

Salisbury Conservation Commission
Meeting Minutes
January 17, 2024
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**), Michael Lucas (**ML**), Mark Warcewicz (**MW**), Michael Colburn (**MC**), Christopher Leahy (**CL**).

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

COMMISSION MEMBERS ABSENT:

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

Chairman Jeffrey Ward (**JW**) 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. January 3, 2024.

MC motioned to approve the minutes for January 3, 2024.

CM seconded.

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

7-0-0. Motion Carried.

B. PUBLIC HEARINGS at 7:10pm:

CL motioned to take public hearings out of order and continue 2-5 to our next scheduled meeting on February 7, 2024 at 7:00 PM.

MC seconded.

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

7-0-0. Motion Carried.

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

Jeff Ward (**JW**) speaks on the deadline of materials and how all have been submitted since last week with the acceptations of Joe Serwatkas review letter. He asks for a brief presentation stating just the new. **JW** asks for abutters to be brief in the comments to only items that are new. Attorney Jeff Rolof (**JR**) representing the applicant highlights the documents submitted since the December 6th meeting. The package was submitted on December 22 with revisions replacing subsurface retention system. The recent major storm on January 10, 2024 gave us great photos and videos to review, and we didn't see anything shown as a surprise or warrant any further revisions to the project. **JR** speaks on his letter and anticipates the process ending. He wants to remind the commission of the standards that were written in his letter. He speaks on the improvement made that go beyond the required standards and to minimize impacts to the bordering vegetative wetlands and riverfront area. All consultants agree that this project complies. **JDJ** asks for the lawn landscaping and use of a mix of 2-5% with micro clover to an extent of use and so there is no need to use fertilizer. She also recommends a condition that fill going into the project be approved by the conservation commission's agent before use. Tome Hughes (**TH**) of Hughes

Environmental speaks of identifying the source of fill and asking for analysis. **MW** asks how many acres will be disturbed. **TJ** Melvin (**TJ**) from Millennium Engineering speaks that the approximate land disturbed is about six-seven acres. **CL** speaks on the historic rainfall with a lot of land under water. **TH** states that none of the areas of work were flooded. The river was in flood stage, but the site itself was where it is supposed to flow. **CL** comments that the process works and the project today is significantly better than the project that was presented two years ago. **MW** states that six or seven acres of land being worked on at once concerns him and asks if the Commission can restrict to one or two acres at a time as to not disturb the silt sand from washing out. **JW** speaks that in the past they had issued sequencing. **TH** explains that the National Pollutant Discharge Elimination System (**NIPDES**) permit require us to phase a project so it is not open all at once and restricted to the water flow. Under **NIPDES** myself or qualified inspector must go out there on a weekly basis after a significant rain event. **CL** comments that he is not as familiar with the **NIPDES** process. Attorney Elizabeth Pyle (**EP**) from Hill Law representing the abutters speaks on the issue of conditions. **EP** would like in the conditions the wording clean fill on the site and would like to propose some working. She suggests the applicant to use clean fill with sandy silt with 85 percent compaction and submit cut sheets that specify soil composition and the source of the fill. Inspecting erosion control after significant rain events to ensure all erosion controls are restored properly. No demolition or debris fill would be appropriate. **EP** states they appreciate all of the modifications made. The flooding that occurs here will always be a concern for residents living in the surrounding area. Mowbray family from 3 Garafalo Drive speaks next and is concerned about the possible stormwater flooding. **JR** comments that Attorney Pyle's requests on conditions is fine about the fill, but would not want to specify on the fill in the conditions. **JR** states the applicant would be fine with providing the cut sheet. **JW** recommends to close the public hearing and then discuss as a board **JW** motioned to close the public hearing.

MC seconded.

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

7-0-0. Motion Carried.

AM asks the commission to amend the language to 39 and 40 in the draft order of conditions. 40 states a qualified wetland monitor shall monitor all construction within the buffer zone with biweekly reports. **ML** states this project is dense, but feels the team has addressed every concern raised. It meets all of the regulations. If this goes up on an appeal to DEP we the commission will lose the special conditions we have in place. We excerpt more control over the project by approving it. **MC** disagrees. No one addressed the soils in an adequate way. They have not met standards 10 or 15 feet off of the wetlands. **MC** states he does not think they met the standards of riverbank and structures adjacent to wetlands. The soil conditions. I do not think it is contusive to this project. **MC** states he has asked for documentation on the water drainage because they knew it was not going to be successful. **MC** asks about the special conditions and what benefits the town of Salisbury. The commissioners discuss the fact that we do not have a Wetlands Bylaw. The Commissioners discuss the WPA and read regulations. **AM** states there is no alteration within the floodplain at which was delineated. **CM** states she would like to see bylaws put in place. **MC** explains he does not see that this project met the riverfront standards. **CL** believes that they have done everything that they can do. **MC** states that in good conscience he cannot vote for this project. **JW** reiterates the choices to make. **AM** states that it is 26K square feet smaller. **JW** comments that if a denial gets overturned and we have no local control, would us commissioners be comfortable with that. **JW** states the condition's in place, we would lose. **JW** asks **AM** if there is a violation under our vote of approving, would she have the ability to do something about it. **AM** states that is correct. **MC** is arguing the point of having to allow or can allow. The commissioners discuss the allowed use within certain areas. **JW** states that if they meet the standards that they will permit it. If the applicant can show that they comply then it is a permittable project. **CL** asks to see the code 10.58 D1 A.

Commissioners discuss practical alternatives.

MC motioned to deny the Notice of Intent for Steve Paquette, 6 Forest Road, LLC, 6, 10 & 18 Forest Road to the negative impact of the riverbank.

MW seconded.

Roll Call Vote: MW-yes, ML-yes, CM-yes, MC-yes, CL-yes, JDJ-no, JW-no.

5-2-0. Motion Carried.

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

MC motioned to continue the Notice of Intent for Erin Ferrell-Talbot, 35 Atlantic Ave. to the February 7, 2024 meeting at 7:00 PM.

CM seconded.

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

7-0-0. Motion Carried.

3. NOI: 77 & 79 North End Blvd Lots 1,2,3

MC motioned to continue the Notice of Intent for 77 & 79 North End Blvd Lots 1,2 & 3 to the February 7, 2023 meeting at 7:00 PM and in the interim a site visit.

CM seconded.

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

7-0-0. Motion Carried.

C. NEW BUSINESS:

D. OLD BUSINESS:

E. ENFORCEMENT ORDERS:

HOLD, PENDING UPDATE:

1. 20 Cable Ave

AM states she has been in contact and asked to be moved to the next meeting.

2. 103 Lafayette Rd.

3. 35 Liberty Street

4. 546 North End Blvd.

5. 249 North End Blvd.

6. 2A, 12th St. W.

7. 14 Old County Rd.

8. 100 Main St

9. 10th St. W.

10. 36 Pike St.

11. 2 Baker Rd.

12. 565 North End Blvd.

13. 30 Main St.

14. 211 North End Blvd.

15. 16 Hayes St.

16. 11 Railroad Ave.

17. 95 Railroad Ave.

18. ACTIVE, PENDING COMPLETION:

19. 27 12th St. W.

20. 10 Ferry Lots Lane

21. 253 No End Blvd.

22. COMPLETE, PENDING APPROVAL:
23. 29 Lafayette Rd.
24. 6 Sycamore Ln.
25. 16 Commonwealth Ave.
26. 139 Elm St.
27. 4 Main St.

F. AGENT & COMMISSIONER COMMENTS:

Commissioners speak on the storm this past weekend and the substantial damage done to the beach front. The Commission states that anyone needing to do emergency work to their beach front property, to contact the agent for emergency permitting. The Town of Salisbury is trying to accelerate help for the town through DCR and the beach management plan. Linda Cohen of 50 Old County Road comments she was wondering what they will be doing for plans for the community outside of the beachfront. People have talked about the marsh and how the underpass might not be opened. Who do we talk to from the state about the land on beach road to try and help solve some of these issues. **MC** comments there is discussion about raising Beach Road. What the possibility is for enlarging the culvert. **AM** agrees that it is an issue we are working on. It is a state road and they are aware.

G. ADJOURNMENT:

JDJ motioned to adjourn the January 17, 2024 Salisbury Conservation Commission meeting at 10:10 PM.

CM seconded.

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

7-0-0. Motion Carried.