



**Salisbury Conservation Commission
Meeting Minutes
April 20, 2022
Colchester Auditorium, Town Hall
5 Beach Road
Salisbury, MA 01952
Hybrid Meeting
7:00 P.M.**

COMMISSION MEMBERS PRESENT IN PERSON: Christopher Leahy (CL)

COMMISSION MEMBERS PRESENT REMOTELY: Chairwoman Sheila Albertelli (SA), Julie Doughman-Johnson (JDJ), Jane Purinton (JKP), Michael Colburn (MC)

COMMISSION MEMBERS ABSENT: Jeffrey Ward (JW)

ALSO, PRESENT: Conservation Agent, Adriane Marchand (AM).

Chairwoman Sheila Albertelli opened the meeting at 7:16 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. December 1, 2021
2. December 15, 2021
3. January 5, 2022
4. January 19, 2022
5. January 21, 2022
6. February 2, 2022
7. February 16, 2022
8. March 2, 2022
9. March 16, 2022
10. April 6, 2022

JDJ motioned to continue the minutes December 1, 2021 through April 6, 2022 to our next meeting May 4, 2022 7:10 PM.

MC seconded.

Roll Call Vote: SA-yes, JDJ-yes, JKP-yes, MC-yes, CL-yes

Vote: 5-0-0

B. EMERGENCY CERTIFICATE:

1. **193 Atlantic Ave-** Emergency Certificate for cleanup of demolition debris.

JDJ motioned to ratify the Emergency Certificate for 193 Atlantic Ave.

CL seconded.

Roll Call Vote: SA-yes, JDJ-yes, JKP-yes, MC-yes, CL-yes

Vote: 5-0-0

C. PUBLIC HEARINGS at 7:10pm:

1. NOI: Town of Salisbury, Planning Director, Lisa Pearson, Forest Road & Gerrish Road (3/2/22)

Matt Steinel (**MS**) from Millennium Engineering represented the applicant and provided a summary of the project. He stated at our previous meeting he just needed an edit to the narrative that was a copy/paste error and has been fixed **JKP** added that in addition to the standard order of conditions there are special orders as well. Lynn Welch (**LW**) of 50 Lafayette Rd asked if it was a complete plan where the side walk begins and ends. **MS** explained, Seabrook Road on Gerrish Road to Small Pox Brook. In regards to Forest Road, he can't speak to whether it will go further in future.

CL motioned to approve the Notice of Intent for Town of Salisbury Planning Director, Lisa Pearson, Forest Road & Gerrish Rd with standard order of conditions.

JDJ seconded.

Roll Call Vote: SA-yes, JDJ-yes, JKP-yes, MC-yes, CL-yes

Vote: 5-0-0

2. NOI: Brian Thibaut, ZJBV Investment Realty Trust, 191 Atlantic Ave. (10/6/21) –

JDJ motioned to continue the Notice of Intent for Brian Thibaut, ZJBV Investment Realty, 191 Atlantic Ave. to May 4, 2022 at 7:10 PM.

CL seconded.

Roll Call Vote: SA-yes, JDJ-yes, JKP-yes, MC-yes, CL-yes, SA-yes

Vote: 6-0-0

3. NOI: Henry A. Richard, Jr., 247-249 North End Blvd. (1/5/22) –

MC motioned to continue the Notice of Intent for Henry A. Richard, Jr., 247-249 North End Blvd. to May 4, 2022 at 7:10 PM.

JDJ seconded.

Roll Call Vote: SA-yes, JDJ-yes, JKP-yes, MC-yes, CL-yes, SA-yes

Vote: 6-0-0

4. NOI: Steve Paquette, 6, 10, & 18 Forest Road

CL motioned to Continue the Notice of Intent for Steve Paquette, 6, 10, & 18 Forest Rd until our May 18, 2022 meeting 7:10 PM.

MC seconded.

Roll Call Vote: SA-yes, JDJ-yes, JKP-yes, MC-yes, CL-yes, SA-yes

Vote: 6-0-0

5. NOI: Seacoast Canine, 156 Lafayette Road (3/2/22)

MC motioned to continue the Notice of Intent for Seacoast Canine, 156 Lafayette Road to May 4, 2022 at 7:10 PM.

JDJ seconded.

Roll Call Vote: SA-yes, JDJ-yes, JKP-yes, MC-yes, CL-yes, SA-yes

Vote: 6-0-0

6. NOI: Joseph Leone, 20 Friendenfels Road (3/16/22)

Tom Hughes (**TH**) of Hughes Environmental is representing the applicant and updated the Commission. They received and sent the Natural Heritage & Endangered Species Program (NHESP) letter to Commissioners and will give time for the Commission to review. They are working with the harbor master. Water and electric service will be installed. **TH** explained they plan to use 3 helix, and 3 morning blocks for the dock. **JKP** asks if the blocks are removed seasonally? **TH** replies no, and explains the river current and shifting sand might mean installing and uninstalling of them seasonally but that they are meant to stay in.

CL motioned to approve the Notice of Intent for Joseph Leone, 20 Friendenfels Road with special conditions that include Natural Heritage & Endangered Species Program conditions and standard order of conditions.

MC seconded.

Roll Call Vote: SA-yes, JDJ-yes, JKP-yes, MC-yes, CL-yes, SA-yes

Vote: 6-0-0

7. NOI: Anthony Finocchiaro, 29 12th St (4/6/22)

MC motioned to continue the Notice of Intent for Anthony Finocchiaro, 29 12th St. to May 4, 2022 at 7:10 PM.

JDJ seconded.

Roll Call Vote: SA-yes, JDJ-yes, JKP-yes, MC-yes, CL-yes, SA-yes

Vote: 6-0-0

8. NOI: Grant Monahan & Jane Minasian, 442 North End Blvd. (4/6/22)

Ron Laffely (**RL**) of Fulcrum Architects is representing the applicant and reviewed the previous meeting and site visit. **JKP** asked if the smaller retaining wall would be removed? She advised that the plan needs to be updated showing the portion wall to be removed. **RL** stated it is on the plan. **SA** advised that the plan says the top of the wall will be removed. **RL** said he can clarify that better. Commissioner's discuss issues with utility pole being undermined. **CL** asks if there are other techniques? **MC** asks how high the stamp is off the ground on the utility pole? **RL** replied that he didn't see, it's a private pole. **MC** asked about the pole and how deep in the ground they are. **JKP** stated she felt comfortable with explanation.

JKP motioned to approve the Notice of Intent for Grant Monahan & Jane Minasian, 442 North End Blvd. with the standard order of conditions, conditional upon receiving an updated plan.

CL seconded.

Roll Call Vote: SA-yes, JDJ-yes, JKP-yes, MC-yes, CL-yes, SA-yes

Vote: 6-0-0

9. NOI: Kathleen M. Amari, 130 North End Blvd. (4/20/22)

Ron Laffely (**RL**) of Fulcrum Architects represented the applicant and presented. He stated that on the site walk, commissioners requested structure be moved back from the ocean. Sliding it back 8 feet which allows a diagonal view north, behind 132 North End Blvd. Taking proposed roof off the stairs leading to the ocean. **RL** discussed plantings. **RL** talked about the existing conditions and planting sequence. **SA** felt some concern that the structure is less resilient to storm damage and not an improvement to dune function. **JKP** added that it appears that vegetation has been removed from front of the property. **RL** replied no, that it was buried by wind blowing through and different grasses were growing there. **SA** stated that aerials of the property show otherwise. Commissioners discussed whether or not vegetation was removed. **JDJ** asked if they could move back another 10 feet? **RL** stated the views would be blocked. **JDJ** added that there's room to move back; tide comes close and sounds like you're regrading. **RL** said there is some minor grading along ocean side. **JDJ** asks how will it be done? **JDJ** thinks there is more stuff going on with the dune than what is there now. That they need to evaluate each project, make informed and educated decision for dune function. **RL** reviewed the restoration plan. **CL** stated that currently there is no dune function. They need to restore dune function. **CL**

doesn't see dune/resource area delineated on the plan. **RL** says it's all primary dune, all velocity zone. **JKP** referred to aerials, stating that the front yard from NEB to house looks like it was fully vegetated. **RL** agreed that it was surveyed 8 years ago and put on hold. **SA** asked about the calculations for vegetation and disturbance. **RL** showed calculations table. **CL** added that those calculations are proposed, they would like the existing. **RL** said he does not because it's being removed. **SA** wants to compare. **SA** states concern about pavers on virgin sand. She would rather it stay natural and the hardscape is not compliant. **JKP** agrees on having issues with the pavers. **RL** says will discuss with clients. **SA** reviews aerials showing possible vegetation from two years ago. **CL** asks if concrete walkway is removed and pavers down elsewhere, would that satisfy the act? **SA** says they would need to have dimensions to compare. **JKP** is Natural Heritage & Endangered Species Program shown on plan? **SA** added that its adjacent to the area, so it needs to be on the plan.

JKP motioned to continue the Notice of Intent for Kathleen M. Amari, 130 North End Blvd. to May 18, 2022 at 7:10 PM.

CL seconded

Roll Call Vote: SA-yes, JDJ-yes, JKP-yes, MC-yes, CL-yes, SA-yes

Vote: 6-0-0

10. NOI: James Sullivan, 447 North End Blvd (4/20/22)

Taylor Theriault (**TT**) of Bechtel Frank Erickson Architects is representing the applicant and reviewed the project with existing conditions. **JKP** said she would like a narrative of the scope of the project, and specs for the proposed pavers. **TT** replied that the narrative was part of application. **JKP** clarifies that she would like more comprehensive narrative. **CL** asks if the applicant is proposing to remove the timber tie retaining wall and replace with new timber tie retaining wall? **TT** replies yes. **CL** states that this is not typically allowed and doesn't meet performance standard. **SA** adds that landscape timber is acceptable. **MC** asks if they are replacing the gate? That it needs to be fifty percent open. **JKP** would like a site visit.

JKP motioned to continue the Notice of Intent for James Sullivan, 447 North End Blvd. to May 4, 2022 at 7:10 PM. In the interim they will conduct a site visit and the applicant will supply a more thorough narrative with paver specs, and plans updated to include pervious/impervious square footage.

JDJ seconded.

Roll Call Vote: SA-yes, JDJ-yes, JKP-yes, MC-yes, CL-yes, SA-yes

Vote: 6-0-0

11. RDA: Ronald M. Cuscia, 34 Old County Rd. (4/20/22)

Ronald Cuscia (**RC**) is present and representing self. **JDJ** asks if he is removing and putting pervious pavement in. **RC** replies that they are very old stones and will be removed in the process of grading. **JKP** states that they need erosion controls. **JDJ** asks for the paver specification. **RC** provided a page from catalog with that information. **CL** asks why it need to be pervious here? **SA** states that it is still barrier beach in his location. **AM** comments on Old County Rd being on the other side of the salt marsh, it is not barrier. **SA** replies in that case, they do not require pervious paver. **JKP** comments that what has been provided looks fine, as long as the contractor properly installs them. **JKP** added they still need erosion control. **MC** comments about Dublin pavers, that can be made pervious, doesn't need to be, but good idea if there is flooding.

CL motioned to issue a negative determination for Ronald M. Cuscia, 34 Old County Rd. to May 4, 2022 at 7:10 PM. contingent upon erosion control prior to work start.

JKP seconded.

Roll Call Vote: SA-yes, JDJ-yes, JKP-yes, MC-yes, CL-yes, SA-yes

Vote: 6-0-0

D. NEW BUSINESS

1. Enforcement Order, 2A, 12th St. West

Enforcement for wall and paver construction without permits.

JDJ motioned to ratify the Enforcement Order for 2A 12th Street West.

JKP seconded.

Roll Call Vote: SA-yes, JDJ-yes, JKP-yes, MC-yes, CL-yes, SA-yes

Vote: 6-0-0

2. Enforcement Order, 14 Old County Rd.

Enforcement for jurisdiction of an area without approval.

JDJ motioned to ratify the Enforcement Order for 14 Old County Road.

JKP seconded.

Roll Call Vote: SA-yes, JDJ-yes, JKP-yes, MC-yes, CL-yes, SA-yes

Vote: 6-0-0

ENFORCEMENT ORDERS:

HOLD, PENDING UPDATE:

1. 100 Main St
2. 53 Railroad Ave

SA comments about parking area being no further than 40ft east from sidewalk. **MC** asks about the vegetation plan. **CL** added that natural grasses would take over once shed moved, planting was not a condition of approval. **JKP** agrees it wasn't a condition.

CL motioned to approve the amendment as stated.

JKP seconded.

Roll Call Vote: SA-yes, JDJ-yes, JKP-yes, MC-yes, CL-yes, SA-yes

Vote: 6-0-0

3. 14, 10th St. W.
4. 97 Atlantic Ave.
5. 114 Bridge Rd.
6. 36 Pike St.
7. 2 Baker Rd.
8. 565 North End Blvd.
9. 30 Main St.
10. 83 Atlantic Ave.
11. 211 N. End Blvd.
12. 16 Hayes St.
13. 11 Railroad Ave.

ACTIVE, PENDING COMPLETION:

14. Lafayette Rd. Sewer
15. 150 North End Blvd

COMPLETE, PENDING APPROVAL:

16. 6 Sycamore Ln.
17. 16 Commonwealth Ave.
18. 61 Bridge Rd.
19. 139 Elm
20. 86/88 Elm St.
21. 4 Main Street

E. COMMISSIONER COMMENTS:

AM announces the upcoming Fairy Gnome Walk that is a PTA event.

CL wants to reshuffle public hearing to get less contentious done first. **AM** is unbiased. They are done by when people submit. Commission has no rules against it, whatever the Commission prefers. **JKP** agrees, if there's no legal concern. **AM** suggests that new business could go before public hearings, but the time of public hearings would have to go later.

MC announces to send comments regarding master plan.

F. ADJOURNMENT:

MC motioned to adjourn the April 20, 2022 Salisbury Conservation Commission Meeting at 9:47 PM.

JDJ seconded.

Roll Call Vote: SA-yes, JDJ-yes, JKP-yes, MC-yes, CL-yes, SA-yes

Vote: 6-0-0