

**Salisbury Conservation Commission
Meeting Minutes
August 16, 2023
Colchester Auditorium, Town Hall
5 Beach Road
Salisbury, MA 01952
Hybrid Meeting
7:00 P.M.**

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

COMMISSION MEMBERS PRESENT REMOTELY: Julie Doughman-Johnson (**JDJ**), Conservation Agent, Adriane Marchand (**AM**)

COMMISSION MEMBERS ABSENT:

ALSO PRESENT: Administrative Assistant, Alison Weaver (**AW**)

Chairman Jeffrey Ward (**JW**) opened the meeting at 7:05 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. June 15, 2022 | | |
| 2. July 6, 2022 | 6. May 3, 2023 | 10. June 21, 2023 |
| 3. July 20, 2022 | 7. May 17, 2023 | 11. July 19, 2023 |
| 4. August 3, 2022 | 8. June 7, 2023 | 12. July 24, 2023 |
| 5. August 17, 2022 | 9. June 13, 2023 | 13. August 2, 2023 |

MC motioned to approve the minutes August 3, 2022, August 17, 2022, May 3, 2023, May 17, 2023 and July 19, 2023 through August 2, 2023.

CL seconded.

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

7-0-0. Motion Carried.

MC motioned to continue the minutes June 15, 2022 through July 20, 2022 and June 7, 2023 through June 21, 2023 until our next scheduled meeting September 6, 2023 7:00 PM.

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

7-0-0. Motion Carried.

B. PUBLIC HEARINGS at 7:10pm:

1. NOI: Francine Baggett, 52 Cable Avenue. (8/16/23)

Francine Baggett (**FB**) of 52 Cable Avenue is representing herself and explains the proposal to build a 16 x 8-foot deck. **ML** asks if the area under the deck is remaining the same. **FB** states that nothing but the pilings are being installed.

CL motioned to approve the Notice of Intent for Francine Baggett, 52 Cable Avenue, (8/16/23) with the Standard and Special Order of Conditions.

JDJ seconded.

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

7-0-0. Motion Carried.

2. NOI: Christopher DeLuca, 108 Elm St. (11/16/22)

MC motioned to continue the Notice of Intent for Christopher DeLuca, 108 Elm Street (11/16/22) to the September 6, 2023 meeting 7:10 PM.

CM seconded.

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

7-0-0. Motion Carried.

3. NOI: Steve Paquette, 6 Forest Road, LLC, 6, 10 & 18 Forest Rd. (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 September 6, 2023 meeting 7:10 PM.

JDJ seconded.

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

7-0-0. Motion Carried.

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

Attorney Nylon (**AN**) is representing the applicant along with Tome Hughes (**TH**) of Hughes Environmental and TJ Melvin (**TJ**) from Millennium Engineering. **AN** explains the previous meeting and presented the updates, including the three requests that he submitted through a letter to **AM**. **JW** asks that tonight's purpose to be to answer questions and then the next meeting to review conditions. **AN** agrees. **TH** explains the items needing to be addressed that **AM** and himself discussed and went through. **TH** explains the regulations for the elevator and that it meets all codes and regulations. **MW** asks about the commission not allowing this in the past. **TH** clarifies that the one in the past was for the single-family home and was pit-less for that reason. **JDJ** would like to point out that she is uncomfortable with the hard surfaces and elevators in this project and believes that it could be made better to meet the Wetlands Protection Act. **JW** asks about the previous project having elevators. **TH** agrees, but states it was never addressed for that project. **MW** asks about the wind and movement of sand across the building. **TH** explains that the two feet above ground being open is what the WPA cares about and they have it open. The Wetland Protection Act wants sand to move and build up along vegetation. **TH** explains the parking area and what would happen if sand was to be moved around into it. **MW** asks if the square footage is the same as the existing building. **TH** explains that the square footage is more but less on the ground. **MW** asks about the boardwalk and asks to see the plans magnified. **TH** pulls up a closer look to see where the boardwalks cross. **MC** asks if several commercial elevators were approved at the beach. **AM** does not recall but can do some research. **AN** speaks about the last discussion about the building code. DEP suggest doing clamshell in the parking lot, and they looked at it as an exposure to flood water. Building code requires it to be concrete and or asphalt. Section 104.10 looking to modify in flood hazard area. You have to go through the building inspector and get a variance. Looking at the requirements, we only meet the code by not having absorbent areas in these parking areas. We already meet the standards without this surface being pervious but with going above and beyond, we have looked into the other options. **CL** states that they referenced conversations with BCAB, could we see that record? **AN** agrees and states it didn't serve a purpose, but can make them available. **CL** comments, he asked this at the previous meeting, he is concerned about this solid filled structure compromising the dunes natural ability to move. Even though its better it still does not allow the sand dune to move. **AN** adds that the project is different and have addressed the majority of reasons why the previous project was denied. **ML** asks how the dune repair would be initiated. **AN** answers that there are two triggers, periodic monitoring, or a storm event. **TH** adds they will make a sand dune nourishment plan. Harry Harutunian (**HH**), of 29 Railroad Ave,

mentions that the questions regarding clam shell and pavement keeps getting pushed and not addressed. My driveway and garage are gravel, and that is not by choice but by regulation. The building inspector needs to decide. **AM** presents the email between the building inspector and herself to show the commission. **JW** discusses that email and cannot answer why his was permitted differently, because he was not on the commission at that time. **JDJ** states that the DEP recommended gravel and shell as well. **HH** asks when do we find out the phases of this project? The original project was going to be perpendicular to the beach and this one is parallel, why did that change? **JW** answers that this project is on its own merits. **TH** comments that between the last file and this filing there has been no shift in the building. For the pile you don't get resistance drilling, they have to be driven in for proper resistance. In the interim, I will get details on the elevators and whether commercial elevators have been approved in the past and verify emails for the BCAB.

MC motioned to continue the Notice of Intent for Ocean Front South LLC, One Ocean Front South Development (4/19/23) for our September 6, 2023 meeting at 7:10 PM.

CL seconded.

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

7-0-0. Motion Carried.

5. NOI: Patrick & Amanda Stewart, 22 Pike Street. (8/16/23)

Bob Grasso (**BG**) on behalf of Engineering Services, is proposing replacing a sewer system that has failed. Installed in 2004. **BG** explains the plans and the existing dwelling. **CL** asks, where are you going to stock pile? **BG** states it will be on along the pavement.

CL motioned to Approve the Notice of Intent for Patrick & Amanda Stewart, 22 Pike Street (8/16/23) with the standard order of conditions and the special order of conditions that the board of health approval be included with this order.

MC seconded.

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

7-0-0. Motion Carried.

6. NOI: Penny Kent, 5 Joy Road. (8/16/23)

Matthew Steinel (**MS**) from Millennium Engineering is representing the applicant and explains the plan for this project. **CL** asks if he designed the original. **MS** agrees he might have. **CL** states he will abstain to voting. **MS** wants to add that they did receive approval from the board of health.

MC motioned to approve the Notice of Intent for Penny Kent, 5 Joy Road (8/16/23) with the standard Order of Conditions and special conditions that the approval from the board of health be included into the order.

CM seconded.

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

6-1-0. Motion Carried.

7. NOI: Russell & Pamela Arena, 69 Cable Avenue. (8/16/23)

Matthew Steinel (**MS**) from Millennium Engineering is representing the applicant and explains the plan for this project. **CL** asks if the building inspector has approved the code. **MS** states that he has been involved and have an application that has been filed with the zoning board. Pamela Goodwin, Cable

Avenue, states this is not a comment about the project, but curious how tall the building will be with the second floor put on. Maximum permittable is an elevation of 42.5.

MC motioned to approve the Notice of Intent for Russell & Pamela Arena, 69 Cable Avenue (8/16/23) with the standard special Order of Conditions.

MC seconded.

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

7-0-0. Motion Carried.

8. **Amended NOI: David Amato, Downeast Residential LLC, 30-32 Cable Avenue. (8/16/23)**

Tom Hughes (**TH**) of Hughes Environmental is representing the applicant and updates the commission on the changes needed for this Notice of Intent. **MC** asks if there is stone dust on the walkway. **TH** states that it will not be stone dust but will be something compatible for ADA accessibility and compatible dune material. Ben Legare (**BL**) comments that the chair lift is flood compliant. **JW** asks if there will be a concrete pad. **BL** answers yes, similar to what is on a duct chase. The front opens, and is open on the back as well, if there is a flood. **CL** asks if there is any way to site the lift so it is inside the footprint. **TH** states if we do that we would have to go through a flood and would have to redesign. **BL** comments that elevators have certain triggers. Every floor handicap accessible. Our two options are ramp or lift. A ramp will be too intrusive. Our only option will be a chair lift. **CL** asks to see the difference with the existing and the proposed. **TH** suggests a condition for dune compatible mats that is handicap accessible and a condition for wood piles, if the manufacturer would accept it. **MC** asks is the van area snow storage. **TH** answers no, the plans approved do not have to have snow storage.

CL motioned to approve the Amended Notice of Intent for David Amato, Downeast Residential LLC, 30-32 Cable Avenue (8/16/23) with the standard Special Order of Conditions and conditions to replace stone dust accessible pathways with ADA compatible walk surface, pilings under the lift instead of concrete pad, and snow storage be responsible for snow storage and not stock pile onto town Right of Way.

MC seconded.

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

7-0-0. Motion Carried.

C. **NEW BUSINESS:**

1. Request for Certificate of Compliance, 1 True Road.

Realtor Judy Field is representing the applicant. **AM** recommends lifting.

CL motioned to approve 1 True Road.

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

7-0-0. Motion Carried.

D. **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 Street
25. 4 Main Street

E. COMMISSIONER COMMENTS:

F. ADJOURNMENT:

CL motioned to adjourn the August 16, 2023 Salisbury Conservation Commission Meeting at 10:45 PM.

MC seconded.

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

7-0-0. Motion Carried.