



**Salisbury Conservation Commission
Meeting Minutes
June 15, 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), Christopher Leahy (CL)

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

COMMISSION MEMBERS ABSENT:

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 15, 2021
2. January 5, 2022
3. January 19, 2022
4. January 21, 2022
5. February 2, 2022
6. February 16, 2022
7. March 2, 2022
8. March 16, 2022
9. April 6, 2022
10. April 20, 2022
11. May 4, 2022
12. May 18, 2022

MC motioned to continue the minutes December 15, 2021 through May 18, 2022 until the July 6, 2022 meeting at 7:00 PM.

JW seconded.

Roll Call Vote: all

SA-yes, JDJ-yes, JKP-yes, MC-yes, JW-yes, CL-yes.

Vote: 6-0-0. Motion Carried.

MC motioned to take 5 Patriot Road out of order.

JW seconded.

Roll Call Vote: all

SA-yes, JDJ-yes, JKP-yes, MC-yes, JW-yes, CL-yes.

Vote: 6-0-0. Motion Carried.

B. PUBLIC HEARINGS at 7:10 pm:

1. Amended NOI: Town of Salisbury, Partridge Brook Park. (6/1/22)

Denis Hamel (**DH**) of GM2 Associates Inc. and Planning Director Lisa Pearson (**LP**) were present to discuss the updates. **DH** explains that Phase 1 is complete with a couple of athletic fields. We are coming for an amendment and would like to replace some proposed practice soccer fields with a skatepark. The storm water report was reviewed by Joe Serwatka, **DH** explains they are looking for decisions to meet timetables. They reviewed proposed location of skatepark. They are proposing a stone dust path instead of footbridge for construction path. The existing detention basin will be enlarged. There is a clay/loam-based soil with not much infiltration. **DH** believes he answered Joeseph Serwatka's questions, but states Joe has not had time to respond yet. **JKP** states the commissioners received Joe's 2nd comments late this afternoon. It is noted the area will have to be re-cleared again, but site visit was good and is comfortable with the changes. **JKP** asks who will inspect storm water? **LP** explains that during construction, Mary Rimmer of Rimmer Environmental will do the Notice of Intent inspections, and Denis Hamel of GM2 Associates Inc. will be filing a separate Notice of Intent with the Environmental Protection Agency due to the size of project. **CL** asks if they will receive a copy of Environmental Protection Agency Notice of Intent when submitted? **DH** answers yes, it's a requirement.

CL motioned to approve the Amended Notice of Intent for Town of Salisbury, Partridge Brook Park (6/1/22) with the standard Order of Conditions, as well as special Order of Conditions.

JW seconded.

Roll Call Vote: all

SA-yes, **JDJ**-yes, **JKP**-yes, **MC**-yes, **JW**-yes, **CL**-yes.

Vote: 6-0-0. Motion Carried.

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

SA noted **JW** will need to abstain from the vote. Nick Golon (**NG**) of TF Moran provided an update and reviewed responses to the Commissioner's comments. The dune profile plan has been provided; permeable paver walkway will be replaced with removable wooden mat. Paved parking was removed and changed to permeable pavers. **JKP** stated that all of her previous concerns have been addressed.

JKP motioned to approve the Notice of Intent for Brian Thibeaute, ZJBV Investment Realty, 191 Atlantic Ave, (10/6/21) with the standard Order of Conditions and DEP comments from May 17, 2022 letter (status report).

JW seconded.

Roll Call Vote: all

SA-yes, **JDJ**-yes, **JKP**-yes, **MC**-yes, **JW**-Abstained, **CL**-yes.

Vote: 6-0-0. Motion Carried.

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

JW motioned to continue the Notice of Intent for Henry A. Richard, Jr., 247-249 North End Blvd. to our next meeting July 6, 2022 at 7:10 PM.

CL seconded.

Roll Call Vote: all

SA-yes, **JDJ**-yes, **JKP**-yes, **MC**-yes, **JW**-yes, **CL**-yes.

Vote: 6-0-0. Motion Carried.

4. NOI: Steven Paquette, 6 Forest Road, LLC, 6, 10, & 18 Forest Road (1/19/22)

CL motioned to continue the Notice of Intent for Steven Paquette, 6 Forest Road, LLC, 6, 10, & 18 Forest Road to our next meeting July 6, 2022 at 7:10 PM.

JW seconded.

Roll Call Vote: all

SA-yes, JDJ-yes, JKP-yes, MC-yes, JW-yes, CL-yes.

Vote: 6-0-0. Motion Carried.

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

CL motioned to continue the Notice of Intent for Seacoast Canine, 156 Lafayette Road to our next meeting July 6, 2022 at 7:10 PM.

JW seconded.

Roll Call Vote: all

SA-yes, JDJ-yes, JKP-yes, MC-yes, JW-yes, CL-yes.

Vote: 6-0-0. Motion Carried.

6. NOI: Kathleen M. Amari, 130 North End Blvd. (4/20/22)

SA advised **JW** will need to abstain. Ron Laffely (**RL**) of Fulcrum Architects updated the Commission and reviewed updated plans. He explains the proposed plantings such as American beach grass, equipment to be used and DEP technical comments, planting schedule and demo & construction sequence. Beach access installed in the fall, removable mat removed for winter. **CL** asks what the likelihood is of beach plum etc. survival? **RL** answers that if done per nursery standards it is good. **JDJ** asks if the bracing under the pool is elevated out of the flood plan and perpendicular to coast line? **RL** answers that it needs a box frame, discusses framing requirements. **JKP** asks what is ratio of mitigation. **RL** replies that the one they have is based on an old photo when it was more vegetated 2:1. **JDJ** asks if permeable pavers are plastic or concrete? **RL** replies concrete. **JDJ** asks, doesn't DEP not want those there? **AM** answers that the standard DEP comment states it can be at the discretion of the Commission. **SA** comments they required someone else to use plastic; concrete can become projectiles. **RL** states he will see what DEP says. **JKP** asks if it could be the same design except rubber or plastic? **RL** answers it is not allowed and could possibly keep pavement that's there. **SA** comments that the Commission has to be consistent for everyone. **MC** reminds the Commission they did approve pervious pavers 2 agenda items before. **SA** states they're plastic. **CL** adds they have to look at the project as a whole.

CL motioned to approve the Notice of Intent for Kathleen M. Amari, 130 North End Blvd. with the Standard Order of Conditions.

MC seconded.

Roll Call Vote: all

SA-yes, JDJ-yes, JKP-yes, MC-yes, JW-yes, CL-yes.

Vote: 6-0-0. Motion Carried.

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

MC motioned to continue the Notice of Intent for Matthew Sanders, 5 Patriot Way to our next meeting July 6, 2022 at 7:10 PM.

JW seconded.

Roll Call Vote: all

SA-yes, JDJ-yes, JKP-yes, MC-yes, JW-yes, CL-yes.

Vote: 6-0-0. Motion Carried.

8. NOI: Atlantic Broadband Services, LLC, 51 Lafayette Road (5/18/22)

Nick Dewhurst (**ND**) of Graves Engineering Inc. updated the Commission on changes to the project. **ND** reviewed the soil testing and states he worked with Joe Serwatka. They changed the layout and moved the driveway to the opposite side to preserve the oak tree, also preserving some landscaping and addressed Joe

Serwatka's comments. **JW** states he is pleased with the revision and keeping the tree. The stormwater issues at the site visit were addressed. Dan Welch (**DW**) of 50 Lafayette Road states he is pleased the tree is staying and the driveway location is moved. What is the intent of the fence, and the type? **ND** answers that they plan to install a chain-link fence with green vinyl slats for screening and security purposes. **DW** asks if it will be gated? **ND** states it will be a sliding gate. **DW** replies that he is not thrilled. It's not aesthetic for the neighborhood, then asks for something else on the front? **SA** comments that the Commission doesn't have oversight over the fence; it is not in a resource area. **ND** adds that he can take the feedback to the client and see if they are open to change the fencing on the front. **MC** will abstain from vote.

CL motioned to approve the Notice of Intent for Atlantic Broadband Services, LLC, 51 Lafayette Road with the Standard Order of Conditions.

JDJ seconded.

Roll Call Vote: all

SA-yes, JDJ-yes, JKP-yes, MC-Abstained, JW-yes, CL-yes.

Vote: 5-1-0. Motion Carried.

9. NOI: Anthony Triglione, 43 Mudnock Road (6/1/22)

Matthew Steinel (**MS**) of Millennium Engineering reviewed the project and reviewed existing conditions. **MS** states they are waiting for a file number. The erosion control will be moved to protect the existing drain pipe. The Department of Environmental Protection commented regarding the potential of riverfront area on the property. **MS** reviewed the USGS map, and the project is approximately 200 feet from a seasonal drainage channel. None of proposed activity is within the 200 feet. **CL** asks the Commission if the 200 ft riparian zone should be on the plan? **AM** suggests including it as a special condition.

JKP motioned to approve the Notice of Intent for Anthony Triglione, 43 Mudnock Road with the Standard Order and Special Conditions and that the applicant will take precautions to preserve the drainage line, no heavy machinery in area. Silt fence and sock? (**SR**) states the riparian zone shall be added to plans.

CL seconded.

Roll Call Vote: all

SA-yes, JDJ-yes, JKP-yes, MC-yes, JW-yes, CL-yes.

Vote: 6-0-0. Motion Carried.

10. RDA: MassDOT, Route 1 Bicycle Improvements (6/15/22)

CL abstained as an employee of MassDOT. Susan McArthur (**SM**) of Jacobs and Dave Goldstein of MassDOT presented the application to the Commission. **SM** talks about the project in Newburyport and Salisbury. It starts before High Street in Newburyport and ends 200 ft north of Friedenfels Road and 1st. We received a negative determination from the Newburyport Conservation Commission last week. Commission reviewed the resource areas and found that the project is not touching a bank or land underwater. The plan is to create a buffered bike lane on Route 1. Stormwater catch basin frames and grates will be reset with a path to the existing bike path. All work is within existing pavement aside from ramp to rail trail? **MC** asks if there was a bike lane up to Lafayette Road ever? **SM** replies that he is not familiar and can't answer. **JW** asks if this plan will be tying in to the Rail Trail? **SM** answers yes. **JW** comments that the project bike path will take you up to Mudnock Road, so close to the square.

JKP motioned to approve the Request for Determination for MassDOT, Route 1 Bicycle Improvements with the Standard Order of Conditions.

JW seconded.

Roll Call Vote: all

SA-yes, JDJ-yes, JKP-yes, MC-yes, JW-yes, CL-Abstained.

Vote: 5-1-0. Motion Carried.

11. NOI: Charles Michael Lopiano, 124 & 126 North End Blvd. (6/15/22)

Matthew Steinel (**MS**) of Millennium Engineering presented the project and reviewed the property. They plan to tear down the existing building on full foundation and solid boardwalk, construct a new building on piles. They will replace the walkway with a Mobi-mat. They will remove pervious pavers and replace with a gravel parking area. The home will be modular. **MC** states that a straight path to the ocean is not permissible. **MS** comments that he will make a change to that and states the architect may not be familiar with the regulations. **MS** will talk about moving stairs and angling the path. **MS** then states that the proposed vinyl style picket fence is 50% open. **MC** recommends a site visit for the commissioners. **CL** asks if the horizontal directional drilling quotations are temporary impacts? **MS** states that the subsurface is not considered. **CL** asks where the jacking pit will be located. **MS** states it will be on the side of the road. **CL** asks about the height of the AC table. **AM** comments about the CRS review and that all machinery is out of the flood zone. **AM** asks if construction fencing will be installed to protect the dune grass. **MS** states that they do not at this time but will come up with something.

CL motioned to continue the Notice of Intent for Charles Michael Lopiano, 124 & 126 North End Blvd to the next meeting July 6, 2022 and in the interim conduct a site visit.

JW seconded.

Roll Call Vote: all

SA-yes, **JDJ**-yes, **JKP**-yes, **MC**-yes, **JW**-yes, **CL**-yes.

Vote: 6-0-0. Motion Carried.

C. NEW BUSINESS

2. Request for Significance of Change, 552 North End Blvd.

Matthew Steinel (**MS**) of Millennium Engineering presented the originally approved 2020 plan. **MS** states that they came back for an amendment in March of 2022. With the footprint reduced, backyard impacts reduced. The plan had an all gravel driveway. Most of site is in the x zone, some of driveway apron is in AE. From the property line to the face of the building, they want to convert from gravel on the plan to pervious pavers. This may be considered detriment, but overall the project scaled back from original plan in 2020. **SA** asks if it was originally virgin sand? **MS** comments that pavement was removed. **SA** adds it is not an improvement to a dune. **CL** comments that this is not insignificant and suggests shifting the driveway to the existing. **MS** feels it is more complicated and a steel frame is already up. **JKP** agrees with Sheila, it doesn't meet the dune performance standards. **MS** adds that pavers are acceptable, and in his opinion, is not a negative impact. Pavement was taken out of this lot and is still an improvement. **AM** comments on the dune performance standards that they take whole project into account. **MC** states that his opinion is that this is a significant change. Neighbors should have the opportunity to comment.

CL motioned to find not significant and continue the Request for Significance of Change, 552 North End Blvd. to the next meeting July 6, 2022 at 7:10 PM.

MC seconded.

Roll Call Vote: all

SA-yes, **JDJ**-yes, **JKP**-yes, **MC**-yes, **JW**-yes, **CL**-yes.

Vote: 6-0-0. Motion Carried.

D. OLD BUSINESS

1. Request for Certificate of Compliance, 5 Patriot Way.

JKP motioned to continue the Request for Certificate of Compliance, 5 Patriot Way. to July 6, 2022 to our next scheduled meeting July 6, 2022 at 7:10 PM.

JW seconded.

Roll Call Vote: all

SA-yes, JDJ-yes, JKP-yes, MC-yes, JW-yes, CL-yes.

Vote: 6-0-0. Motion Carried.

E. 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

F. COMMISSIONER COMMENTS:

CL comments that the Division of Fishery and Wildlife banded baby peregrine falcons nesting and was involved in that. It was very impressive.

MC comments for the public and children to have a safe fun summer.

F. ADJOURNMENT:

JW motioned to adjourn the June 15, 2022 Salisbury Conservation Commission Meeting at 10:00 PM.

MC seconded.

Roll Call Vote: all

SA-yes, JDJ-yes, JKP-yes, MC-yes, JW-yes, CL-yes.

Vote: 6-0-0. Motion Carried.