



**Salisbury Conservation Commission
Meeting Minutes
December 1, 2021
Colchester Auditorium, Town Hall
5 Beach Road
Salisbury, MA 01952
Virtual Meeting
7:00 P.M.**

COMMISSION MEMBERS PRESENT: Jane Purinton (JKP), Michael Colburn (MC), Julie Doughman-Johnson (JDJ), Jeffrey Ward (JW), Christopher Leahy (CL)

COMMISSION MEMBERS ABSENT: Chairwoman Sheila Albertelli (SA)

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

Vice Chairwoman Jane Purinton 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 and being held remotely.

A. MINUTES:

1. **July 7, 2021**
2. **July 21, 2021**
3. **August 4, 2021**
4. **August 18, 2021**
5. **September 1, 2021**
6. **September 15, 2021**
7. **October 6, 2021**
8. **October 20, 2021**

JDJ motioned to approve the minutes for July 7, 2021 and July 21, 2021
MC seconded

Roll Call Vote: JDJ – Yes; JKP - Yes; MC – Yes; JW – Abstain; CL - Yes
Vote: 4-0-1. Motion carried

JDJ motioned to continue the minutes for remaining
MC seconded

Roll Call Vote: JDJ – Yes; JKP - Yes; MC – Yes; JW – Yes; CL - Yes
Vote: 5-0-0. Motion carried

B. PUBLIC HEARINGS at 7:10pm:

1. **NOI: Town of Salisbury, Gerrish Rd. over Smallpox Brook (12/1/21)**

Lisa Demeo, DPW director (**LD**), was present and described the project. She stated the town obtained funds through a DOT grant program to repair small bridges. Jody Trunfio (**JT**), Matt Perry (**MP**), and Tony Ciolfi (**TC**) all of TEC, Inc. were also present. **JT** explained that previous inspections show some deterioration in its substructure and with some of its traffic safety features. **JT** shared photos of the bridge. He stated the age of the bridge is unknown, but the inspection report lists it as possibly being pre 1900. The substructure has displaced and moved. The guardrail is substandard, and there is a lack of appropriate guardrail transitions. There is also erosion in the slope around the bridge. They propose to improve the traffic safety features up top and rebuild the granite substructures. They also plan to do some drainage work behind the abutments to prevent future erosion. **JT** reviewed the dewatering process, and the phases for rebuilding the bridge. They will install rip rap at each of the four corners of the bridge to correct the slope erosion. **JT** also reviewed impacts, stating there will be permanent BVW impacts of just under 90 square feet, and they are proposing replication at the south east corner of the bridge. There will also be temporary land underwater impacts. There is a large dead tree in the northwest portion that should be removed. **MC** noted that future sidewalks are planned, and asked whether the bridge will accommodate a sidewalk. **JT** stated there would be room for an independent structure and that they don't want to build off the bridge. **MC** commented he is happy with the dewatering plan. **CL** noted that the construction sequence proposed is standard for the industry, and asked how close they were to securing the necessary easements. **LD** replied she wanted to get the Order of Conditions before they start working on the easements, but anticipates starting that process in a few weeks after receiving the Order of Conditions. **JKP** advised that the plans need updating with details such as, final grades, soil information, stockpile area, plantings and plantings locations, and specifics regarding erosion controls. She added that Mary Rimmer should review the project, but after TEC addresses the additional information needed. **JT** advised that Mary did the delineation for the project. **JKP** added she wants a site visit. **JW** noted that it was a tight worksite and asked where laydown area will be. **JT** replied it would be within the roadway, with the road closed on either side of the bridge. **JW** asked if there would be erosion control. **JT** replied there would be. Abutter Ramonita Gaffey (**RG**) of 3 Gerrish Rd. noted that it looks like the bridge will be wider. She also stated her backyard looks like a pond after precipitation and asked whether construction will help with that issue. **LD** advised that the bridge won't really be wider, but 2-3 weeks ago the culvert under Forest Road was cleaned, so that might help flooding issues. **RG** then asked where will property be taken. **JT** replied none in the vicinity of her property, easements will be needed on the downstream side.

MC motioned to continue the Notice of Intent for Town of Salisbury, Gerrish Rd. over Smallpox Brook to December 15, 2021. and in the interim have a site visit
JDJ seconded

Roll Call Vote: **JDJ – Yes; JKP - Yes; MC – Yes; JW – Yes; CL - Yes**
Vote: 5-0-0. Motion carried

2. NOI: Patrick DiMartino, 14 Lewis Ave (7/21/21)

JKP stated the applicant had requested a continuance to December 15, 2021.

JDJ motioned to continue the Notice of Intent for Patrick DiMartino, 14 Lewis Ave. to December 15, 2021.
CL seconded

Roll Call Vote: **JDJ – Yes; JKP - Yes; MC – Yes; JW – Yes; CL - Yes**
Vote: 5-0-0. Motion carried

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

JKP stated the applicant has requested a continuance to December 15, 2021

JDJ motioned to continue the Notice of Intent for Tom Patenaude, 207 Beach Road, lots 249-258. to December 15, 2021.

MC seconded

Roll Call Vote: JDJ – Yes; JKP - Yes; MC – Yes; JW – Yes; CL - Yes

Vote: 5-0-0. Motion carried

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

JKP stated the applicant has requested a continuance to December 15, 2021

JDJ motioned to continue the Notice of Intent for Tom Patenaude, 207 Beach Road, lot 259. to December 15, 2021.

MC seconded

Roll Call Vote: JDJ – Yes; JKP - Yes; MC – Yes; JW – Yes; CL - Yes

Vote: 5-0-0. Motion carried

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

JKP stated the applicant has requested a continuance to December 15, 2021

JDJ motioned to continue the Notice of Intent for Tom Patenaude, 207 Beach Road, lot 260. to December 15, 2021.

MC seconded

Roll Call Vote: JDJ – Yes; JKP - Yes; MC – Yes; JW – Yes; CL - Yes

Vote: 5-0-0. Motion carried

6. NOI: Wayne Capolupo, 13 Beach Road, LLC, 13 North End Blvd. (8/4/21)

JKP advised there is not a quorum for this project as Commissioners Ward and Leahy have missed previous hearings. They will need to continue the public hearing.

JDJ motioned to continue the Notice of Intent for Wayne Capolupo, 13 Beach Road, LLC, 13 North End Blvd. to December 15, 2021.

MC seconded

Roll Call Vote: JDJ – Yes; JKP - Yes; MC – Yes; JW – Yes; CL - Yes

Vote: 5-0-0. Motion carried

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

JKP stated the applicant has requested a continuance to December 15, 2021

MC motioned to continue the Notice of Intent for Damon Amato, Downeast Residential, LLC, 30 & 32 Cable Ave. to December 15, 2021.

JDJ seconded

Roll Call Vote: **JDJ – Yes; JKP - Yes; MC – Yes; JW – Yes; CL - Yes**

Vote: 5-0-0. Motion carried

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

JKP stated the applicant has requested a continuance to December 15, 2021

MC motioned to continue the Notice of Intent for Brian Thibault, ZJBV Investment Realty, 191 Atlantic Ave. to December 15, 2021.

JDJ seconded

Roll Call Vote: **JDJ – Yes; JKP - Yes; MC – Yes; JW – Yes; CL - Yes**

Vote: 5-0-0. Motion carried

9. NOI: Todd Fitzgerald, Father & Son Construction, 40 Brissette Ave. (10/20/21)

Bill Hall with Civil Design Consultant (**BH**) represented the applicant. He reviewed the existing conditions. They plan to demolish the existing structure and construct a 5-unit multifamily building with turfstone pavers for parking, small dumpster pad, pavers under carport area, and landscaping with native plants. He anticipates a reduction of impervious surface of about 1800 square feet. **JKP** asked if they intend to install pavers. **BH** replied they would use turfstone pavers, which have been used in other projects in town. **JKP** asked if the pavers will be installed in the area that is currently paved **BH** replied they would be. **JKP** advised that the fencing needs to be 50% open **BH** reviewed the existing fences and stated he was unsure who owned the vinyl fence on the west side of the property. **JKP** stated he should determine who owns the fence. **MC** suggested a site visit. **CL** asked whether concrete dumpster pads were allowed **JKP** stated they were not **JDJ** asked for plant details such as plant types **JKP** asked if they have addressed the items the Agent requested **BH** replied they had with the current plan set, and would make further revisions if necessary. **JDJ** asked if the structure profile is in the plans. **BH** replied the architect is working on the elevation views, and will be provided in the next set of revisions.

JDJ motioned to continue the Notice of Intent for Todd Fitzgerald, Father & Son Construction, 40 Brissette Ave. to December 15, 2021 and in the interim a site visit will be conducted, and they will provide information regarding the pavers at the site visit.

MC seconded

Roll Call Vote: **JDJ – Yes; JKP - Yes; MC – Yes; JW – Yes; CL - Yes**

Vote: 5-0-0. Motion carried

10. RDA: Merrimack Valley Planning Commission, Phragmites Control in the Great Marsh (11/17/2021)

Peter Phippen of MVPC (**PP**) was present and asked whether a site visit to the concerned property owner had occurred. **JKP** replied they made many attempts to set up a site visit with the concerned citizen, but were unable to set one up. **JW** noted they received a photo taken from Washington Street looking towards Dock Lane

which shows phragmites on the inland portion of the marsh. **JW** asked if they had been spraying there, would there be phragmites there. **PP** replied there probably would not be much, and not large stands like in the photo. **JW** asked when the spraying project first began. **PP** replied sometime in the 2010-2012 timeframe, and that the project was sporadic based on funding. He's not sure how much was done in Salisbury at that time, but probably not much until 2015. **JW** asked if there was a particular area focused on at that time. **PP** replied they focused mostly on the open marsh and large stands in the open marsh. **JW** asked if this is time sensitive and whether spraying can only occur in certain times of the year. **PP** replied that they spray in late summer and early fall so the chemical is pulled down into the roots. **JDJ** noted that if trees are dead from chemicals, then the nearby phragmites would be dead as well. She also noted that she sees a lot of dead trees near Small Pox Brook due to sea level rise. **JKP** commented that they have done their due diligence, and that MVPC are stewards of the Great Marsh. The Agent has gone above and beyond trying to get a site visit to no avail. She suggested they'd be able to determine the cause of the die off if they could see them in person.

JDJ motioned to approve Request for Determination for MVPC Phragmites Control in the Great Marsh condition that they will contact the Agent when they begin spraying.
JW seconded

Roll Call Vote: **JDJ – Yes; JKP - Yes; MC – Yes; JW – Yes; CL - Yes**
Vote: 5-0-0. Motion carried

C. NEW BUSINESS

1. Request for Certificate of Compliance, 57 & 63 Railroad Ave.

Matt Hamor (**MH**) of LandPlex Engineering and Surveying represented the Daly group. **MH** reminded the Commission that they were doing some restoration work on the embankment at the rear of the property. They had previously proposed installing stone material with wattle and jute matting with sea grass to stabilize the embankment, and they're happy with how it turned out. He feels the mitigation will perform well. **JKP** advised they need to wait 2 growing seasons. **JDJ** commented that it looks nice and asked if the Commission could issue a COC in return for a bond. **AM** stated she would recommend a partial COC in that instance so they could still do work under the Order of Conditions if there are issues. **MH** stated the cost estimate came in at \$2500. **JKP** asked if that includes inflation. **MH** replied it was for the entire project, so if maintenance is needed it would be portions of that total. **JDJ** asked whether there was enough space between the stairs and new plantings for a car to drive through. **MH** replied there was not.

CL motioned to grant a partial Certificate of Compliance for 57 & 63 Railroad Ave., for all work except the landscaping, for which a \$2,500.00 bond will be held for 2 growing seasons.
MC seconded

Roll Call Vote: **JDJ – Yes; JKP - Yes; MC – Yes; JW – Yes; CL - Yes**
Vote: 5-0-0. Motion carried

D. ENFORCEMENT ORDERS:

HOLD, PENDING UPDATE:

1. 14, 10th St. W.
2. 97 Atlantic Ave.
3. 114 Bridge Rd.
4. 36 Pike St.
5. 2 Baker Rd.

6. 16 Commonwealth Ave.
7. 150 North End Blvd.
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.
14. 6 Sycamore Ln.

ACTIVE, PENDING COMPLETION:

COMPLETE, PENDING APPROVAL:

15. 61 Bridge Rd.
16. 139 Elm
17. 86/88 Elm St.
18. 165 Atlantic Ave.
19. 4 Main Street
20. 82 Lafayette Rd

E. COMMISSIONER COMMENTS:

F. ADJOURNMENT:

MC motioned to adjourn the December 1, 2021 Salisbury Conservation Commission Meeting at 8:41 PM.

CL seconded.

Roll Call Vote: JDJ – Yes; JKP - Yes; MC – Yes; JW – Yes; CL - Yes

Vote: 5-0-0. Motion carried