



**Salisbury Conservation Commission
Meeting Minutes
August 3, 2022
Colchester Auditorium, Town Hall
5 Beach Road
Salisbury, MA 01952
Hybrid Meeting
7:00 P.M.**

COMMISSION MEMBERS PRESENT IN PERSON: Michael Colburn (MC), Mark Warcewicz (MW), Jeffrey Ward (JW)

COMMISSION MEMBERS PRESENT REMOTELY: Julie Doughman-Johnson (JDJ), Jane Purinton (JKP)

COMMISSION MEMBERS ABSENT: Christopher Leahy (CL), Chairwoman Sheila Albertelli (SA)

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

Co-Chairwoman Jane Purinton opened the meeting at 7:06 pm under the Wetlands Protection Act & Open Meeting Law and informed the public that the meeting was being recorded and being held both remotely and in person.

A. MINUTES:

1. **January 5, 2022**
2. **January 19, 2022**
3. **January 21, 2022**
4. **February 2, 2022**
5. **February 16, 2022**
6. **March 2, 2022**
7. **March 16, 2022**
8. **April 6, 2022**
9. **April 20, 2022**
10. **May 4, 2022**
11. **May 18, 2022**
12. **June 1, 2022**
13. **June 15, 2022**

JDJ motioned to continue the minutes January 5, 2022 through July 20, 2022 until our next meeting on August 17, 2022 7:00 PM.

JW seconded.

Roll Call Vote: JKP-yes, JDJ-yes, MC-yes, JW-yes, MW-yes.

Vote: 5-0-0. Motion Carried.

B. PUBLIC HEARINGS at 7:10pm:

1. **NOI: Henry A. Richard, Jr., 247-249 North End Blvd. (1/5/22)**

JDJ motioned to continue the Notice of Intent for Henry A. Richard, Jr., 247-249 North End Blvd. to August 3, 2022 at 7:10 PM.

JW seconded.

Roll Call Vote: JKP-yes, JDJ-yes, MC-yes, JW-yes, MW-yes.

Vote: 5-0-0. Motion Carried.

2. NOI: Matthew Sanders, 5 Patriot Way (5/4/22)

Matt Steinel (**MS**) of Millennium Engineering updated the commission that they have been working on addressing the commission's concerns such as the invasive species, burning bush being removed, trees/vegetation added, light post near wetland being removed, planting additional vegetation, pulling fire pit back from wetland, leaving bridge in place, remove wood planking's and reinstall, spaced out, larger bridge will be removed and area restored, remove knotweed and fill around bridge. Also noted that erosion control will be added and extended.

MC motioned to take Certificate of Compliance out of order and put into Old Business #2.

JDJ seconded.

Roll Call Vote: JKP-yes, JDJ-yes, MC-yes, JW-yes, MW-yes.

Vote: 5-0-0. Motion Carried.

JKP asks if the driveway permitted and barn unpermitted need to be addressed through the Enforcement Order. **MS** gives an explanation and that they have done what they can. In regards of the crossing, it is an old logging road and is not recent. The only thing new is the barn and that is included in the calculations and narrative, so this is after the fact permit. **JKP** asks if the building inspector has inspected the barn. **MS** states yes, it is part of process, they are working with engineer to make sure the barn meets structural requirements. **JDJ** adds that existing vegetation cover should be preserved to the greatest extent possible. Matthew Sanders (**MTS**) states that he uses the yard and agrees with the drawing. **MC** asks if a wetland scientist consulted on this? **MS** answers yes, Sergio Bonilla of Mission Wetland Delineated. **MC** asks if there are rebuilding wall plans? **MS** answers there is no barrier to protect as they are rebuilding. **MS** describes the construction process. **JKP** discusses some issues and that they need the enforcement done before accepting a Notice of Intent. **AM** states there shouldn't be more than 10% of development in the riverfront area. Then asks if they are over that can we mitigate? **MS** answers that there is no way of knowing. **AM** states the project needs to meet the riverfront regulations for the Commission to issue the certificate of completion. The B series wetland line isn't showed on these plans and we want to make sure it hasn't been filled. It would be valuable to have wetland scientist review to make sure it's in compliance with regulations. **JKP** reads staff report regarding enforcement. **JDJ** wants restoration plan to restore site. **AM** suggests an impact report or Certificate of Compliance report instead of restoration plan. **JKP** discusses recommendations. **AM** states they are not ratifying an Enforcement Order, rather they are issuing it.

MC motioned to issue the Enforcement Order requiring a wetland scientist to visit the property and examine the wetland crossings, new and current clearing of riverfront area, evaluate impacts to the site, provide commission with impact report with how to move forward.

JW seconded.

Roll Call Vote: JKP-yes, JDJ-yes, MC-yes, JW-yes, MW-yes.

Vote: 5-0-0. Motion Carried.

JDJ motioned to continue the Notice of Intent for Matthew Sanders, 5 Patriot Way to September 7, 2022 at 7:10 PM.

JW seconded.

Roll Call Vote: JKP-yes, JDJ-yes, MC-yes, JW-yes, MW-yes.

Vote: 5-0-0. Motion Carried.

3. NOI: Isaac & Robin Kittle, 4 Carter Ave (7/20/22)

JW motioned to continue the Notice of Intent for Isaac & Robin Kittle, 4 Carter Ave to August 17, 2022 at 7:10 PM.

MC seconded.

Roll Call Vote: JKP-yes, JDJ-yes, MC-yes, JW-yes, MW-yes.

Vote: 5-0-0. Motion Carried.

4. NOI: Mark Cardillo, F & D Realty, LLC, 163 Elm St. (8/3/22)

Chris York (CY) of Millennium Engineering presented the project to the Commission which is to construct 2 commercial buildings and gravel storage areas. He discussed current conditions, the roadway drainage consists of catch basins and manholes into some infiltrators. They are proposing to fill isolation wetland on site. **JKP** asks what the mitigation ratio is. **CY** states it is isolated, no mitigation required currently. **MC** states there is an open Enforcement Order, was there more clearing than permitted. **AM** comments that it was never finished, need to clear it out. **MS** adds not more clearing. **JKP** would like a peer review by a wetland scientist for impacts and compliance. Order of Condition needs to be closed out. **AM** states the applicant should request and submit report from a wetland scientist and should use own reviewer. **MS** would like Mary Rimmer to review a new Notice of Intent as soon as possible.

MC motioned to continue the Notice of Intent for Mark Cardillo, F & D Realty, LLC, 163 Elm St to August 17, 2022 at 7:10 PM and in the interim a peer review from Rimmer Environmental.

JW seconded.

Roll Call Vote: JKP-yes, JDJ-yes, MC-yes, JW-yes, MW-yes.

Vote: 5-0-0. Motion Carried.

C. NEW BUSINESS

1. Enforcement Order, 27 12th St. West

Tom Hughes (TH) of Hughes Environmental is representing the applicant as well as the Son of the homeowner Jeff Arleque (JA). **JKP** states that the new patio constructed is non-permeable. **JA** apologizes for a misunderstanding and discusses his parents needs and mobility issues. They trusted the word of a contractor that no permitting was needed. They wanted to make the backyard safer and should be allowed under hardship and asks for leniency due to flood control measures. The pavers are spaced with sand between and gravel borders. **JKP** comments that she is sensitive to the parents' needs and have had these issues many times. The Commission is between rock and a hard place. You were given wrong information from the contractor. **TH** discussed preexisting conditions and that there is significant spacing between stones, the bedding material appears to be appropriate for infiltration. He proposes an engineer to come out and use infiltrometer to measure infiltration ability. Then add low bush such as blueberry along the wall. They should amend to give time to gather info. **JKP** states it is amenable and that **MC** should do a site visit instead to save money. **TH** can do visit and then bring someone in if needed. **MC** asks if there are no grade changes along the wall? **TH** states that is correct. **JW** asks the square footage? **JA** says it is approximately 27 x 22. **JW** suggests they defer issuance until looked at. **AM** would not recommend, would ratify then amend. **TH** states it needs to be ratified or it falls apart and a new one would be needed. **JKP** preference would be to amend and ratify.

JW motioned to ratify the Enforcement Order for 27, 12th St. West with amendment to wait for site visit and investigation completed and a report ready at the next meeting August 17, 2022 at 8 PM. The stop work order will stand.

MC seconded.

Roll Call Vote: JKP-yes, JDJ-yes, MC-yes, JW-yes, MW-yes.

Vote: 5-0-0. Motion Carried.

D. ENFORCEMENT ORDERS:

HOLD, PENDING UPDATE:

1. 29 Lafayette Road
2. 2A 12th St. West
3. 14 Old County Road
4. 100 Main St
5. 53 Railroad Ave
6. 14, 10th St. W.
7. 97 Atlantic Ave.
8. 36 Pike St.
9. 2 Baker Rd.
10. 565 North End Blvd.
11. 30 Main St.
12. 83 Atlantic Ave.
13. 211 N. End Blvd.
14. 16 Hayes St.
15. 11 Railroad Ave.

ACTIVE, PENDING COMPLETION:

16. 114 Bridge Rd.
17. Lafayette Rd. Sewer

COMPLETE, PENDING APPROVAL:

18. 6 Sycamore Ln.
19. 16 Commonwealth Ave.
20. 61 Bridge Rd.
21. 139 Elm
22. 86/88 Elm St.
23. 4 Main Street

E. REORGANIZATION:

JKP would like to table until our next meeting August 17, 2022 7 PM when all commissioners are present.
MC seconded.

Roll Call Vote: JKP-yes, JDJ-yes, MC-yes, JW-yes, MW-yes.

Vote: 5-0-0. Motion Carried.

F. COMMISSIONER COMMENTS:

AM states she is working with Lisa Pearson and Danny Ruiz for draft bylaws, we are planning to host workshops in the coming months. Possibly before meeting on September 7, 2022 and Planning Board meeting on September 14, 2022. For natural resource, stormwater bylaws, etc.

MC asks about an update on a beach management plan? **AM** met with Senator Tarr and would like to open communication with DCR, should have update for next meeting.

F. ADJOURNMENT:

MC motioned to adjourn the August 3, 2022 Salisbury Conservation Commission Meeting at 8:56 PM
JW seconded.

Roll Call Vote: JKP-yes, JDJ-yes, MC-yes, JW-yes, MW-yes.

Vote: 5-0-0. Motion Carried.