



**Salisbury Conservation Commission  
Meeting Minutes  
January 15, 2020  
Colchester Auditorium, Town Hall  
5 Beach Road  
Salisbury, MA 01952  
7:00 P.M.**

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**COMMISSION MEMBERS PRESENT:** Chairman Sheila Albertelli (**SA**), Emily Round (**EGR**), Jane Purinton (**JKP**), Julie Doughman-Johnson (**JDJ**), Joanne Perreault (**JP**) and Blake Leibert (**BL**).

**COMMISSION MEMBERS ABSENT:**

**ALSO PRESENT:** Director of Planning & Community Development Lisa Pearson (**LP**), Conservation Secretary Adriane Marchand.

Chair Sheila Albertelli opened the meeting at 7:10 pm under the Wetlands Protection Act & Open Meeting Law and informed the public that the meeting was being recorded.

**A. MINUTES:**

**1. December 18, 2019 –**

**JDJ** motioned to approve the minutes for December 18, 2019.

**JP** seconded.

**Vote: 5-0, 1 abstained. Motion Carried.**

**B. PUBLIC HEARINGS at 7:10pm:**

**1. NOI: Town of Salisbury, Lafayette Road/ Rt. 1 Sewer Project (1/15/20)-**

**JDJ** recused herself from the Commission.

John Sykora (**JS**) of Weston & Sampson represented the applicant. Introduced the 2-mile linear sewer project. Project extends Lafayette Road from Schoolhouse Lane to the New Hampshire state line. Also includes Jak-Lyn Drive, Bayberry Lane and portions of Toll Road and Main Street. The project will cross Small Pox Brook on Lafayette Road. A directional drill will drill below the existing culvert and will not disturb the brook. An alternatives analysis was conducted to assess the best options for crossing the brook, and this option had the least impact. The main pump station for the project will be located on the corner of Lafayette and True Road and is within the 200-foot riverfront area. Seekamp Environmental Consulting conducted the wetland delineations for the project in 2014 and again in 2019. **SA** asked if they found any changes. **JS** confirmed they did find additional flags on Lafayette Road that have been added to the plan.

**EGR** asked for further information on the dewatering process. **JS** explained the pump will be installed in the trench and will outlet into the dewatering basin, as specified in the plan. Special dewatering may be needed in some parts of the project; this will utilize deep-water wells that will have vacuum points to lower the water table. It would discharge into a dewatering basin as well. Contractor will need to submit for a general dewatering permit that can be provided to the Commission. **JS** explained what a frac-out is and how that occurrence would be handled. **JKP** asked for an explanation of bentonite's purpose. **JS** explained it is a type of clay used for damming. **EGR** asked where they would be clearing. **JS** stated at the pump stations and on individual lots along the way, as needed and as approved by property owners. Commission asked the engineer

to flag the trees that will be removed prior to the tree removal. **JS** believes the large trees are likely to be removed but he is not completely certain and would need to consult the contractor on the necessity. **BL** asked if True Road would be straightened as part of MA DOT's project and how this would interact with that. **LP** responded the Lafayette Road Improvement Project would have a public meeting on February 5, 7:00 at the Salisbury Elementary School Cafeteria where this will be discussed.

**EGR** asked what the maximum open trench would be. **JS** explained the process. It varies but could be anywhere from four to six pipe lengths at thirteen feet (13') per pipe. All trenches will be closed at the end of the night.

Robert Lévesque, 36 Jak-lyn Drive, asked for clarification on why Jak-Lyn Dr. does not have a pump station. **JS** explained it could be a possibility in the future but they have no plans for it at this time.

**EGR** motioned to approve the Notice of Intent for Town of Salisbury, Lafayette Road/ Rt. 1 Sewer Project at 7:10p.m. with the standard special conditions and the condition the trees to be removed will be flagged prior to removal.

**JP** seconded.

**Vote: 6-0, unanimous. Motion Carried.**

## **2. NOI: Leo LoPiano, 199 Atlantic Ave (9/18/19)**

Matt Steinel (**MS**) of Millennium Engineering represented the applicant. Site visit was on 1/8/20. Proposal has been updated to include demolition only; there will be no rebuilding of the structure. All major debris has been removed. **SA** stated remnants of demolition debris are still on site; mainly glass, porcelain, and concrete pieces that now pose a public safety risk. **MS** offered to have the applicant rake the site and pick up the pieces as they surface. **JKP** stated the sand needs to be sifted to remove the hazards immediately before it disperses from the property.

**JKP** motioned to approve the Notice of Intent for Leo LoPiano 199 Atlantic Ave. with the standard special conditions and the following conditions: the un-vegetated sand in the buildings footprint will be screen sifted to remove the demolition debris. In the spring, vegetation will be planted to stabilize the dune.

**JDJ** seconded.

**JKP** amended the motion to include the conditions 1-5 in the letter from the Division of Fisheries and Wildlife dated September 30, 2019, NHESP File No. 19-38882

The address will be corrected to 199 Atlantic Avenue with DEP before the Order of Conditions will be released.

**JDJ** seconded.

**Vote: 6-0, unanimous. Motion Carried.**

## **3. NOI: Richard Shaheen, 201 Atlantic Ave (10/2/19)**

Matt Steinel (**MS**) of Millennium Engineering represented the applicant. Single-family house was removed and a new house is proposed that has been pulled back from the original footprint. **JKP** stated DEP has made it clear that they cannot move the vegetated dune. **AM** requested the applicant consider adjusting the plan to better fit the site conditions. **EGR** asked if the noncompliant boardwalk would be made compliant. **MS** stated they plan to make the boardwalk complaint at a future date.

**EGR** motioned to continue the Notice of Intent for Richard Shaheen, 201 Atlantic Ave to February 5, 2020 at 7:10p.m.

**JDJ** seconded.

**Vote: 6-0, unanimous. Motion Carried.**

**4. NOI: Li Family Trust, 139 Elm Street (10/2/19)**

**JDJ** motioned to continue the Notice of Intent Li Family Trust, 139 Elm Street to February 5, 2020 at 7:10p.m.  
**JP** seconded.

**Vote: 6-0, unanimous. Motion Carried.**

**5. NOI: Mark Saab, 504 North End Blvd. (11/6/19)**

Matt Steinel (**MS**) of Millennium Engineering, Tom Hughes (**TH**) of Hughes Environmental and applicants Mark and Lisa Saab were present. **TH** introduced the elevator alternatives analysis that gives greater detail on the elevator installation. Shannon (**SH**), TRS Architects, addressed the differences between traction and hydraulic type elevators. **SH** addressed how corrosion in the hydraulic lines is easier to control the lines can be completely encapsulated. **EGR** expressed concern about the location of the mechanicals. **SH** confirmed the mechanicals would still be above elevation fifteen (15). The elevator will be parked at elevation twenty-one (21) and will not descend if an alarm has gone off. **JKP** asked if the elevator could be made smaller than seven feet by seven feet (7' x 7'). **SH** stated it is sized to fit a person in a wheelchair and a person pushing the chair. **JKP** asked why the elevator needs a concrete pad. **SH** stated it is for stability. **SA** asked what the size of the pad is. **SH** stated it will be slightly smaller than seven feet by seven feet (7' x 7') and six inches (6") thick. **JKP** stated concrete in this environment tends to not hold up indefinitely. Is it the best option? **SH** confirmed, it is the best option.

**SA** asked **AM** what is meant by pit-less. **AM** responded it is an elevator that does not require a pit be dug but is at grade. **SA** addressed the tremendous tradeoff that this project presents that allows the tradeoff for the elevator to be allowed.

**EGR** motioned to approve the Notice of Intent for Mark Saab, 504 North End Blvd., with the standard special conditions and the following conditions:

1. Applicant shall submit the elevator model and specification sheet prior to installation for approval by the Commission or the Commissions representative.
2. Glass and hazardous materials shall be removed from the buildings prior to demolition
3. The elevator should only be as large as necessary and should have no enclosed lobby.
4. The elevator will be pit-less and either column or pile supported.
5. All vital components for the elevator will be located above elevation fifteen (15).
6. Elevator shall be installed with a float switch or similar system that will, when triggered, rise the elevator above elevation fifteen (15) and prevent it from descending into floodwater.

**BL** seconded.

**JDJ** requested to amend the motion to include

1. An annual maintenance schedule.
2. There shall be no enclosure of the underside of the structure two feet (2') up from grade or below the base flood elevation, whichever is higher.
3. Maximum openings allowed in the risers by building code (4")

**BL** seconded.

**Vote: 6-0, unanimous. Motion Carried.**

**6. NOI: Jessica White, 35 Old County Rd. (11/6/19) –**

**JKP** motioned to continue the Notice of Intent for Jessica White, 35 Old County Rd. to February 5, 2020 at 7:10p.m.

**JP** seconded.

**Vote: 6-0, unanimous. Motion Carried.**

**7. RDA: Philip Joseph Lane & Jean Lane, 20 11<sup>th</sup> Street West (1/15/20)**

**EGR** asked if there is a four foot (4') by four foot (4') concrete pad included in the project. **MS** stated the pad is at the top of the stairs and is made of decking material. **SA** asked for the stairs to be pile supported. Jean Lane (**JL**) agreed to go with pilings.

**JKP** motioned to issue a negative determination for Philip Joseph Lane & Jean Lane, 20 11<sup>th</sup> Street West to with the condition the stairs will be on piling instead of concrete pad.

**JP** seconded.

**Vote: 6-0, unanimous. Motion Carried.**

**8. AMENDED NOI: 345 North End Boulevard Realty Trust, LLC, 345 North End Blvd.**

Matt Steinel (**MS**) of Millennium Engineering represented the applicant. Proposed the updated plan, which includes a reduction from three (3) units to two (2) units, addition of post and rail fence, added additional plantings, reduction of gravel and alteration of the driveway curb cuts. Proposing to use a clean wash sand with a little bit of gravel to raise the parking area. Will include roughly ten inches (10") of fill to the rear of the first unit and about six inches (6") in the front of the unit to make the parking area flat for parking directly under the structure.

Jimmy Epps (**JE**) cautioned the Commission on adding gravel to the system. He believes it would worsen the flooding situation on his property. **MS** assured him it would not.

**JKP** motioned to continue the amended Notice of Intent for 345 North End Boulevard Realty Trust, LLC, 345 North End Blvd to February 5, 2020 at 7:10p.m. seek comments from DEP and have Mary Rimmer check the compliance of the site with the order of conditions and consult on the proposed plan and have elevations spot checked.

**JDJ** seconded.

**Vote: 6-0, unanimous. Motion Carried.**

**9. NOI: Joseph Cutrona, 233 North End Blvd Condominium, 233 North End Blvd. (1/15/20)**

Matt Steinel (**MS**) of Millennium Engineering represented the applicant. After the fact notice of intent. Came to the Town's attention due to zoning issues with the setbacks with no permits. Deck has been in place since 2002 the upper deck was built in 2015. **SA** asked if the shed was on a foundation. **MS** stated it is on cinderblocks even with the deck. Lisa Pearson requested the Mulcahy Trust sign the NOI application, as they own the property the deck is partially located on. **JKP** requested a site visit and a Rimmer review

**BL** motioned to continue the Notice of Intent for Joseph Cutrona, 233 North End Blvd Condominium, 233 North End Blvd. to February 5, 2020 at 7:10p.m. Mary Rimmer verify wetland delineation.

**JP** seconded.

**Vote: 6-0, unanimous. Motion Carried.**

**SA called for a 5-minute recess.**

**10. NOI: Big Block Development Group, 6-28 Ocean Front South, 16-18 Broadway (11/1/17)**

Tom Hughes (**TH**) Hughes Environmental Consulting, Chris York (**CY**) of Millennium Engineering, and Mike Nee (**MN**) of Gienapp Architects represented the application. Wayne Capolupo (**WC**), Brian Mulcahy (**BM**), Steve Paquette (**SP**) of the Big Block Development Group were also present.

**TH** stated the project has been working with the Planning Board, which has delayed caused delay. They are prepared to move forward now and have re-noticed the project and are prepared to start the public hearing anew.

**MN** introduced the two hundred thirty-five (235) unit mixed use development with commercial space along Broadway and Oceanfront South. Will be providing three hundred seventy-nine (379) parking spaces on two (2) stories, with stadium seating provided accessing the Broadway Mall and a deck connecting the development to the existing boardwalk. Will be removing some of the pavement and replacing with sand.

**CY** addressed the storm water system. A series of catch basins will process the rooftop runoff via downspout. They have dug three (3) additional test pits in January 2018, which are shown on the plan.

**TH** added that within the courtyards they have added some LID Green roof techniques that were not included in the storm water calculations but would provide additional stormwater function. The project is subject to FEMA's VE 17 flood zone. The lowest structural steel is at elevation twenty (20) which meets flood requirements in the Town with an additional one-foot (1') of freeboard. In the dune restoration area, the tie beams are above grade. When they are under the slab, they are grade beams. They will be creating a dune ridge along Oceanfront South. Replacing the grade beams with caissons was considered and dismissed as a greater impact.

**LP** stated that during meetings for the planning stages of the proposed welcome center at the beach, she with other Town officials had met with the commissioner of DEP and were told specifically grade beams did not meet the performance standards and were not allowable at that very similar site. **TH** stated that is a different project that has not been subject to peer review and is a different situation so it should not be considered for this project.

**SA** asked how confident **TH** is that the sacrificial dune they are constructing would function. **TH** stated they are prepared to maintain the dune with the sand from the parking lot and if needed they will import sand. **SA** asked what is the plan to prevent residents from becoming trapped at the beach during storm events and if the Town owned a fire truck equipped for evacuating residents on the upper levels in emergency where that would be required. **TH** replied he would be providing the answers in writing.

Tim Lissauskas, 15 Ocean St., expressed concern over the location of the dumpsters and their visibility. **TH** replied they consider the options.

**JKP** motioned to continue the Notice of Intent for Big Block Development Group, 6-28 Ocean Front South, 16-18 Broadway to February 5, 2020 at 7:10p.m. with review to be conducted in the interim.

**JDJ** seconded.

**Vote: 6-0, unanimous. Motion Carried.**

**C. NEW BUSINESS:**

**D. ENFORCEMENT ORDERS:**

**HOLD, PENDING UPDATE:**

1. 438 N. End Blvd.
2. 565 North End Blvd.
3. 30 Main St.
4. 212 N. End Blvd.
5. 83 Atlantic Ave.
6. 211 N. End Blvd.
7. 279 N. End Blvd.
8. 16 Hayes St.

9. 11 Railroad Ave.
10. 61 Bridge Rd.
11. 139 Elm St  
ACTIVE, PENDING COMPLETION:
12. 86/88 Elm St.
13. 4 Main Street
14. 345 North End Blvd.  
COMPLETE, PENDING APPROVAL:
15. 128 Bridge Rd
16. 9 Bayberry Ln.
17. 82 Lafayette Rd
18. 44 Old County Rd.

**11. COMMISSIONER COMMENTS:**

**JKP** requested an update on 11 Railroad.

**F. ADJOURNMENT:**

**JDJ** motioned to adjourn the January 15, 2020 Conservation Commission Meeting at 10:50 p.m.

**JKP** seconded.

**Vote: 6-0, unanimous. Motion Carried.**