

Salisbury Conservation Commission
Meeting Minutes
June 7, 2023
Colchester Auditorium, Town Hall
5 Beach Road
Salisbury, MA 01952
Hybrid Meeting
7:00 P.M.

COMMISSION MEMBERS PRESENT IN PERSON: Julie Doughman-Johnson (**JDJ**), Michael Colburn (**MC**), Chairman Jeffrey Ward (**JW**), Michael Lucas (**ML**), Christine Maxim (**CM**)
COMMISSION MEMBERS PRESENT REMOTELY: Christopher Leahy (**CL**)
COMMISSION MEMBERS ABSENT: Mark Warcewicz (**MW**)

ALSO PRESENT: Conservation Agent, Adriane Marchand (**AM**), Administrative Assistant, Alison Weaver (**AW**).

Chairman Jeffrey Ward (**JW**) opened the meeting at 7:00 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. EMERGENCY CERTIFICATES:

1. Mass DCR Beach Access 8, 9 & 10

AM updated the Commission that all work is completed. Beach Access 9 and 10 are repaired and 8 has been removed.

JDJ motioned to ratify the Emergency Certificate for beach accesses 8, 9 and 10.
CL seconded.

Roll Call Vote: MC-abstained, JDJ-yes, CL-yes, ML-yes, CM-yes, JW-yes.

5-1-0. Motion Carried.

B. MINUTES:

- 1.May 18, 2022
- 2.June 1, 2022
- 3.June 15, 2022
- 4.July 6, 2022
- 5.July, 20, 2022
- 6.August 3, 2022
- 7.August 17, 2022
- 8.September 21, 2022
- 9.November 16, 2022
10. December 7, 2022
11. January 18, 2023
12. March 1, 2023
13. March 15, 2023
14. April 5, 2023
15. April 19, 2023
16. May 3, 2023

17. May 17, 2023

MC motioned to approve the minutes January 18, 2023, March 1, 2023 and March 15, 2023.

JDJ seconded.

Roll Call Vote: MC-yes, JDJ-yes, CL-yes, ML-yes, CM-yes, JW-yes.

6-0-0. Motion Carried.

JDJ motioned to continue the minutes for May 18, 2022 through September 21, 2022, November 16, 2022, December 7, 2022 and April 5, 2023 through May 17, 2023 to our next meeting June 21, 2023 at 7:10 PM.

MC seconded.

Roll Call Vote: MC-yes, JDJ-yes, CL-yes, ML-yes, CM-yes, JW-yes.

6-0-0. Motion Carried.

C. PUBLIC HEARINGS at 7:10pm:

1. NOI: Christopher DeLuca, 108 Elm Street. (11/16/22)

MC motioned to continue the Notice of Intent for Christopher DeLuca, 108 Elm Street. (11/16/22) to the June 21, 2023 meeting 7:10 PM.

JDJ seconded.

Roll Call Vote: MC-yes, JDJ-yes, CL-yes, ML-yes, CM-yes, JW-yes.

6-0-0. Motion Carried.

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

MC motioned to continue the Notice of Intent for 6 Steve Paquette, 6 Forest Road, LLC, 6,10 &18 Forest Road (1/19/22) to the June 21, 2023 meeting 7:10 PM.

JDJ seconded.

Roll Call Vote: MC-yes, JDJ-yes, CL-yes, ML-yes, CM-yes, JW-yes.

6-0-0. Motion Carried.

3. NOI: 18 NE BLVD LLC, 14, 16 & 18 North End Blvd. (4/5/23)

MC motioned to continue the Notice of Intent for 18 NE BLVD LLC, 14, 16 & 18 North End Blvd (4/5/23) to the June 21, 2023 meeting 7:10 PM.

JDJ seconded.

Roll Call Vote: MC-yes, JDJ-yes, CL-yes, ML-yes, CM-yes, JW-yes.

6-0-0. Motion Carried.

4. NOI: Michael & Kristin Chase, 574 North End Blvd. (4/19/23)

Matthew Steinel (**MS**) of Millennium Engineering, updated the Commission on the plans since the last meeting. They reduced the number of pervious pavers and will use a clam shell surface and more appropriate plantings were put on the plans and verified the shed is to be removed.

Tom Hughes (**TH**) of Hughes Environmental added the changes are to improve the footprint of the site.

JDJ asks what the plan is for the solid fence. **MS** explains the fence will be removed and a new 50 percent open privacy fence will be installed. **JDJ** asks about the impact table. **MS** reviewed the impacts table. **TH** added that they have responded to the DEP comments. **MC** asked about the crushed clam shell surface of the driveway. **CL** would like to see something that would contribute to dune function.

JW asks about removing the turf lawn and how deep they will go to dig it up. **TH** says they will not dig

deep, approximately 6 inches to get down to clean sand and then they will bring in Salisbury compatible sand. **TH** believes what they are proposing will improve dune function. **JW** is concerned about the digging and erosion during construction. He also speaks about dune function for the area that is now grass. Removal of the sod has the potential to destabilize the dune. **CL** asks what the regrowth time table would be. **TH** estimates that plantings in the fall established by the spring, stability within 2-3 months and then 1-3 years for them to get stronger and deeper. **TH** suggests removing just what we need to remove to build the house and then the total removal and installation of landscaping at the end of the project. **JW** feels more comfortable with that, his main concern being how open the dune would be during construction. **MC** adds that 800 square feet of pervious surface is being removed as well. **ML** feels comfortable with the compromise.

MC motioned to approve the Notice of Intent for Michael & Kristin Chase, 574 North End Blvd with the standard conditions and special conditions to keep vegetative cover to the extent practical during construction as well as paver specifications be provided and inspected.

JDJ seconded.

Roll Call Vote: CM- abstained, JDJ-yes, CL-yes, ML-yes, MC-yes, JW-yes.

5-1-0. Motion Carried.

5. NOI: Ocean Front South LLC, One Ocean Front South Development. (4/19/23)

Attorney Nylan (**AN**) representing the applicant explains the updated plans. Discusses the peer review letter from Rimmer Environmental and the storm water review to address at the next scheduled meeting. He believes there is no adverse effect in comparison to the dune function as it stands today. Tom Hughes (**TH**) of Hughes Environmental is represent the applicant. He addresses DEP comments and reads responses. **TH** comments that the lattice panel on the plan is above two feet and was interpreted as a solid panel with a flood gate up top. He explains they will update that graphic to show it as completely open. Dwight Dunk (**DD**) of Epsilon Associates, also representing the applicant, speaks on the dune function and their assessments. **JW** speaks in general about an apparent issue of a difference of opinion of the amount of area being improved. He would like clarification as to how they calculate function for next meeting.

Abutter Jean Dorsi (**JD**) of 11 Railroad Avenue has questions for the applicant and asks about the documents and if the building was moved back. She states that the building is higher then what is built in the area. The utilities on the plan says it will move westward and where that location would be. She would like to read DEP responses and if the public has access to that. Concerns about the easement and how that is mitigated in relation to storm water runoff. **TH** states there is no change to the location of the building and the height. The drainage report is public record, and correspondence is also public record. The utility will be moved interior to sight. TJ Melvin (**TJ**) of Millennium Engineering explains the drainage and underground electric. **JD** asks applicant to respond in writing to issues MEPA had. **AA** approaches the podium and comments that these two matters do not apply to this specific project.

MC motioned to continue the Notice of Intent for Ocean Front South LLC, One Ocean Front South Development (4/19/23) for our June 21, 2023 meeting at 7:10 PM and a site visit to be scheduled in the interim.

JDJ seconded.

Roll Call Vote: MC-yes, JDJ-yes, CL-yes, ML-yes, CM-yes, JW-yes.

6-0-0. Motion Carried.

6. NOI: Nancy Reap, Old Silver Estuary on Little River LLC, 100 Forest Road. (10/5/22)

MC motioned to continue the Notice of Intent for Nancy Reap, Old Silver Estuary on Little River LLC, 100 Forest Road (10/5/22) to the June 21, 2023 meeting 7:10 PM, with a site visit in the interim.

CL seconded.

Roll Call Vote: MC-yes, JDJ-yes, CL-yes, ML-yes, CM-yes, JW-yes.

6-0-0. Motion Carried.

7. NOI: Nancy Reap, Old Silver Estuary on Little River LLC, 100 Forest Road Lot 1. (5/3/23)

CL motioned to continue the Notice of Intent for Nancy Reap, Old Silver Estuary on Little River LLC, 100 Forest Road LOT 1 (5/5/23) to the June 21, 2023 meeting 7:10 PM, with a site visit in the interim.

MC seconded.

Roll Call Vote: MC-yes, JDJ-yes, CL-yes, ML-yes, CM-yes, JW-yes.

6-0-0. Motion Carried.

8. NOI: Nancy Reap, Old Silver Estuary on Little River LLC, 100 Forest Road Lot 2. (5/3/23)

JDJ motioned to continue the Notice of Intent for Nancy Reap, Old Silver Estuary on Little River LLC, 100 Forest Road LOT 2 (5/5/23) to the June 21, 2023 meeting 7:10 PM, with a site visit after the next meeting.

MC seconded.

6-0-0. Motion Carried.

9. NOI: Nancy Reap, Old Silver Estuary on Little River LLC, 100 Forest Road Lot 3. (5/3/23)

JDJ motioned to continue the Notice of Intent for Nancy Reap, Old Silver Estuary on Little River LLC, 100 Forest Road LOT 3 (5/5/23) to the June 21, 2023 meeting 7:10 PM, with a site visit after the next meeting.

CL seconded.

6-0-0. Motion Carried.

10. NOI: Nancy Reap, Old Silver Estuary on Little River LLC, 100 Forest Road Lot 4. (5/3/23)

CL motioned to continue the Notice of Intent for Nancy Reap, Old Silver Estuary on Little River LLC, 100 Forest Road LOT 4 (5/5/23) to the June 21, 2023 meeting 7:10 PM, with a site visit after the next meeting.

MC seconded.

6-0-0. Motion Carried.

11. NOI: Nancy Reap, Old Silver Estuary on Little River LLC, 100 Forest Road Lot 5. (5/3/23)

JDJ motioned to continue the Notice of Intent for Nancy Reap, Old Silver Estuary on Little River LLC, 100 Forest Road LOT 5 (5/3/23) to the June 21, 2023 meeting 7:10 PM, with a site visit after the next meeting.

CL seconded.

6-0-0. Motion Carried.

12. NOI: Nancy Reap, Old Silver Estuary on Little River LLC, 100 Forest Road Lot 6. (5/3/23)

CL motioned to continue the Notice of Intent for Nancy Reap, Old Silver Estuary on Little River LLC, 100 Forest Road LOT 6 (5/3/23) to the June 21, 2023 meeting 7:10 PM, with a site visit after the next meeting.

MC seconded.

6-0-0. Motion Carried.

13. RDA: International Capital Management LLC, 42 Commonwealth Ave. (5/17/23)

Matthew Steinel (**MS**) of Millennium Engineering is representing the applicant and explains the work proposed and the existing conditions. Commissioners did a site walk and had concerns about pavers. **MS** states that the applicant still believes it is an improvement over the pavement. **JDJ** asks what the plan is for the area where the pavement will be removed. **MS** plans to bring in dune quality sand. **MC** would like the specifications to be provided for the pervious pavers. Commissioners discuss pervious pavers. **MS** suggests a licensed professional to be part of the conditions. **CL** suggests a list from the manufacturer. **MC** comments that photo documentation at various phases throughout installation could be part of the conditions. **CL** has concerns with taking asphalt out and putting pavers in; it is something he does not agree with. **JW** asks if an RDA is still appropriate or would an NOI be better permissible for this project. **MS** explains the reductions as a 1 to 1 ratio and can be done as a small project under an RDA. **JW** states it is more complicated with conditions. The commissioners agree.

JW motioned to withdraw without prejudice the Request for Determination of Applicability for International Capital Management LLC, 42 Commonwealth Ave and to re-apply as a Notice of Intent.

14. NOI: Susan Gangi Parsons, 130 Central Ave. (5/17/23)

Matthew Steinel (**MS**) from Millennium Engineering is representing the applicant and talks about the plans for the existing multi family dwelling on piles. He speaks about the site walk that took place and the Commissions opinion to scale the project back. **MS** updates the Commissioner's on the reduction changes. **JW** asks about an old silt fence and sand bags on site and would like to have that removed if possible. **MS** replies that they would be removed. **CM** asks about curbing that she would also like removed. **MS** suggests a general condition that any foreign object to be removed from the dune. **MS** shows pictures of the site with vegetation and explains plans to re-plant after construction. **CL** asks where stock piling will be stored. **MS** states it will be outside in the driveway. **JDJ** asks about mitigation. **MS** states they are avoiding and minimizing within the footprint to the extent practical.

JDJ motioned to approve the Notice of Intent for Susan Gangi Parsons, 130 Central Ave, with special conditions, as well as the standard order of conditions.

CL seconded.

Roll Call Vote: MC-yes, JDJ-yes, CL-yes, ML-yes, CM-yes, JW-yes.

6-0-0. Motion Carried.

15. NOI: Ronald Falite, 140-142 North End Blvd. (6/7/23)

Matthew Steinel (**MS**) from Millennium Engineering is representing the applicant and shows the plans and a possible emergency condition that needs to be address regarding the concrete wall. **MS** addresses DEP's concern for top coating of pavement and walls to not be expanded. **JW** asks to see photographs. **JDJ** asks what order they will do the wall and pavement. **MS** states the pavement first and then the wall. **MC** would like to make sure they do not remove the existing pavement. **JW** adds that stock piling around structure should be removed. **JDJ** would like the measurements of the wall and elevation when available.

JDJ motioned to continue the Notice of Intent for Ronald Falite, 140-142 North End Blvd (6/7/23) to our June 13, 2023 meeting at 4:00 PM.

MC seconded.

Roll Call Vote: MC-yes, JDJ-yes, CL-yes, ML-yes, CM-yes, JW-yes.

6-0-0. Motion Carried.

16. **NOI: John & Renee Conway, 107 Cable Ave. (6/7/23)**

Mathew Steinel (**MS**) from Millennium Engineering is representing the applicant. He introduces the project and talks about the block foundation and other proposals. **MS** shows pictures of the property. The pavers and gravel are coming out, and when finished, we will have a productive planted property. **MC** states he would like insurance of grade and not affecting abutters with run off. **MS** states the plans have the grading shown. **JDJ** asks about piling. **MS** states he will provide that when decided. The commissioners discuss plantings and mix choices to better take to conditions in the sand.

JDJ motioned to continue the Notice of Intent for John & Renee Conway, 107 Cable Ave (6/7/23) to our June 21, 2023 meeting at 7:10 PM and a site visit in the interim.

CL seconded.

Roll Call Vote: MC-yes, JDJ-yes, CL-yes, ML-yes, CM-yes, JW-yes.

6-0-0. Motion Carried.

D. NEW BUSINESS:

1. **Extension Order of Conditions: DCR Salisbury Beach Operation & Maintenance Plan.**

Andy Backman (**AB**) representing the Department of Conservation and Recreation explains the reasons needed for the request for extension for the day to day operations plan on the beach and protection of shore birds. The plan is the same, so they are just filing an extension instead of a new Notice of Intent. **CM** asks why the Department of Conservation and Recreation is needing a 3-year continuation. **AB** states it is part of the guidelines when an order is expiring. **AM** asks **AB** to address why the Barrier Beach Plan for Salisbury is still not renewed a decade later. **AB** speaks about a recent meeting between the Department of Conservation and Recreation staff and staff at Salisbury Beach and Barrier Beach Plan as a main topic of focus. **AB** states he was told that the status is the same. **AM** states at that meeting she was told it would be nearly done and coming to a head soon, and if that is true, then why do you need another three years? **AB** explains they are two different plans. Operation and maintenance are the same for all of our shoreline parks. **CL** states the plan proposed is to manage the daily operations and to protect the shore birds during the summer.

MC motioned to extend the Order of Conditions with the Department of Conservation and Recreation for Salisbury Beach Operation & Maintenance Plan for 6 months and then come back with a beach management plan for Salisbury Beach.

CL seconded.

Roll Call Vote: MC-yes, JDJ-yes, CL-yes, ML-yes, CM-yes, JW-yes.

6-0-0. Motion Carried.

2. **Request for Certificate of Compliance, 552 North End Blvd.**

Matt Steinel (**MS**) from Millennium Engineering is representing the applicant and explains the updates and deviations from the plan and that the conditions were met. Joe Fisichelli (**JP**) of 5C Construction is the contractor for the project. He talks about the past owners removing a sewer line and putting a sewer line in on the other side. He shows pictures that verify there was no wall there when Mr. Lukas purchased the property. Mr. Champagne, the previous owner, removed the wall when they did the sewer work. The best solution in his opinion was a retaining wall. All the pavement is gone, and we did a retaining wall to protect the property and grade the way it is. **ML** adds that it was spars vegetation and replanted vastly. Commissioners agree it was well planted. **AM** discusses the issues with the work done

and not complying with the coastal dune regulations. **MS** agrees that commission does not allow retaining walls on the beach. **JW** would like to address alternatives and suggests a continuance. **JP** would like confirmation of the past Notice of Intent plan.

JDJ motioned to continue the request for Certificate of Compliance at 552 North End Blvd until our next scheduled meeting June 21, 2023 at 7 PM.

CL seconded.

Roll Call Vote: MC-yes, **JDJ**-yes, **CL**-yes, **JW**-yes.

6-0-0. Motion Carried.

ML recused.

CM recused.

3. **Request for Certificate of Compliance, 74 Baker Rd.**

JW motioned to continue the Request for Certificate of Compliance for 74 Baker Rd to our next scheduled meeting June 21, 2023 7 PM and a site visit in the interim.

JDJ seconded.

Roll Call Vote: MC-yes, **JDJ**-yes, **CL**-yes, **ML**-yes, **CM**-yes, **JW**-yes.

6-0-0. Motion Carried.

E. ENFORCEMENT ORDERS:

HOLD, PENDING UPDATE:

1. 10 Ferry Lots Lane.
2. 2A, 12th St. W.
3. 14 Old County Rd.
4. 100 Main St.
5. 14 10th St. W.
6. 36 Pike St.
7. 2 Baker Rd.
8. 565 North End Blvd.
9. 30 Main St.
10. 211 N. End Blvd.
11. 16 Hayes St.
12. 11 Railroad Ave.
13. 95 Railroad Ave
14. 48 Commonwealth Ave.

ACTIVE, PENDING COMPLETION:

15. 5 Patriot Way
16. Lafayette Rd. Sewer
17. 27 12th St. W.
18. 253 North End Blvd
19. 375 North End Blvd.

COMPLETE, PENDING APPROVAL:

20. 29 Lafayette Rd.
21. 114 Bridge Rd.
22. 6 Sycamore Ln.
23. 16 Commonwealth Ave.
24. 139 Elm
25. 4 Main Street

F. COMMISSIONER COMMENTS:

G. ADJOURNMENT:

CL motioned to adjourn the June 7, 2023 Salisbury Conservation Commission Meeting at 11:30 PM.

MC seconded.

Roll Call Vote: MC-yes, JDJ-yes, CL-yes, ML-yes, CM-yes, JW-yes.

6-0-0. Motion Carried.