

MINUTES OF THE SALISBURY BOARD OF SELECTMEN MEETING
MONDAY, JANUARY 22, 2024 – 7:00 PM
SALISBURY TOWN HALL, 5 BEACH ROAD
COLCHESTER ROOM

PRESENT: Chairman Ronalee Ray-Parrott, Selectmen Michael Colburn, Selectman Chuck Takesian Selectman Donna Abdulla, and Terry Marengi, Jr.
ALSO PRESENT: Neil J. Harrington, Town Manager

I. Call to Order/Salute to the Flag

Chairman Ray-Parrott called the meeting to order at 7:00 PM in the Colchester Room, Salisbury Town Hall. She then announced, per the Open Meeting Law, that this meeting is being recorded and broadcast live.

II. Acceptance of Minutes: Regular Session of January 8, 2024.

Motion by Selectman Colburn, Second by Selectman Marengi; unanimously voted to approve the Minutes of the January 8, 2024 regular meeting and Emergency Meeting of January 15, 2024.

III. Public Comment –

John Housianitis of 4 Vermont Street addressed the Board. He expressed his concerns regarding the storms from last week and stated that it shows a real emergency has existed at the beach. He requested that the discussion and vote on seeking State assistance be moved to the top of the agenda.

Joyce Tomaselli of 177 North End Blvd addressed the Board. She spoke about a beach access that she said had mysteriously disappeared and asked the Board to work with DCR to get the beach access restored where it used to be.

Grace Marie Tomaselli addressed the Board saying she's also here to support the people who have had damage to their property from the storms. She went on to ask for support from the Board and residents for two bills she filed with the Legislature.

IV. Old Business –

- a. Vote to Approve Amended Host Community Agreement for Recreational Marijuana Retail Business at 191 Lafayette Road

Motion by Selectman Marengi, Second by Selectman Takesian; unanimously voted to remove this item from the table for discussion.

Selectman Takesian asked Town Manager Neil Harrington to explain to the public the proposed new Host Community Agreement. The Town Manager stated that Ganesh Wellness was one of the two companies with which the Town signed an agreement for a retail marijuana establishment. Ganesh originally proposed to operate at 238 Lafayette Road, but then was approved to relocate to 191 Lafayette Road to operate out of a building that was going to be built by the owners of Root & Bloom, who are Mr. Brad Kutcher and his partner. He then said that within the last six months Ganesh had come forward saying they wanted to sell their business to Mr. Kutcher and requested that the Town allow Mr. Kutcher to have Ganesh's Host Community Agreement assigned to them, which was approved at the last meeting. The new marijuana retail business at 191 Lafayette will be called 191 Lafayette Road Dispensary Company LLC. He went on to say that since the law changed in late 2022 regarding terms of host community agreements, the Town is not allowed to charge a 3% community impact fee, so all

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references to these fees have been deleted from the new Host Community Agreement. The only fee the Town can collect is the 3% excise tax, which was adopted at Town Meeting several years ago. He went on to say that there is a provision in the agreement that is consistent with a new state law which states that if there are any actual costs imposed upon the community by the new operation at 191 Lafayette Road the Town can bill the company for those costs.

Motion by Selectman Marengi, Second by Selectman Takesian, unanimously voted to approve the amended Host Community Agreement for 191 Lafayette Road Dispensary Company LLC.

Motion by Selectman Takesian, Second by Selectman Colburn, unanimously voted to take item **V(j)** out of order.

V. New Business

j. Discussion and Vote re: Seeking State Assistance for Storm Damage at the Beach

Town Manager Neil Harrington started the discussion. He said he has participated in several meetings with a few members of the Board of Selectmen, the legislative delegation, State officials, the Town's Conservation Agent (Adriane Marchand), Conservation Commission chairperson (Jeff Ward), and the Town's consultant, Tom Hughes, to try and facilitate a way to protect the homes on the beach by allowing residents to bring sand on to their own property and doing the necessary work to prep the State to hopefully bring a larger amount of sand to protect the DCR resource, which is the beach itself. He went to say that the Conservation Agent and Chairperson of the Commission are present to answer any questions the public may have regarding the steps they need to take and to keep them informed. He urged residents to contact the Conservation Agent if they'd like to bring sand onto their property. Tom Hughes, the Town's consultant, is working with DCR to do the survey work that's necessary to determine how much damage there actually was and the quantity of sand needed to create the type of profile that will help to protect the beach and the properties. He went on to say that he's hoping the Board will take a vote to appeal to the Governor for whatever financial assistance the State can provide.

Selectman Takesian stated that both he and Selectman Colburn have been meeting with the State legislators and DCR intensely and requesting an emergency access permit for property owners. He stated that the Selectmen met immediately on the Monday after the storm of Jan. 12-13 to declare an emergency to indicate to all that they do take the situation at the beach seriously.

Selectman Colburn stated that he had received several questions from the public and asked the Chairman if he could read the questions and ask Tom Hughes to answer them. The Chairman agreed.

Selectman Colburn: Homeowners would like to know about access permits, Conservation is willing to give emergency access permits or work permits to their property, but what other permits are needed?

Mr. Hughes: There are many different things you're dealing with when it comes to the beach, including the Wetlands Protection Act. DCR is ready and willing to issue an emergency certification, but there is also an endangered species habitat area, which most of the damaged areas are within, so property owners

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need authorization from the Mass. Endangered Species Act. There is also a constriction access permit which is needed from DCR because the homeowners' contractor will be working on DCR property or moving sand from DCR property. Emergency certification are needed for sand placement, snow fence placement and structural repairs. There are also construction access permits if contractors need to place material on DCR property or access private property through DCR. The Town will then need permission from the property owners to file on their behalf with the Endangered Species Act staff and the MEPA staff. He then said that he and the Conservation Agent are trying to streamline the process so that people trying to save their homes don't have to deal with all the regulations and paperwork.

Selectman Colburn: Several people have shown interest in scraping sand back up onto the beach. Can you explain that?

Mr. Hughes: "The State has rarely allowed any scaping of sand on the beach, and in this case, you'd be asking to do it on State property, which then the State will not agree to. He stated that when you scrape sand you are robbing it from people who are downdrift. Longshore drift is moving the sand from the north west, and geologically it's not healthy to do sand scraping. The State has not reached the point where it would allow those projects.

Selectman Colburn: How is the engineering that you are working on with the Town and State going to help the residents of Salisbury Beach?"

Mr. Hughes: Prior to the most recent storm, the Town and DCR were in the process of putting together a project to add sand to the beach because it was already damaged from previous storms. We are trying to heal the damage done from these storms and also work on a longer-term solution. Last year, a full survey of the damaged area from just before Access 5 to Access 10 was completed. That included all structures that were on the beach in that area. When the updated survey is completed, he and DCR can compare the two surveys and calculate the loss of volume. After the sand that was lost was replaced, they will work on a more long-term solution.

Selectman Colburn: If we continue to do the engineering work at the beach...does that give a better chance to eventually scrape the beach?

Mr. Hughes: If the beach is going to be scraped, we need to have long-term monitoring of the beach and its seasonal profiles and then all beach scraping would have to remain in the natural wiggle of the beach. He believes that a better course would be to move toward regular replenishment of the beach. It would help in the long-term planning and give the State a better way to save the barrier beach.

Selectman Takesian: Do you need State permission to place the sand on your own property?

Mr. Hughes: No, if all the access and sand placement is on that property. When a property owner pulls an access permit on a barrier beach they trigger MEPA regulations.

Selectman Takesian then stated that the best way to get further answers is to contact the Conservation Agent, Adriane Marchand.

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Selectman Abdulla asked what the process is for property owners to start moving sand, and if there is a certain sand that must be used.

Conservation Agent Adriane Marchand explained the process. She said that homeowners should come to her, she would do a site visit and give suggestions on how to manage things. She has procedures for getting the construction access permit from DCR. There would be a spec sheet for sand and most of the suppliers know what kind of sand to acquire if you call and ask for Salisbury Beach sand.

Selectman Marengi asked how long the process takes from start to finish.

Ms. Marchand responded and said it depends, but an emergency permit request is usually a 24-hour turn around. Once issued, a person has 30 days to complete the work.

Mr. Hughes added that with the first batch of the emergency certifications, the Town needs to bundle and send them to Natural Heritage. There were only a handful of homes that have hit Natural Heritage Endangered Species Protection Act requirements, and in those cases the permits are being expedited. It should take close to a week, but until a signoff is received, people cannot begin work.

Selectman Takesian asked what the time limit is on getting emergency certification.

Mr. Hughes stated as long as an emergency condition exists property owners have at least a month to apply for an emergency certification. He encouraged people not to wait.

Selectman Colburn asked if there would be a different process if a person's home had structural damage.

Mr. Hughes answered that if a homeowner has to do any work within a barrier beach it triggers the Wetland Protection Act.

The Town Manager then said the Emergency Management Director, Fire Chief Scott Carrigan, has been in touch with MEMA and FEMA and in order for a presidential declaration of a disaster, it requires a certain amount of damage by county. People with property damage were encouraged to submit estimates of property damage on a form that has been posted on the Town's website for several days. The deadline for submitting damage estimates is tomorrow, January 23, 2024.

Motion by Selectman Takesian, Second by Selectman Colburn; unanimously voted to seek State assistance for the storm damage at Salisbury Beach and to authorize Town Manager Neil Harrington to write a letter to the Governor.

a. License Renewals:

Repair

Motion by Selectman Takesian, Second by Selectman Colburn; unanimously voted to renew a **Repair** license, with the same conditions/restrictions that may have been on the original license and all

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subsequent renewals, for: Henley Enterprises, Inc. d/b/a. Valvoline Instant Oil Change – 193 Elm Street, Unit 1.

Motion by Selectman Colburn, Second by Selectman Takesian, unanimously voted to table the renewal of a Repair license for JB Restoration & Collision – 105 Lafayette Road.

- b. New Licenses: None
- c. License Amendments: None
- d. Liquor License Renewals: None
- e. New Liquor Licenses: None
- f. Committee Appointments:
- g. **Rings Island Neighborhood Preservation District Committee** –
One term expiring on 6/30/2024; one applicant – Linda Tremblay

Motion by Selectman Takesian, Second by Selectman Colburn; unanimously voted to appoint Linda Tremblay for one term to expire on June 30, 2024.

Agricultural Commission – One new alternate position, for a two-year term to expire 6/30/26; one applicant – Stacie Warcewicz

Motion by Selectman Takesian, Second by Selectman Colburn; unanimously voted to appoint Stacie Warcewicz to the alternate position, for a two-year term to expire on June 30, 2026.

- h. Update/Presentation: Building Inspector/ZBA

Building Inspector Scott Vandewalle presented his update to the Board. He started by saying the Building Department has issued 190 residential permits, which included pools, baths, kitchens, decks and stairs. He went on to say there also have been 58 commercial permits, 190 electrical permits, 112 gas permits, 24 mechanical permits and 79 plumbing permits. He also talked about new projects in the middle of permit review. He mentioned that his office was working with U-Haul to get their permits straightened out after they had taken over a section of the old Cinemagic building and removed a sprinkler system and alarm system without permission. The Building Department made them put everything back and take the appropriate steps to pull permits. He mentioned that the last site plan for the property was done in the 1990's and it's past time to update it. The Zoning Board has given them a special permit. He noted that the Building Dept. has had some complaints by a resident from the back side of the building regarding the lights and that they are too bright.

Lastly, he stated that he issued a temporary certificate of occupancy for the 191 Lafayette Road marijuana dispensary to allow them to start the process the Cannabis Commission to start their inspections. He has a final walk through to see the setup this week to issue the final certificate of occupancy. He also informed the Board of a new plumbing code that was issued a few weeks ago by the State and also that he envisions new building codes probably coming out this summer. He then answered any questions the Board had.

It was noted that Mr. Vandewalle would be resigning soon to take a similar position in the City of Medford, and the Board and Town Manager thanked him for his service and wished him well.

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Zoning Board of Appeals Chairman Derek DePetrillo presented his update to the Board. He started by thanking Scott Vandewalle for helping his Board and said Scott was a great asset for him and the Board. He then went on to talk about applications received from August 31 to December 31, 2023. The ZBA has had a total of 9 variance findings, 9 withdrawals and zero denials. There have been no new residential construction approvals, one front side rear set back variance, four findings, one altered preexisting non-conforming structure, three non-conforming use and/or structure, four special permits, one alternate existing eternally illuminating sign, two auxiliary accessory apartments, one home-based business, zero administrative appeals and zero comprehensive special permits. He then answered any questions the Board had.

i. **Presentation: Planning Director Lisa Pearson re: CDF 2024 Grant Application**

Planning Director Lisa Pearson addressed the Board regarding the CDF 2024 Grant Application. She went on to say that the Town is eligible to apply for \$1.35 million every two years; however, during COVID the rule was amended and the program is doing so again, which will allow the Town to apply for \$950,000 this year. The application deadline is in March. She went on to let the Board know what the Town can apply for: up to five social service grants, housing assistance, housing rehabilitation, economic development and public facilities infrastructure and planning. She asked the Board to send her a list of priorities that they would like to see funded, and said she would come back at the next meeting seeking a vote from the Board to approve the final list of priorities and grant submittal.

k. **Vote to Authorize the Treasurer/Collector to Implement a Voluntary Email Program for Motor Vehicle Excise Tax Bills**

The Town Manager informed the Board that he had recently been informed of a change in State law that authorized communities to send motor vehicle excise tax bills via email, upon request. He noted that Treasurer/Collector Christine Caron had received requests from several car leasing companies to receive their auto excise tax bills via email, and she recommended that the Town implement the program.

Motion by Selectman Colburn, Second by Selectman Marengi; unanimously voted to authorize the Treasurer/Collector to implement a voluntary email program for motor vehicle excise bills.

VI. Sewer/Water - None

VII. Correspondence – None

VIII. Hearings – None

IX. Town Manager's Report

Mr. Harrington gave a brief overview of his written report, a copy of which is available in the Selectmen's office.

X. Selectmen's Report

a. Ratification of Signing of Weekly Warrants:

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Motion by Selectman Takesian, Second by Selectman Abdulla; unanimously voted to ratify the signing of the following weekly warrants: W24-85 through W24-90.

XI. Executive Session

XII. Adjournment


Motion by Selectman Takesian, second by Selectman Colburn; unanimously voted to adjourn at 8:35 P.M.

Documents provided at the meeting and on file in the Selectmen's Office:

Minutes of January 8, 2024, Emergency Meeting of January 15, 2024 and Town Manager's Report.

Respectfully submitted:

Adrienne Linnell, Executive Assistant

Approved: 
Donna Abdulla, Clerk