

Salisbury Conservation Commission
Meeting Minutes
November 1, 2023
Colchester Auditorium, Town Hall
5 Beach Road
Salisbury, MA 01952
Hybrid Meeting
7:00 P.M.

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

COMMISSION MEMBERS PRESENT REMOTELY:

COMMISSION MEMBERS ABSENT: Christine Maxim (**CM**)

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

Julie Doughman-Johnson (**JDJ**) opened the meeting at 7:08 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. October 18, 2023

JDJ motioned to approve the minutes for October 18, 2023.

CL seconded.

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

6-0-0. Motion Carried.

B. PUBLIC HEARINGS at 7:10pm:

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

Tom Hughes (**TH**) of Hughes Environmental Consulting represented the applicant. **TH** reviews the engineering changes to the stormwater design that reduce riverfront impacts and eliminate other impacts to the site. TJ Melvin (**TJ**) of Millennium Engineering, also representing, explains the changes made in more detail. The soils onsite are not appropriate for infiltrating. To stay as far as possible from the wetlands, they designed a subsurface detention system. It's essentially a basin underground using pipes. **MW** asks how often basins like this are used. **TJ** states he has done about a dozen, they are used when soils are not good for infiltrating. In this scenario, it allows us to remove from the riverfront area. We revisited the entire storm layout after the last hearing and changed the storm event to 8.97inch, 100-year storm event, from the older 6.5 inch with the design presented today. **TJ** explains that they raised the far side of the lot up as much as they could. They looked at several alternatives. Most of the area is at road grade and need 3 feet. **JDJ** asks about water flowing onto Forest Road being taken into consideration with the driveway opening. Will the water continue to flow north? **MC** asks what is the depth of the drainage system. **TJ** answers about elevation 15 with crushed stone below. The top is about 5 feet. It functions the same as any air open basin would. **MC** asks where the hole location is. **TJ** shows on the plans where the location of the weep hole would be and explains the system is flat, like a septic. **JW**

asks what the compacity is. **TJ** estimates 4,000 cubic feet but will look for the exact storage. **JW** wants to clarify that this system will hold up to the atlas 14 - 100-year storm event. **JW** asks if the location is under the dog park? **TJ** answers, that is correct. **MC** asks where he can go online to look at a system like this. **TJ** comments there are a few places to look. **MW** asks about it clogging and possibilities of that. **TJ** explains that there are two filters in place before the water reaches this system. **TJ** explains they pulled in some of the tree line. **JW** asks if the wetland area has been pulled back and how far. **TJ** states about 50 feet but in the analysis would be the exact. **TH** adds 82 feet to river, 12 feet to BVW, reference the analysis. **TH** compares the June plan to the plan presented today and the difference between the two. **CL** wants to know what the road grade is. **TH** estimates around 22 and shows berms on the plan in the area asked about.

TH shows on the plan where marker posts and split rail's will be. **JW** states that this plan has been altered significantly since the initial, and asks, is it more compact and controlled? **TH** states that is correct. It is not crossing into the wetland or riverfront anymore and compressed to get everything out of the riverfront. If you look at the historical analysis in comparison to this one we have decreased the size significantly. There are parts of the property completely intact. **CL** wants to confirm the dark green on the landscape is the walking path. **TH** confirms and states it goes to town conservation land. **CL** asks about the silt fencing in the back. **TH** replies yes, the fencing is tight to the building with erosion control protecting the wetland crossing area and bog bridges to get public over the wetland. Erosion control can go across where the trail is. **CL** asks when the project is done the silt fencing will be pulled out. **TH** states yes. **MC** asks about the public trail. **TH** states the trail will connect the public to land owned by Essex County Green Belt. **MC** asks who required the trail? **TH** replied the 40B process and the zoning permit. **JW** asks if they can present the original plan impacts verse this plan impacts. **TH** explains in his letter today was a table where the peer review submitted the numbers. The alternative analysis will give you the analysis. **JW** asks how did you determine which 3 buildings would be removed? **TH** answers to reduce the impacts within the riverfront removing any three. **JW** asks what is the purpose of the cul-de-sac. **TH** answers it is for public safety. **JW** states that looking at the cost aspect, it seems like there are sunken costs that are incurred no matter the size of the project. **JW** asks for the numbers for total development costs. **JW** talks on a balance scale reducing impacts and whether it is cost effective. Jeff Roloph (**JR**) council to the applicant, states that is correct.

Attorney Pyle (**AP**) Hill Law, representing the abutters along with Patrick Garner (**PG**), Patrick Garner Company Inc., wants to discuss the alternatives analysis and asks for a comparison table showing the alternatives. **AP** would also like to see a comparison table showing the 50-unit table, where it is possible to have the three units removed. Wetland Scientist Patrick Garner presents two levels of comments, stormwater related and wetland related. His focus on the constructed wetland number two and wetland area and his comments in regards to those areas. He refers to sheets C5, C6, and C7, and explains his comments. **JW** asks that he submits these comments into the Agent for the record. **PG** explains more details are missing. He explains the basins on the plans do not pool properly and would like those to be addressed for the next meeting. Lynn Welch (**LW**) from 50 Lafayette Road, states raising the elevation of the road and the retention pond next to the big pond is concerning and will push a lot of water towards Garofalo Drive. When did the dog park come back? We are going to take all that forest away and the water table will rise. What will happen to that neighborhood. My main concern is the flooding. The state would never approve this project. You are not obligated to condition this for them. Back to the trails spoken about. The ZBA made them do that, does the ZBA supersede the Conservation Commission? **JW** states he thinks there might be different standards for the 40B. **LW** is concerned about the number of trees taken down for this project. She would like to know why there are walls and how does that effect the water, the location and purpose. She reiterates that 82 feet off the brook is not enough, should be at least 200 feet. That is what the state requires. Dan Welch (**DW**) of 50 Lafayette Road wants to share information with the Commission, it is a report that he downloaded from the great marsh resiliency organization. It shows specifically Small Pox Creek. This brook will be impacted by sea level rise, 84 feet is not enough. 7.5 acres of trees that will come down. In a mature forest 100 trees per acre will result in 7 million gallons of ground water and everyone in the area will be impacted.

Stephen Pivacek (**SP**) of 14 Forest Road is concerned about the new system they are putting in. It seems like most Commissioners are unfamiliar with it. They need to provide the specification for that system and time to research it. More about what Mr. Garner said saying that this is not the right system for this property. Raising the ground level coming in on Forest Road where the entrance is on the left. There is water currently there, the road being higher will affect the abutters even more. Does this system seem like it will help that situation or hurt it? **JW** states that he is not familiar and will hold comment until the next meeting. Lori Mowbray (**LM**) of 3 Garofalo Drive talks about the enormous plan and, how they will be flooded. Secondly, are they authorized to bring in fill? **MC** would like a clarification on the statement of if the state would not approve it. **AM** states that you cannot develop in undisturbed riverfront for 200 feet and this project is not proposing to do that. That regulation does not include stormwater features, those are allowed within 100 feet. **CL** states he would like details of the subsurface basin and plans to do some independent research. **JR** states the new storm water system has been submitted and peer review. **JW** asks that the details be provided. **JDJ** states she would like to see the impact table 50 vs the 40, and answers to stormwater questions, include trees over 8" on the plan, and answers to walls and why they are there. Also, answers about the fill.

MC motioned to continue the Notice of Intent for 6 Steve Paquette, 6 Forest Road, LLC, 6, 10 & 18 Forest Road to the November 15, 2023 meeting 7:10 PM.

CL seconded.

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

6-0-0. Motion Carried.

2. RDA: Ryan Voltera, 54 Mudnock Rd. (10/18/23)

Jay Smith (**JS**) is representing the applicant. **JW** explains the scope of work being proposed and the flagging of the wetlands area. During their site visit, there was concern given the amount of work, that this is more of a Notice of Intent. Another issue was a disturbance area much closer to the stream. **JS** disagrees that it is minimal and no effect to the wetlands. The silt fence is in place and a small amount of material will be removed and replaced. **AM** states that Commission goes by the limit of work and the work being done within the 50 feet. **CL** suggest better plans when filing a Notice of Intent.

CL motioned the RDA be granted a positive determination, requiring the applicant to file a Notice of Intent.

MC seconded.

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

6-0-0. Motion Carried.

3. RDA: Deborah Gangi, 132 Central Ave. (11/1/23)

Deborah Gangi (**DG**) of 132 Central Avenue is looking to remove a concrete wall so they can enlarge concrete steps and replace the wall with some type of compliant fencing. **AM** discussed this with the applicant as it expands the scope and deems it necessary for safety. **DG** explains the plan is to remove the wall, and extend the stairs. There is no way to construct an open stairway that would line up with the existing stairs and plans to use a mason to match what is already existing. **JW** asks if there are special standards for public safety that might apply here. **AM** states she has not done specific search for those safety hazards, but will look into specific guidance.

CL motioned a negative determination for Deborah Gangi, 132 Central Ave.

MC seconded.

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

6-0-0. Motion Carried.

4. **NOI: Erin Ferrell-Talbot, 35 Atlantic Ave. (11/1/23)**

CL motioned to continue the Notice of Intent for Erin Ferrell-Talbot, 35 Atlantic Ave to our next scheduled meeting November 15, 2023 7:10 PM.

MC seconded.

**Roll Call Vote: MW-yes, ML-yes, MC-yes, CL-yes, JDJ-yes, JW-yes.
6-0-0. Motion Carried.**

5. **NOI: Christopher Duggan, 129 Atlantic Ave. (11/1/23)**

Matt Steinel (MS) of Millennium Engineering is representing the applicant and presents the plans to reconstruct a new multi family structure on piles and that the Zoning has signed off. **JDJ** suggests a site visit. **MC** agrees. **MW** asks about the size of washed stone to be used in the driveway, what will be installed. **MS** answers a rounded river rock. **ML** asks the location for storing materials and equipment. **MS** shows where the existing gravel driveway is and that the site is quite compact. **CL** asks what resource area is delineated on this plan? **MS** answers that a primary coastal barrier land and coastal to floodplain. **CL** asks who determined the limitation of the primary frontal dune? **MS** states he did and how that was determined.

CL motioned to continue to the Notice of Intent for Christopher Duggan, 129 Atlantic Ave to our next meeting November 15, 2023 at 7:10 PM, and in the interim a site visit.

MC seconded.

**Roll Call Vote: MW-yes, ML-yes, MC-yes, CL-yes, JDJ-yes, JW-yes.
6-0-0. Motion Carried.**

C. **NEW BUSINESS:**

1. Request for Certificate of Compliance, 574 North End Blvd.

CL motioned an invalid Certificate of Compliance for 574 North End Boulevard.

MC seconded.

**Roll Call Vote: MW-yes, ML-yes, MC-yes, CL-yes, JDJ-yes, JW-yes.
6-0-0. Motion Carried.**

2. Enforcement Order, 546 North End Blvd.

AM explains that there was an improper installation of a fence.

CL motioned to issue an enforcement order to 546 North End Boulevard.

MC seconded.

**Roll Call Vote: MW-yes, ML-yes, MC-yes, CL-yes, JDJ-yes, JW-yes.
6-0-0. Motion Carried.**

3. Enforcement Order, 44 Commonwealth Ave.

AM states it is for a non-compliant fence.

CL motioned that an enforcement order be issued for 44 Commonwealth Avenue.

MC seconded.

**Roll Call Vote: MW-yes, ML-abstained, MC-yes, CL-yes, JDJ-yes, JW-yes.
5-0-1. Motion Carried.**

4. Enforcement Order, 33 Liberty Street

AM explains that they built an embankment. Building up the bank with rock. In review of aerials, it is evident of the activity. **JW** looks like 35 had a structure at the end that was removed. Also, an area of riprap.

CL motioned that an enforcement order be issued for 33 Liberty Street.

MC seconded.

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

6-0-0. Motion Carried.

5. Enforcement Order, 35 Liberty Street

CL motioned that an enforcement order be issued for 35 Liberty Street.

MS seconded.

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

6-0-0. Motion Carried.

6. Enforcement Order, 103 Lafayette Rd

AM explains she is working with the property owner and the discussion to stabilize.

CL motioned that an enforcement order be issued for 103 Lafayette Road.

MC seconded.

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

6-0-0. Motion Carried.

7. Discussion, Update to the Conservation Commission's Policy & Procedure

CL motioned to continue the discussion to our next meeting November 15, 2023 7:10 PM.

MC seconded.

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

6-0-0. Motion Carried.

D. ENFORCEMENT ORDERS:

HOLD, PENDING UPDATE:

1. 249 North End Blvd.

AM updated that they filed a public records request but has not followed up but will reach out.

2. 2A, 12th St. W.

3. 14 Old County Rd.

4. 100 Main St

5. 10th St. W.

6. 36 Pike St.

7. 2 Baker Rd.

8. 565 North End Blvd.

9. 30 Main St.

10. 211 North End Blvd.

11. 16 Hayes St.

12. 11 Railroad Ave.

13. 95 Railroad Ave.

14. ACTIVE, PENDING COMPLETION:
15. 27 12th St. W.
16. 10 Ferry Lots Lane
17. 253 No End Blvd.
18. COMPLETE, PENDING APPROVAL:
19. 29 Lafayette Rd.
20. 6 Sycamore Ln.
21. 16 Commonwealth Ave.
22. 139 Elm St.
23. 4 Main St.

E. AGENT & COMMISSIONER COMMENTS:

F. ADJOURNMENT:

MC motioned to adjourn the November 1, 2023 Salisbury Conservation Commission Meeting at 10:35 PM.

JDJ seconded.

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

6-0-0. Motion Carried.