suggested doing the work under the Enforcement Order instead. **SA** stated they could do either. **MC** asked whether they would need a building permit for the shed. **DH** replied that they were told they didn't need one when they installed it as it was under 200 square feet. **MC** replied they might need one for raising it the 2 feet and suggested looking into it.

4. 97 Atlantic Ave.
5. 114 Bridge Rd.
6. 36 Pike St.
7. 2 Baker Rd.
8. 150 North End Blvd.
9. 565 North End Blvd.
10. 30 Main St.
11. 83 Atlantic Ave.
12. 211 N. End Blvd.
13. 16 Hayes St.
14. 11 Railroad Ave.

ACTIVE, PENDING COMPLETION:

COMPLETE, PENDING APPROVAL:

15. 6 Sycamore Ln.
16. **16 Commonwealth Ave.** - **MC** requested an update. **AM** haven't spoken to the representative lately, but they were last working on plans, she can follow up.
17. 61 Bridge Rd.
18. 139 Elm
19. 86/88 Elm St.
20. 4 Main Street
21. 82 Lafayette Rd

E. COMMISSIONER COMMENTS:

F. ADJOURNMENT:

MC motioned to adjourn the December 15, 2021 Salisbury Conservation Commission Meeting at 9:53 PM

JW seconded.

Roll Call Vote: SA – Yes, JKP - Yes; MC – Yes; JW – yes; CL - Yes

Vote: 5-0-0. Motion carried