



**Salisbury Conservation Commission  
Meeting Minutes  
March 20, 2019  
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**) and Joanne Perreault (**JP**).

**COMMISSION MEMBERS ABSENT:** Vice Chair Jessica Stucker (**JS**)

**ALSO PRESENT:** Conservation Agent, Michelle Rowden (**MR**) and Conservation Secretary, Adriane Marchand (**AM**).

Chairman Sheila Albertelli 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.

**A. MINUTES:**  
**1. March 6, 2019**

**EGR** motioned to approve the minutes for March 6, 2019

**JDJ** seconded.

**Vote: 4-0, 1 abstained. Motion Carried.**

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

**1. NOI: Town of Salisbury, Adams, Garfield and Taft Roadway Improvements (3/20/19)**

Lisa Pearson, Planning Director for the Town of Salisbury and Brian Murry (**BM**) of Millennium Engineering represented the project. **LP** briefed on Phase I of the project. Project included paving, sidewalks and drainage for Washington and Hayes Streets; project was substantially complete last fall. Phase II is before you now, which includes paving the streets, adding sidewalks and drainage. Recently applied for funding through the MA Community Development Block Grant (CDBG) program.

**BM** added details for the project including granite-curbed sidewalks, new water main and infiltration basins. The area is very low, so infiltration needs to happen on site and cannot be pumped to other locations. **JKP** asked where the buffer zone is on the plans. **BM** showed the corner of Taft Street where the project enters the buffer zone, as well as the flood plain. **LP** added the project planning has included numerous meetings with homeowners and abutters to make sure it accommodates the needs of the neighborhood. **SA** asked for clarification on the storm water planning that states it will cover a 2-year event; would like to know the volume of water that would handle. **BM** replied about its about two inches, it is a great improvement over what is there now. **SA** asked if there would be any runoff on to people's properties. **BM** replied the sidewalk will keep the water from one side of the streets and they will raise the land on the other side of the street to direct the water to the basins.

Ray Champagne (**RC**) asked if Taft Street would be raised. He is concerned about water traveling across Beach Road and onto his property. **BM** replied they are not changing the profile of the street. They will be matching the grade for 50 to 100 feet; the low point of the street is in the center, where the drainage will be installed. All the water will be directed there into the infiltration basins, not off site.

**JKP** motioned to continue the Notice of Intent for Town of Salisbury, Adams, Garfield and Taft Roadway Improvements with the standard special conditions.

**JP** seconded.

**Vote: 5-0, unanimous. Motion Carried.**

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

**EGR** motioned to continue the Notice of Intent for Big Block Development Group, 6-28 Ocean Front South, and 16-18 Broadway to April 17, 2019 at 7:10pm.

**JP** seconded.

**Vote: 5-0, unanimous. Motion Carried.**

**3. NOI: C&R Realty Trust, 110 Elm St. (7/18/18)**

**JP** motioned to continue the Notice of Intent C&R Realty Trust, 110 Elm St. to April 3, 2019 at 7:10pm to re-notify abutters, and provide updated plans.

**JDJ** seconded.

**Vote: 5-0, unanimous. Motion Carried.**

**4. NOI: Zap Development, LLC, 28 Rabbit Rd., Rear Lots (10/17/18)**

**EGR** motioned to continue the Notice of Intent for Zap Development, LLC, 28 Rabbit Rd., Rear Lots, to April 17, 2019 at 7:10pm.

**JP** seconded.

**Vote: 5-0, unanimous. Motion Carried.**

**5. NOI: Azar & Marian Korbey, 23 Commonwealth Ave. (1/16/19)**

**JP** motioned to continue the Notice of Intent for Azar & Marian Korbey, 23 Commonwealth Ave., to April 3, 2019 at 7:10pm.

**EGR** seconded.

**Vote: 5-0, unanimous. Motion Carried.**

**6. NOI: Richard Bourne, 412 North End Blvd. (3/20/19)**

**JKP** motioned to continue the Notice of Intent for Richard Bourne, 412 North End Blvd., to April 3, 2019 at 7:10pm.

**JDJ** seconded.

**Vote: 5-0, unanimous. Motion Carried.**

**7. NOI: Gary Jaffarian, 8 Poor Farm Rd. (3/20/19)**

Matt Steinel (**MS**) of Millennium Engineering represented the applicant. Proposed to raze and rebuild a single family home. Have not received the response from natural heritage at this point so will need to continue. Site requires a well and a septic system to be installed. Proposing and 85-foot leech field, with a pressure system. Proposing grading and gravel driveway improvements. The gravel driveway improvements are in the 200-foot riparian zone. **SA** requested the wetlands restriction line on the plan be made more prominent. **JKP** asked how much fill would be brought onto the site. **MS** replied they hope to use fill from the site; they can provide a number for what they may need to bring in. **EGR** asked if there would be a stockpile area. **MS** replied they would use the leech field prior to its installation. After installation, one will not be required. **EGR** asked if the plan requires any clearing. **MS** replied there would be one tree removed from the leech field. **JKP** asked if the

flood zone is marked on the plan. **MS** referred to it on the plan as a note but it is not marked. He can add it. **MR** requested the plan be updated using the data layer, not just the elevation. **JKP** requested a site visit.

**EGR** motioned to continue the Notice of Intent for Gary Jaffarian, 8 Poor Farm Road, to April 3, 2019 at 7:10pm., to allow a site visit, a response from Natural Heritage and alteration to be made to the plan.

**JP** seconded.

**Vote: 5-0, unanimous. Motion Carried.**

#### **8. NOI: Outdoor Media Properties, Inc., 109 Rabbit Rd. (3/6/19)**

Matt Steinel (**MS**) of Millennium Engineering represented the project. Provided the Commission with an updated plan that shows a larger concrete pad, that is closer to the wetland. Original pad proposed was 12 feet by 12 feet and 23 feet from the wetland line. The new pad will be 20 feet by 24 feet and 17 feet from the wetland line. The laydown yard remains unaltered and will be 11 feet from the wetland line.

Commission conducted a site visit. They viewed the material that is in violation of the open Order of Conditions. Concerned about the widening of the gravel drive that seems to have taken place. The berm that is not functioning as intended will need to be brought into compliance, in addition to the debris piles that are in violation. **MS** asked for a conditional approval pending the Certificate of Compliance for the open Order of Conditions. The Commission denied and discussed how to move forward. **MS** asked if the Commission wants the open order resolved before making a decision on this application, if they would continue this application instead of requiring they refile.

**SA** read an abutter letter dated March 8, 2019 from Carroll Whittaker, 3 Congress St.

**SA** outlined the jurisdiction of the Wetlands Protection Act in regards to this project. Informed the audience that MA DOT will be holding a meeting on April 11, 2019 in Boston, at 10 Park Plaza, where they can express any concerns that lie outside of the commission's jurisdiction.

**MS** replied to Ms. Whittaker's letter that the gravel drive has a narrow strip they have a rights to as access for the leased property. Improvements are proposed to mark access way for maintenance purposes and for legal reference. The area is large enough for work to be done during construction without additional clearing. A bucket truck is the largest piece of machinery that will be required for regular maintenance. The site is heavily disturbed and work will not affect the wildlife under the sign. The billboards are led illuminated and are not shining outward therefor, does not believe it will have a large impact. In regards to the swale formed from state highway drainage, there is virtually no impact to the wetlands after construction. Erosion control will be installed prior to construction and the ditch will not be effected. It is extremely unlikely the sign would fall, but if it did, there is open area surrounding the sign and it would cause minimal damage.

**SA** read an email dated March 15, 2019 from Deb Jankowski, Pike Street that opposes the billboard.

Christopher Leahy, 1 Natowich Way, requested a copy of the plans by email.

Steven Martin, 16 Congress Street, stated the sign would be detrimental to the environment of Salisbury. It would ruin the agricultural district of Salisbury and be the last thing people think of when leaving MA.

**SA** responded that though his concerns are valid, the Wetlands Protection Act does not cover his concerns and he should address them at the MA DOT public hearing.

Andrea True, 98 Main Street located on the corner of Bartlett's farm and is a visual abutter, objected that she was not notified of its construction. Asked if the sign will be split and wanted to know how it would effect her view. This is an intense traffic area where route 95 and 495 converge and the sign would be a dangerous distraction.

Donna Bartlett (**DB**) of Bartlett's Farm stated the existing sign on Elm Street is bright and the signs in Peabody are bright. Concerned about the energy used to light the signs and the greater impact on global warming Jack Stanborn, Bartlett Farm, expressed concerns about light pollution, especially in regards to pollinating insects and the effect it will have on the 15 acre field across from the highway. This location has been a farm for 11 generations and does not feel a digital billboard has a right to upset that.

Margret Mary James, 40 Locust Street, moved to Salisbury in 2013 with their three horses for its rural character. Very concerned the billboard will degrade the character of the area and lower property values. Cannot afford to recreate their home in a new rural area and would not want to leave this to the next generation. Does not want their property devalued and the light shining into their bedroom.

James Willis (**JW**), 47 Folly Mill Road, asked the Commission what restrictions are placed on the project. **SA** responded there were local restrictions but the Town voted to have them removed at town meeting, so they no longer apply. Now the Commission upholds only the Wetland Protections Act. **MS** added the Wetlands Protection Act has a 100 foot buffer zone and showed them the buffer on the proposed plans. **JW** added doubling the impervious surface is an additional impact the Commission should consider.

William Jesse James, 30 Locust Street, asked if the Town has done an additional impact study. **SA** replied the Conservation Commission does not. **LP** added the Zoning Board would be responsible for doing those studies and they were not requested as far as she is aware.

Jim Linley, 194 Lafayette Road, stated that when he built his barn he was required to build 25 feet from the wetland line. Wanted to know why they do not have to abide by the same standards. **SA** replied the Town's citizens voted those standards out with the Salisbury wetland bylaw in 2008, which had a 25 foot no build zone.

Drew Hannah (**DH**), 90 Main Street, asked if there would be any additional infrastructure associated with the billboard. **MS** replied the power for the sign would be underground. **DH** asked to Commission to consider the future industrial wasteland this site will become when making their decision.

Cindy Foster commented the whole area appears to be getting wetter, concerned the current wetland markers are not accurate. **MR** responded the basin she is referring to is stormwater treatment from the highway.

Dennis Lucia, 3 Natowich Way. Asked what the depth of the pad will be. Concerned for leaks in the utilities. Donna Bartlett (**DB**) also expressed upset with the notice requirements. **MS** replied the abutter notifications were sent out and posted in the newspaper in accordance with state law.

Tom Aham, 66 Locust Street, is concerned about the light. Would request the application be remanded back to the Zoning Board due to the lack of abutter notification. Also complained he is bombarded with advertising. Does not feel there is any justification for the sign. The only benefit of this sign is in the pocket of the individuals building it.

**LP** addressed the request to return it to the Zoning Board by stating the appeal period has passed and it cannot be returned before the board at this point.

Bob Shea, 117 Main Street & 145 Main Street, added the properties in Salisbury are spaced out so that abutters are not notified adequately. Very concerned about the lack of notification.

Ron Mackinnon, 2 Red Ridge Road, stated LED's contain toxic materials that if broke would enter the wetland.

Lynn Grenier, Folly Mill Road, Asked if there is a bond requirement for the project. **SA** answered yes.

Linda Derboghosian, 17 Joy Road, Concerned by the electronic waves given off by the transformers. **SA** replied her concern would be addressed, with DOT and with the developer.

Haley Benade, 64 Locust Street, have lived in Salisbury for 2 years came here for the rural feel. Does not want the board to ruin the rural feel of the area.

Jack Stanborn delivered an article on the treat of light on pollination.

Carroll Whittaker. Quoted the Salisbury Community Development Strategy, which serves the best interest of the people. Asked for the billboard to be banned.

**EGR** motioned to continue the Notice of Intent for Outdoor Media Properties, Inc., 109 Rabbit Rd. to April 17, 2019 at 7:10pm to see progress from the owner to bring the site into compliance. Would request a laminar plan and information from the developers on the foundation depth, build management and possible contamination, cooling system contamination and lighting strike probability.

**JKP** seconded.

**Vote: 5-0, unanimous. Motion Carried.**

**C. NEW BUSINESS:**

**1. Request for Certificate of Compliance, 29 Elm Street**

**JKP** motioned to table the Request for Certificate of Compliance for 29 Elm Street.

**EGR** seconded.

**Vote: 5-0, unanimous. Motion Carried.**

**2. Request for Certificate of Compliance, 52 Forest Road**

Commission requested a site visit.

**JKP** motioned to table the Certificate of Compliance, 52 Forest Road to the next meeting.

**JDJ** seconded.

**Vote: 5-0, unanimous. Motion Carried.**

**D. ENFORCEMENT ORDERS:**

1. 81 Railroad Ave.

2. 438 N. End Blvd.

3. 565 North End Blvd.

4. 128 Bridge Rd.

5. **26 Sweet Apple Tree Ln.** - Tom Hughes (**TH**), of Hughes Environmental Services, presented a restoration plan for the vegetation that had been cut. Proposing to remove the existing vegetation through cutting, will mow it with a brush hog, and then plant it with fruit trees. Site was once agricultural and owners would like to return it to light farming; current vegetation is largely invasive. Will maintain a 25-foot buffer from the wetland and will return if they want to remove invasive species from that area. Right now is mostly bittersweet and multiflora. The trees removed were under duress and likely dead or soon to be.

**EGR** asked if the wetland line is marked so the tractor will not over mow into the resource area. **TH** offered to flag the 25-foot line if the commission would like. **EGR** asked what the frequency of mowing will be. **TH** stated when the growth requires it. **EGR** asked if the term light farming could be changed to say no-till farming. **TH** replied he is tentative to label it such, as some tilling may be required.

**EGR** motioned to accept the restoration and maintenance plan for 26 Sweet Apple Tree Lane.

**JP** seconded.

**Vote: 5-0, unanimous. Motion Carried.**

6. 91 Bridge Rd.

7. 2 Linda Ln.

8. 157 Bridge Rd.

9. 30 Main St.

10. 86/88 Elm St.

11. 11 17<sup>th</sup> St. W

12. 212 N. End Blvd.

13. 83 Atlantic Ave.

14. 9 Bayberry Ln.

15. 6 True Rd.

16. 211 N. End Blvd.
17. 279 N. End Blvd.
18. 146 Central Ave.
19. 82 Lafayette Rd.
20. 16 Hayes St.
21. 11 Railroad Ave. – **MR** and **JDJ** commented the project is progressing and going well.

**G. COMMISSIONER COMMENTS:**

**H. ADJOURNMENT:**

**JP** motioned to adjourn the March 20, 2019 Conservation Commission Meeting at 10:05 pm

**JKP** seconded.

**Vote: 5-0, unanimous. Motion Carried.**