



**Salisbury Conservation Commission
Meeting Minutes
May 4, 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), Jeffrey Ward (JW)

COMMISSION MEMBERS PRESENT REMOTELY: Chairwoman Sheila Albertelli (SA), Julie Doughman-Johnson (JDJ)

COMMISSION MEMBERS ABSENT: Christopher Leahy (CL), Jane Purinton (JKP)

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 both remotely and in person.

A. MINUTES:

1. **December 1, 2021**
2. **December 15, 2021**
3. **January 5, 2022**
4. **January 19, 2022**
5. **January 21, 2022**
6. **February 2, 2022**
7. **February 16, 2022**
8. **March 2, 2022**
9. **March 16, 2022**
10. **April 6, 2022**
11. **April 20, 2022**

JDJ motioned to approve the minutes from December 1, 2021.

JW seconded.

Roll Call Vote: SA -yes, JDJ- yes, MC-yes, JW-yes

Vote:4-0-0 motion carried.

JDJ motioned to continue the remaining minutes from December 15, 2021 to April 20, 2021 until May 18, 2022 meeting 7:10 PM.

MC seconded.

Roll Call Vote: SA -yes, JDJ- yes, MC-yes, JW-yes

Vote:4-0-0 motion carried.

B. PUBLIC HEARINGS at 7:10pm:

1. **NOI: Anthony Finocchiaro, 29 12th St (4/6/22)**

MC motioned to table the NOI: Anthony Finocchiaro, 29 12th St.

JDJ seconded.

Roll Call Vote: SA -yes, JDJ- yes, MC-yes, JW-yes

Vote:4-0-0 motion carried.

Applicant was present, Anthony Finocchiaro (AF) and will be representing himself. **JDJ** commented that there was a lot of fill at the front of site while at the site visit. **JW** agreed and was also at the site visit. She added that there is well established turf lawn. **MC** asks if it was this part of the flood wall project? **AM** replies, yes. **MC** stated that the fill was probably part of that work. **JDJ** agrees but the fill was in front. **JW** comments that the plan needs to be an improvement, replacing lawn with native plants. **JDJ** agrees and adds whatever brought in should be cleared with Agent.

JW motioned to approve the Notice of Intent for Anthony Finocchiaro, 29 12th Street. with standard order of conditions.

MC seconded.

JDJ requested to amend to check with the Agent regarding compatible soil, pervious pavers to specified.

JW amends to incorporate above

MC second stands.

Roll Call Vote: SA -yes, JDJ- yes, MC-yes, JW-yes

Vote:4-0-0 motion carried.

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

MC motioned to continue the Notice of Intent for Brian Thibaut, ZJBV Investment Realty, 191 Atlantic Ave. to May 18, 2022 at 7:10 PM.

JW seconded.

Roll Call Vote: SA -yes, JDJ- yes, MC-yes, JW-yes

Vote:4-0-0 motion carried.

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

MC motioned to continue the Notice of Intent for Henry A. Richard, Jr., 247-249 North End Blvd. to May 18, 2022 at 7:10 PM.

JW seconded.

Roll Call Vote: SA -yes, JDJ- yes, MC-yes, JW-yes

Vote:4-0-0 motion carried.

4. NOI: Seacoast Canine, 156 Lafayette Road (3/2/22)

JW motioned to continue the Notice of Intent for Seacoast Canine, 156 Lafayette Road to June 15, 2022 at 7:10 PM.

MC seconded.

Roll Call Vote: SA -yes, JDJ- yes, MC-yes, JW-yes

Vote:4-0-0 motion carried.

5. NOI: James Sullivan, 447 North End Blvd (4/20/22)

Taylor Theriault (**TT**) of BFE Architects represented the applicant and reviewed updates including updated narrative and drawings. **JDJ** asks if the only part of the fence being replaced is the gate? **JDJ** also wants to ensure it is 50% open according to the WPA. **TT** replies yes. **JDJ** advised if anything else is replaced, it would need to be 50% open. She asks if anything else was considered other than timber curb? **TT** stated that nothing else was considered and discusses curbing. **JDJ** asks for the specifics on the pervious pavers to be used.

JW motioned to approve the Notice of Intent for James Sullivan, 447 North End Blvd. to May 4, 2022 at 7:10 PM.

MC seconded.

JDJ asks if they need anything in motion regarding specifications? **MC** replies that it is part of the application and nothing special is needed. **JDJ** asks for a special condition to include regards to pavers specifications.

JW replies that the motion stands

Roll Call Vote: SA -yes, JDJ- yes, MC-yes, JW-yes

Vote:4-0-0 motion carried.

6. RDA: Kathryn Dastoli-Torrise, 10 Joy Road (5/4/22)

Applicant Kathryn Dastoli-Torrise (**KD**) is present and representing himself. He wants to install a 24 Ft round above ground pool and extend the deck. **SA** asks if the pool is within the 50 ft. buffer? **AM** replies that yes, it is within the 50 ft. buffer and within the existing lawn area. **JDJ** states that they need to put up erosion control.

MC motioned to approve the Request for Determination for Kathryn Dastoli-Torrise, 10 Joy Road.

JW seconded.

MC amended to add erosion control.

JW second stands.

Roll Call Vote: SA -yes, JDJ- yes, MC-yes, JW-yes

Vote:4-0-0 motion carried.

7. NOI: City of Newburyport, North Jetty Dredging (5/4/22)

SA gives an update stating that no DEP number is issued yet for this project. David Smith (**DS**) of GZA represented the applicant and stated that they are waiting on letters from Natural Heritage & Endangered Species Program (NHESP) and Division of Marine Fisheries. Project proposes to dredge 290,000 yards of material in the winter to be disposed of off shore of the north point of Plum Island. The dredging is to take place at the shoaled area at the Merrimack River mouth. He explained they reviewed the area to be dredged. The elevation taken down to a minus 11 which is about a 3 ft. hump being removed.

JW asks when the project is anticipated to take place? **DS** replies when the Army Corps project is under way and that they have a time of year restriction window from February-June for dredging and a separate restriction for disposal April – August. **JW** asks how it is stored? **DS** replies that they either suction dredge and pumped to spot, or hopper dredge and then moved to the disposal area. **MC** asks how did they determine sand disposal? **DS** answers that it is cost benefit to include with Army Corps. Separate would be cost prohibitive. **MC** then asks if Newburyport is paying? **DS** comments that it is a joint effort through harbormaster and Newburyport, with Salisbury, and also grant funding. **MC** asks why Salisbury not benefitting from the sand. **AM** answers they discussed it with town manager, others, most of the sand would be taken from Piscataqua, but will look into this. **MC** states that Reggie Santos expresses strong approval from harbormaster. **DS** says it is involved in Piscataqua River Dredge permitting. This is public safety issue and compatibility issue, sand doesn't match Salisbury beach sand.

JDJ motioned to continue the Notice of Intent for City of Newburyport, North Jetty Dredging. to May 18, 2022 at 7:10 PM.

JW seconded.

Roll Call Vote: SA -yes, JDJ- yes, MC-yes, JW-yes

Vote:4-0-0 motion carried.

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

SA states that no DEP number has been issued. Matt Steinel (**MS**) of Millennium Engineering represented the applicant. He reviewed the project location, barn constructed and after the fact permitting for it. They plan to put up a construction fence around septic to keep people off during construction. Modify a portion of existing deck. Build addition in footprint, raised platform at back, and report entry. Reviewed planting mitigation for trees removed during barn construction. 5 trees going in to replace 3 trees. **SA** states that the property has old

order for conditions for the house that was never closed out. Should get asbuilt and close out the order. Some references in file to existing disturbance. There is a wetland crossing, and no permit. **MS** agrees and states he will go over with agent. Owner Matthew Sanders (**MSA**) is present and stated the crossing was installed when neighbors built the house. **JDJ** says she would like a site visit.

The Toomey's at 4 Patriot Way state that they are in support of project. The road has been there for at least 16 years. **MC** added that the gravel road might be very old, and might be an old timber road.

JDJ motioned to continue the Notice of Intent for Matthew Sanders, 5 Patriot Way to May 18, 2022 at 7:10 PM. in the interim a site visit.

JW seconded.

Roll Call Vote: SA -yes, JDJ- yes, MC-yes, JW-yes

Vote:4-0-0 motion carried.

C. ENFORCEMENT ORDERS:

HOLD, PENDING UPDATE:

1. 2A 12th St. West -
2. 14 Old County Road
3. 100 Main St
4. 53 Railroad Ave
5. 14, 10th St. W.
6. 97 Atlantic Ave.
7. 114 Bridge Rd.
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. Lafayette Rd. Sewer
17. 150 North End Blvd

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

D. COMMISSIONER COMMENTS:

MC announces there is a funeral for Sean O'Brien, we give our condolences.

E. ADJOURNMENT:

JDJ motioned to adjourn the May 4, 2022 Salisbury Conservation Commission Meeting at 8:11 PM.

JW seconded.

Roll Call Vote: SA -yes, JDJ- yes, MC-yes, JW-yes

Vote:4-0-0 motion carried.