

Salisbury Conservation Commission
Meeting Minutes
June 21, 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**), Mark Warcewicz (**MW**), Christopher Leahy (**CL**)

COMMISSION MEMBERS PRESENT REMOTELY:

COMMISSION MEMBERS ABSENT:

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. 312 North End Blvd

AM speaks about the storm season and not having safe egress, walkways, and windows were blocked with sand and will be placed elsewhere on the designated parcel.

JDJ motioned to ratify the emergency certificate for 312 North End Blvd.

CL seconded.

7-0-0. 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. April 5, 2023
12. April 19, 2023
13. May 3, 2023
14. May 17, 2023

MC motioned to approve the minutes April 5, 2023 and April 19, 2023.

JDJ seconded.

7-0-0. Motion Carried.

JDJ motioned to continue the minutes May 18, 2022 through September 21, 2022, November 16, 2022, December 7, 2022 May 3, 2023 through June 7, 2023 to our next meeting July 19, 2023 at 7:10 PM.

MC seconded.

7-0-0. 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 July 19, 2023 meeting 7:10 PM.

JDJ seconded.

7-0-0. 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 July 19, 2023 meeting 7:10 PM.

JDJ seconded.

7-0-0. 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 July 19, 2023 meeting 7:10 PM.

JDJ seconded.

7-0-0. Motion Carried.

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

MC motioned to continue the Notice of Intent for Ocean Front South LLC, One Ocean Front South Development (4/19/23) for our July 19, 2023 meeting at 7:10 PM.

JDJ seconded.

7-0-0. Motion Carried.

5. 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 July 19, 2023 meeting 7:10 PM.

CL seconded.

7-0-0. Motion Carried.

6. 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 July 19, 2023 meeting 7:10 PM.

MC seconded.

7-0-0. Motion Carried.

7. **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 July 19, 2023 meeting 7:10 PM.

MC seconded.

7-0-0. Motion Carried.

8. **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 July 19, 2023 meeting 7:10 PM.

CL seconded.

7-0-0. Motion Carried.

9. **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 July 19, 2023 meeting 7:10 PM.

MC seconded.

7-0-0. Motion Carried.

10. **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 July 19, 2023 meeting 7:10 PM.

CL seconded.

7-0-0. Motion Carried.

11. **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 July 19, 2023 meeting 7:10 PM.

MC seconded.

7-0-0. Motion Carried.

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

JDJ motioned to continue the Notice of Intent for John & Renee Conway, 107 Cable Ave. (6/7/23) to our July 19, 2023 meeting at 7:10 PM and a site visit in the interim.

CL seconded.

7-0-0. Motion Carried.

D. OLD BUSINESS:

1. Request for Certificate of Compliance, 552 North End Blvd.

Matt Steinel (**MS**) from Millennium Engineering is present as well as the applicant, Michael Lucas (**ML**), who explains the updates and deviations from the plan and concerns from the last meeting. The wall and vegetation were a concern at the last meeting. **ML** states he planted the appropriate amount of vegetation, and the deck does not have an impact on the vegetation. The deck and generator pad has no negative impact. Commissioners had a concern for the retaining wall and the approved plan that had the retaining walls were a total of 24 feet in

wall length. (12.5 to be removed and 11 to stay.) **ML** confirms the prior applicant submitted a letter stating he had removed the wall ahead of time. Mr. Lucas had purchased the property along with this problem. In the WPA, there is nothing specifically stating walls. Alteration dredging filling of the dune is permitted, providing that the commission finds a clear showing that the dune does not play a role in specific conditions for the dune. This wall does not affect any impacts to the protection of the coastal dune. It is smaller and protects the neighbor and, in his opinion, was the best option. **JW** asks for the citation to the regulation. 10.28 subsection 1. **MC** asks about the previous wall measurements vs. the new wall and how much less footed is there. The slope, if the wall is taken out, would have to be cut way back and would possibly impact the abutter. **MC** brings up the abutters letter for the retaining wall and the commissioners discuss having ring walls and having a full wall. **MC** asks, do we consider the zone? **JW** asks about the language that was sighted and explains his interpretation of that language. We cannot look at one segment of the dune and say it is not essential to the purposes of the WPA. We have to look at the entire coastal dune. **JW** has concerns for granting this one project, because it was already done. It gives future projects the perspective that they can do projects without permission and then come before the commission afterwards, to ask for forgiveness. Commissioners would like a site visit and other possibilities. **MS** argues that taking the wall out will have more impact than leaving it in. **JW** asks what will happen the next time this happens with a project. **JDJ** recalls other times they have not allowed walls and put up steeper slopes that were stabilized. Commissioners discuss the slope grading between the past plan and the as-built. **JW** states the original plans had the ring walls remaining. **MS** comments they cannot put ring walls back in because they are on another property. **JW** recommends a site visit with **MS** present to discuss options. **CL** asks about the original plan, were shown improvements that are negatively impacting our applicant. **MC** states that the applicant followed the plans and, before he bought the property, there were ring walls. It is not his responsibility to protect his neighbor and he is the one trying to get the Certificate of Compliance. **ML** reads a statement on the issue of his retaining wall and asks for it to be warranted for its unique scenario.

ML recused.

CM recused.

JDJ motioned to continue the request for Certificate of Compliance at 552 North End Blvd until our next scheduled meeting July 19, 2023 at 7 PM and in the interim a site visit.

CL seconded.

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

5-0-2. Motion Carried.

2.Request for Certificate of Compliance, 74 Baker Rd.

Matt Steinel (**MS**) from Millennium Engineering is present and representing the applicant. He explains that there wasn't time for a site walk, but the agent went and took a look. **MS** explains the plan and that there was no deviation from the plan. **CL** asks how the site stabilization is? **AM** states the site is stable but recommends debris to be removed.

JW motioned to grant the Request for Certificate of Compliance for 74 Baker Rd after the debris and stacked items get pulled back to the gravel and out of the recourse area.

JDJ seconded.

7-0-0. Motion Carried.

E. ENFORCEMENT ORDERS:

HOLD, PENDING UPDATE:

1. 10 Ferry Lots Lane.
AM updates the Commission that she was in contact and is working with them for a vegetation plan.
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:

MC speaks about the voting for commissioners, as long as you are a part of the discussion brought before you, you are allowed to vote.

MBTA 3 A zoning meeting on June 27th at 7 PM.

G. ADJOURNMENT:

CL motioned to adjourn the June 21, 2023 Salisbury Conservation Commission Meeting at 8:30 PM

MC seconded.

7-0-0. Motion Carried.