



**Salisbury Conservation Commission
Meeting Minutes
November 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), Mark Warcewicz (MW), Jeffrey Ward (JW)

COMMISSION MEMBERS PRESENT REMOTELY: Chairwoman Sheila Albertelli (SA), Julie Doughman-Johnson (JDJ) Christopher Leahy (CL)

COMMISSION MEMBERS ABSENT: Katie Lewis (KL)

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

Chairwoman Sheila Albertelli (SA) opened the meeting at 7:10 PM (technical difficulties) 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: EMERGENCY CERTIFICATES

1. EC: Smallpox Creek between Forest Road and Gerrish Road.

SA states that the beaver activity is causing flooding.

JDJ makes a motion to ratify the enforcement order for Smallpox Creek between Forest Rd. and Gerrish Rd.

MC seconded.

Roll Call Vote: MC- yes, JDJ- yes, CL-yes, SA-yes, MW-yes, JW-yes

6-0-0. Motion Carried.

2. EC: 56 Railroad Ave.

SA states the emergency certificate is for an emergency egress. AM speaks about the occupant being handicapped and needs to safely exit his residents and is unable to and the project is not altering site conditions so qualifies for minor project.

JDJ make a motion to ratify Emergency Certificate for 56 Railroad Ave.

MC seconded.

Roll Call Vote: MC- yes, JDJ- yes, CL-yes, SA-yes, MW-yes, JW-yes

6-0-0. Motion Carried.

A. MINUTES:

1. January 19, 2022
2. January 21, 2022
3. February 16, 2022
4. March 2, 2022
5. March 16, 2022
6. April 6, 2022
7. April 20, 2022
8. May 5, 2022
9. May 18, 2022
10. June 1, 2022
11. June 15, 2022

12. July 6, 2022
13. July, 20, 2022
14. August 3, 2022
15. August 17, 2022
16. September 21, 2022
17. October 5, 2022
18. October 19, 2022
19. November 2, 2022

SA asks if commission was able to review minutes just sent from January 19, 2022.

JDJ have not reviewed.

JDJ motioned to continue the approval of the minutes from January 19, 2022 to the December 7, 2022 meeting 7:10 PM.

MC seconded.

Roll Call Vote: MC- yes, JDJ- yes, CL-yes, SA-yes, MW-yes, JW-yes,
6-0-0. Motion Carried.

JDJ motion to continue the minutes January 19,2022 through November 2, 2022 to the December 7, 20022 meeting 7:10 PM.

MC seconded.

Roll Call Vote: MC- yes, JDJ- yes, CL-yes, SA-yes, MW-yes, JW-yes,
6-0-0. Motion Carried.

B. PUBLIC HEARINGS at 7:10pm:

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

SA asks to move 6 Forest Road to the end of public hearings.

CL I would like to make a motion to table NOI: Steve Paquette, 6 Forest Road, LLC, 6, 10, & 18 Forest Rd. to the end of public hearings.

JDJ seconded.

Roll Call Vote: MC- yes, JDJ- yes, CL-yes, SA-yes, MW-yes, JW-yes,
6-0-0. Motion Carried.

2. NOI: Matthew Sanders, 5 Patriot Way (5/4/22)

CL continue the NOI Matthew Sanders, 5 Patriot Way (5/4/22) to the December 7, 2022 meeting 7:10 PM.

MC seconded.

Roll Call Vote: MC- yes, JDJ- yes, CL-yes, SA-yes, MW-yes, JW-yes,
6-0-0. Motion Carried.

3. NOI: Nancy Reap, Old Silver Estuary On Little River LLC, 100 Forest Road (10/5/22)

CL motioned to continue the NOI: Nancy Reap, Old Silver Estuary On Little River LLC, 100 Forest Road project to the December 7, 2022 meeting 7:10 PM.

MC seconded.

Roll Call Vote: MC- yes, JDJ- yes, CL-yes, SA-yes, MW-yes, JW-yes,
6-0-0. Motion Carried.

4. NOI: Mark Cardillo, F & D Realty LLC, 163 Elm St. (8/3/22)

CL motion to continue the NOI: Mark Cardillo, F & D Realty LLC, 163 Elm St. (8/3/22) to the December 7, 2022 meeting 7:10 PM.

MC seconded.

Roll Call Vote: MC- yes, JDJ- yes, CL-yes, SA-yes, MW-yes, JW-yes

6-0-0. Motion Carried.

5. NOI: Bonnie Toner, 8 Glenwood Ave. (11/16/22)

Bonnie Toner (**BT**) representing herself, resides at 8 Glenwood Ave. **SA** suggests a site visit. **JW** states that he is her neighbor across the street, he is recusing himself from the commission.

Jeffrey Ward, 9 Glenwood Ave, states that this would be a nice addition in her back yard and would add positively to the neighborhood.

CL motion continue the NOI: Bonnie Toner, 8 Glenwood Ave. to December 7, 2022 7:10 PM in the interim a site visit.

MC seconded.

Roll Call Vote: MC- yes, JDJ- yes, CL-yes, SA-yes, MW-yes, JW-Abstained

5-0-1. Motion Carried.

6. NOI: Christopher DeLuca, 108 Elm Street. (11/16/22)

SA states that this project has no DEP number, we can hear the plans but cannot vote. Brian Knowles (**BK**) representing Chris DeLuca explains the proposed pipe. He explains a temporary disturbance to be restored back to its original condition. **CL** asks what the purpose of connecting the two pipes would be? **BK** explains it takes the ponding water into the wetland and under Elm Street. The idea of the project is to improve the area that is a mosquito breeding ground. **JW** replies that the way it is described is typical of a wetland. **BK** responded I would call it isolated. **JW** remarks that they are proposing to disturb wetlands. **BK** answers that it's smaller than 500 square feet we and do not need to show a replication area. **MC** answers that his understanding is that he is trying to continue the natural flow of the water. **SA** states it sounds like keeping the flow of water but it is not a fingerlike projection so filling cannot be done without restoration or an analysis showing less intrusive proposals. Rimmer Environmental needs to look at this for mitigation and hydrology's and needs to proceed with some mitigation.

CL motion to continue the NOI: Christopher DeLuca, 108 Elm Street (11/16/22) for the December 7, 2022 7:10 PM meeting and in the interim, a site visit and review.

MC seconded.

Roll Call Vote: MC- yes, JDJ- yes, CL-yes, SA-yes, MW-yes, JW-yes

6-0-0. Motion Carried.

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

Tom Hughes (**TH**) from Hughes Environmental is representing the applicant explains the landscape plans and that they still need to be sent in, there is a wild life study being done and they will turn that in, all material will be getting in shortly.

CL since the initial filing, abutters do not need to resubmit anything.

MC seconded.

Roll Call Vote: MC- yes, JDJ- yes, CL-yes, SA-yes, MW-yes, JW-yes

6-0-0. Motion Carried.

TH speaks about the wetlands being confirmed with a site walk by commission and Mary from Rimmer Environmental. He shows the stormwater basin and Dog Park, relocating the dog park entrance and all units are duplex units with a garden style design. They reduced the number of units; existing conditions are in the plans. Moving the dog park back, we are able to move the basin back but the slope gets very steep. Cutting into the hill a bit. Impact is a 2-1. Need to provide a wildlife habitat report. Chris York (**CY**) to go over to stormwater engineering. **CY** talks about the existing site is natural woodland and open meadow. Drainage network over the site to take care of the run off. Infiltrating 2-3 rooftops on site. **TH** adds that the only other thing is the storm water issues coming up on the abutters side showing concern for flooding onto their property. Collecting all of the drainage and bringing it down to the storm water wetlands will address this, grade and flow go towards the east.

MW speaks about the riverfront area in the plan book being confusing with a minimum of 100ft of vegetation. **TH** replies that the storm water basin with no practical alternative doesn't come under that. The remaining part is all outside the 100 ft. The storm water basins are a common land low. **MW** thinks they are utilizing the whole area. **TH** comments that they are allowed to alter up to 10% of the river front and are at 7.1%. **MW** asks why aren't all of the units infiltrated? **CY** says that the site is a silty clay and wouldn't serve any purpose, water would not infiltrate. **MW** asks about roof drains, where is the run off going? **CY** answers that the run off goes to the road and drains behind the houses. **JW** asks if this is till a 56-unit project or if there is any consideration to reducing? **TH** answers yes there was and development started with 76. **MC** asks if there is no alternative to putting that basin out of the 100 ft storm water zone? **TH** comments that there are other options with less houses but a lot is involved with cost and profit. Lynn Welch (**LW**), abutter at 50 Lafayette Road, speaks regarding researching the town assessor's maps of the 4 lots. A large meadow lot of 2-12 acres, 2.5 and then a 9-acre lot. In researching the maps both the 2.5 and 9 were both deemed as unbuildable lots because of the wetlands. The 9-acre lot went from being unbuildable lot to a potentially buildable lot on December 8, 2021. Does this go through the conservation and commission to get approved? Or the assessors? **SA** adds she would like to get the history on this. **MW** adds it's probably because of the sewer project. **AM** says it should be discussed with the assessor. **LW** says it should be investigated.

Elizabeth Pyle speaks and says she is representing the abutters to the proposed project and looks forward to commenting in the future.

LW states she lives on the corner and it is always constantly wet with standing water, how will it absorb better? **TH** explains they are capturing a large amount of run off into the road way and without the development they are taking it and putting it into a storm water management system. We are not adding any water but rather taking some away with the engineering calculations. The storm water engineering is a well calculated plan for every drop of water. **TH** plans to have Millennium Engineering go out and clearly stake everything. **MC** asks if they are going to have all the wetlands placed and marked? **TH** responds yes, with different color ribbons to clearly mark layout.

CL motion to continue the NOI: Steve Paquette, 6 Forest Road, LLC, 6, 10, & 18 Forest Rd. (1/19/22) to the December 7, 2022 meeting 7:10 PM and in the interim, a site visit.

MC seconded.

Roll Call Vote: MC- yes, JDJ- yes, CL-yes, SA-yes, MW-yes, JW-yes

6-0-0. Motion Carried.

D. OLD BUSINESS:

1. Request for Certificate of Compliance, 5 Patriot Way (5/4/22).

JDJ motion to continue our request for certificate of compliance to our next meeting December 7, 2022 7:10 PM.

MC seconded.

Roll Call Vote: MC- yes, JDJ- yes, CL-yes, SA-yes, MW-yes, JW-yes

6-0-0. Motion Carried.

2. Request for Certificate of Compliance, 70 Brissette Ave.

SA states that this is just an update, the owner has said they will do the the plantings and a meeting tomorrow with the landscaper to asses. We need one or two volunteers to meet Adriane onsite, JDJ and MC? **SA** says she could meet them as well.

D. ENFORCEMENT ORDERS:

HOLD, PENDING UPDATE:

1. 5 Patriot Way.
2. 2A, 12th St. W.
3. 14 Old County Rd.
4. 100 Main St.
5. 14 10th St. W.
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. 27 12th St. W.

COMPLETE, PENDING APPROVAL:

16. 29 Lafayette Rd.
17. 114 Bridge Rd.
18. 6 Sycamore Ln.
19. 16 Commonwealth Ave.
20. 139 Elm
21. 4 Main Street

E. COMMISSIONER COMMENTS

AM announces that Monday November 21, 2022 at 6:00 PM the Town will be having a meeting workshop to discuss bylaw changes, solar bylaw, and natural recourse bylaw. Zoom will be posted.

MC announces a new program, Santa's Helper "2.0" In the works for many years and many elves to make sure all kids have a Christmas, Salisbury Lions Club to help restart it. Tomorrow night November 17, The Boys & Girls Club will have an informational seminar. Christmas tree lighting coming up, for more information Jen Roketenetz from park & recs can further assist.

CL says on behalf of the commissioners Happy Thanksgiving.

F. ADJOURNMENT:

CL motioned to adjourn the November 16, 2022 Salisbury Conservation Commission Meeting at 9:05 PM.

MC seconded.

Roll Call Vote: MC- yes, JDJ- yes, CL-yes, SA-yes, MW-yes, JW-yes

6-0-0. Motion Carried.