



**Salisbury Conservation Commission
Meeting Minutes
February 16, 2022
Colchester Auditorium, Town Hall
5 Beach Road
Salisbury, MA 01952
Hybrid Meeting
7:00 P.M.**

COMMISSION MEMBERS PRESENT IN PERSON: Michael Colburn (MC), Jeffrey Ward (JW), Christopher Leahy (CL)

COMMISSION MEMBERS PRESENT REMOTELY: Julie Doughman-Johnson (JDJ), Jane Purinton (JKP)

COMMISSION MEMBERS ABSENT: Chairwoman Sheila Albertelli (SA)

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

Vice-Chairwoman Jane Purinton opened the meeting at 7:10PM under the Wetlands Protection Act & Open Meeting Law and informed the public that the meeting was being recorded and being held remotely.

A. MINUTES:

1. **October 6, 2021**
2. **October 20, 2021**
3. **November 3, 2021**
4. **November 17, 2021**
5. **December 1, 2021**
6. **December 15, 2021**
7. **January 5, 2022**
8. **January 19, 2022**
9. **January 21, 2022**
10. **February 2, 2022**

JDJ motioned to continue the minutes Oct 6 – Feb 2, 2022 until March 2, 2022 meeting 7:10 PM.

MC seconded.

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

Vote: 5-0-0. Unanimous. Motion carried

B. PUBLIC HEARINGS at 7:10pm:

1. **NOI: Town of Salisbury Planning Director, Lisa Pearson, Meaders Lane, Gove Lane, Short Lane & Sandy Lane (2/2/22)**

MC motioned to continue the Notice of Intent for Town of Salisbury Planning Director, Lisa Pearson, Meaders Lane, Gove Lane, Short Lane & Sandy Lane until March 2, 2022 meeting 7:10 PM.

JW seconded.

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

Vote: 5-0-0. Unanimous. Motion carried

2. NOI: Tom Patenaude, 207 Beach Road, lots 249-258 (8/4/21)

JW motioned to continue the Notice of Intent for Tom Patenaude, 207 Beach Road, lots 249-258. To March 2, 2022 meeting 7:10 PM.

MC seconded.

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

Vote: 5-0-0. Unanimous. Motion carried

3. NOI: Tom Patenaude, 207 Beach Road, lot 259 (8/4/21)

JW motioned to continue the Notice of Intent for Tom Patenaude, 207 Beach Road, lot 259. to March 2, 2022 meeting 7:10 PM.

MC seconded.

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

Vote: 5-0-0. Unanimous. Motion carried

4. NOI: Tom Patenaude, 207 Beach Road, lot 260 (8/4/21)

JW motioned to continue the Notice of Intent for Tom Patenaude, 207 Beach Road, lot 260. to March 2, 2022 meeting 7:10 PM.

MC seconded.

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

Vote: 5-0-0. Unanimous. Motion carried

5. NOI: Damon Amato, Downeast Residential, LLC, 30 & 32 Cable Ave. (9/15/21)

JW motioned to continue the Notice of Intent for Damon Amato, Downeast Residential, LLC, 30 & 32 Cable Ave. to March 2, 2022 7:10 PM.

MC seconded.

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

Vote: 5-0-0. Unanimous. Motion carried

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

JW motioned to continue the Notice of Intent for Brian Thibaut, ZJBV Investment Realty, 191 Atlantic Ave. to March 2, 2022 meeting 7:10 PM.

MC seconded.

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

Vote: 5-0-0. Unanimous. Motion carried

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

JW motioned to continue the Notice of Intent for Henry A. Richard, Jr., 247-249 North End Blvd. to March 2, 2022 meeting 7:10 PM.

MC seconded.

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

Vote: 5-0-0. Unanimous. Motion carried

8. NOI: New Cingular Wireless PCS LLC, 91 North End Blvd. (1/5/22)

JW motioned to continue the Notice of Intent for New Cingular Wireless PCS LLC, 91 North End Blvd. to March 2, 2022 meeting 7:10 PM.

MC seconded.

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

Vote: 5-0-0. Unanimous. Motion carried

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

JW motioned to continue the Notice of Intent for Steven Paquette, 6 Forest Road, LLC, 6, 10, & 18 Forest Rd. March 16, 2022 7:10 PM.

MC seconded.

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

Vote: 5-0-0. Unanimous. Motion carried

10. NOI: Daniel Moynihan, 69 Railroad Ave (2/2/22)

JKP stated the applicant will be representing himself. Site visit was done on 2/11/22. Daniel Moynihan (**DM**) sent updated narrative to **AM**. Cinderblock wall on northside of property is to be removed. Back wall reinforced and removal of portion of exterior wall. **MC** asked about the footing under outside wall. **JKP** was concerned about the structure. **CL** stated the drawing shows a step to the footing. **DM** addressed the concerns and how there will be two new walls. **DM** understands he might lose some square footage with the change but is willing to do so. **JKP** asks about is there is asbestos in the siding. **DM** plans to cover asbestos siding. **JKP** asks to have a site visit when **DM** is present on site. Commissioners agree, **DM** agrees.

CL motioned to continue/approve the Notice of Intent for Daniel Moynihan, 69 Railroad Ave. to March 2, 2022 meeting 7:10 PM.

MC seconded.

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

Vote: 5-0-0. Unanimous. Motion carried

11. NOI: Benjamin Legare, Downeast Building and Development, 2 Gravel Way (2/2/22)

Matt Steinel (**MS**) of Millennium Engineering represented the applicant. Reviewed the plans for the Commission. Pointed out the additional rain garden added after the site walk. **JW** asked if location of house is farther away from buffer zone? **MS** replied they can build right up to the wetland line but a building in a 25 ft buffer zone, a vegetated rain garden, split rail fence, and signs. There is a large retention pond with signage and fence as well. **JW** asked what about the shed existing onsite. **Ben Legare (BL)** responded they can remove or relocate the shed. **JKP** requested to maintain the 25 ft buffer. How many feet are currently between the existing home and the resource area. **MS** provided the following measurements: by the house corner 55 ft, down by rain garden 15-20 ft, around the side where the shed was is probably 21-22 ft, and about 45 feet to the corner of the house on the other side. **JKP** feels very comfortable with the buffer zone around the wetlands and would like to see fencing to go around the retention area. **JKP** asked if any abutters are present? None were present.

CL motioned to continue the Notice of Intent for Benjamin Legare, Downeast Building and Development, 2 Gravel Way to February 16, 2022 7:10 PM so previously discussed revisions can be put into plans.

JDJ seconded.

Roll Call Vote: all

JKP-yes, JDJ-yes, MC-yes, JW-yes, CL-yes

Vote: 5-0-0. Unanimous. Motion carried

12. AMENDED NOI: Marsha Kazarosian, Esq., 506 North End Blvd (2/16/22)

Matt Steinel of Millennium Engineering (**MS**) presented an amendment to the prior approved plan. DEP had a concern about footing coming out closer to the beach and the dunes being damaged during construction and rather protect then replace so the Commission's approval was appealed. The amended plan shows the proposed deck and porch moved away from the ocean and additional protection to the vegetation. DEP will rescind their appeal if the commission approves the amendment. DEP also required two years of monitoring the plants, and snow fencing to be put in place and kept there. **JKP** asked if any abutters are present. None. **JDJ** asked about the dune alteration and if it was corrected. **MS** explains the plan for site access and plantings. DEP wants the title and date in the new approval. Revision date is Feb 1, 2022.

CL motioned to amend the Notice of Intent for Marsha Kazarosian, Esq, 506 North End Blvd dated June 25, 2021 be amended as follows. Access methods for construction and demo limitations, monitoring of vegetation, any dune vegetation be replaced if damaged. Protection for vegetation be permanently maintained. Revised February 1, 2022.

MC seconded.

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

Vote: 5-0-0. Unanimous. Motion carried

13. NOI: Daniel Fitzgerald, 19 12th St. W. (2/16/22)

Matt Steinel of Millennium Engineering (**MS**) represented the applicant. **JKP** stated no DEP number has been issued for this application so we can discuss but cannot close the public hearing. **MS** presented the plan to demolish existing dwelling and to construct a new home on piles and with associated improvements. Existing pavement to be removed, keeping U shaped driveway. The new plan is closer to marsh but forced to go that way to better comply with zoning. The house will be raised out of the flood plain. Shrub plantings are proposed. **JKP** asked if any abutters were present. None.

JDJ motioned to continue the Notice of Intent for Daniel Fitzgerald, 19 12th St. W to March 2, 2022 meeting 7:10 PM. Interim a site walk.

CL seconded.

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

Vote: 5-0-0. Unanimous. Motion carried

C. NEW BUSINESS

1. Request for Significance of Change, 35 Commonwealth Ave.

Tom Hughes (**TH**) Environmental Consulting represented the applicant. Stated the residents need an elevator that descends all the way down to the floor. The only location that fit the elevator without reconstructing the entire house is shown on the amended plan. No alternative is possible to bring it outside the floodplain. **JKP** asked if there could be a ramp so the elevator doesn't go to ground. **TH** replied if you look at the prior approved plan we had to do enough head height in the garage. "Pit less" elevators are allowed in the WPA. Fully meets FEMA requirements. Cannot raise the height of the building or we exceed the zoning height limit. **JW** stated his concern is that the open chamber will get sand in and around it. keeping that area open and useful without impeding the natural flow of sand would be ideal. There is a healthy dune in front of the lot. **MC** asked for the reason why it can't be moved out of the V zone. **TH** replied they would have to do a whole redesign of the structure. **CL** added the Commission approved the plan, the house has been demolished and construction crews waiting. **TH** replied that is correct.

CL motioned to find the change for 35 Commonwealth Ave significant and to require and amendment to the order or conditions.

MC seconded.

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

Vote: 5-0-0. Unanimous. Motion carried

D. OLD BUSINESS

1. Request for Certificate of Compliance, Town of Salisbury, Seabrook Rail Trail Connector

MC recuse himself from this project. JKP stated Mary Rimmer' report says everything was constructed compliance with the Order of Conditions.

JDJ motioned to grant the Certificate of Compliance for Town of Salisbury, Seabrook Rail Trail Connector
CL seconded.

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

Vote: 5-0-0. Unanimous. Motion carried

2. Request for Certificate of Compliance, 17 Forest Road, Lot 3

JW motioned to continue the Certificate of Compliance for 17 Forest Road, Lot 3, to the March 2, 2022 meeting 7:10 PM.

CL seconded.

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

Vote: 5-0-0. Unanimous. Motion carried

2. Request for Certificate of Compliance, 19 Forest Road, Lot 4

JW motioned to continue the Certificate of Compliance for 19 Forest Road, Lot 4 to our March 2,2022 meeting 7:10 PM.

JDJ seconded.

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

Vote: 5-0-0. Unanimous. Motion carried

E. ENFORCEMENT ORDERS:

HOLD, PENDING UPDATE:

1. 100 Main St
2. 53 Railroad Ave
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
22. 82 Lafayette Rd

F. COMMISSIONER COMMENTS:

AM stated a significant amount of coastal erosion has damaged dunes this year. The conservation department can help you if you need to do work in this area. DPW has sand bags available.

CL offered congratulations to JKP for her work with the Cultural Commission.

JDJ asked what that huge barge apparently dropping sand near shore was associated with. **AM** replied the Piscataqua River dredge project.

G. ADJOURNMENT:

CL motioned to adjourn the February 16, 2022 Salisbury Conservation Commission Meeting at 9:55 PM.

MC seconded.

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

Vote: 5-0-0. Unanimous. Motion carried

Meeting Adjourned 9:55 PM.