

Salisbury Conservation Commission
Meeting Minutes
July 24, 2023
Colchester Auditorium, Town Hall
5 Beach Road
Salisbury, MA 01952
Hybrid Meeting
5:30 P.M.

COMMISSION MEMBERS PRESENT IN PERSON: Chairman Jeffrey Ward (**JW**), Michael Colburn (**MC**), Christine Maxim (**CM**), Michael Lucas (**ML**), Mark Warcewicz (**MW**)
COMMISSION MEMBERS PRESENT REMOTELY: Christopher Leahy (**CL**) (joined meeting at 5:35pm)
COMMISSION MEMBERS ABSENT: Julie Doughman-Johnson (**JDJ**)

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

Chairman Jeffrey Ward (**JW**) opened the meeting at 5:30 PM 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. PUBLIC HEARINGS at 5:30pm:

1. NOI: John & Renee Conway, 107 Cable Ave. (6/7/23)-

Matthew Steinel (**MS**) from Millennium Engineering represented the applicant. Reviewed the proposed plan to remove the existing structure and build a new elevated structure. Reviewed landscaping details, construction details, and profile of the structure. Addressed DEP Comments in regards to improvement to dune function and the existing shed onsite they are not proposing altering, therefore it was not included in the project.

MC motioned approve the Notice of Intent for John & Renee Conway, 107 Cable Ave with the standard special conditions.

CL seconded.

Vote: **MW-yes, ML-yes, CM-yes, MC-yes, JW-yes, CL-yes.**

6-0-0. Motion Carried.

2. NOI: Daniel Gelinis, 579 North End Blvd (7/19/23) –

CM recused herself from the Commission as she is an abutter.

Matthew Steinel (**MS**) from Millennium Engineering represented the applicant. Reviewed the proposal and access plan to construct a deck and addition. Relocation of the garden arbor to allow machinery access is proposed. **MC** asked if footings are proposed. **MS** stated they were discussed but the Commission's Agent suggested helical piles would be preferred by the Commission. The applicant has agreed to use piles. **CL** asked the commissioners if there were any possible issues identified at the site visit that should be discussed. **MC** responded he did not see any issues.

MC motioned approve the Notice of Intent for Daniel Gelinis, 579 North End Blvd with the standard special conditions and additional special condition that stone imported to the site will be washed and free of "fines" such as lime or stone dust.

MW seconded.

Vote: **MW-yes, ML-yes, CM-yes, MC-yes, JW-yes, CL-yes.**

6-0-0. Motion Carried.

3. NOI: John Burglund, Burglund Homes, 24 Locust Street (7/19/23)

Matthew Steinel (**MS**) from Millennium Engineering is representing the applicant. Project was delineated by Mark West. It is within the Town's wellhead protection district so limited to a 2-family structure. Most of the work is not within the buffer zone. **MW** asked how much fill is being brought to site. **MS** replied? **CL** asked where stockpiling would be located. **MS** replied the stockpiling will be outside of 100 feet. Most of the fill is 75 feet or further from the wetlands. **CL** asked where the erosion control is located on the plan. **MS** pointed it out. **CL** asked if the Board of Health had approved. **AM** confirmed an approval letter has been issued. **CL** asked if there is anything in the approval that could impact the Commission's approval. **AM** stated she had reviewed the conditions and did not find them to require plan revision. **MC** confirmed he agreed with **AM**'s statement.

MC motioned approve the Notice of Intent for John Burglund, Burglund Homes, 24 Locust Street with the standard special conditions and the additional condition the Board of Health conditions of approval for the project shall be met.

MW seconded.

Vote: MW-yes, ML-yes, CM-yes, MC-yes, JW-yes, CL-yes.

6-0-0. Motion Carried.

4. NOI: Shiv Shrestha, International Capital Management LLC., 42 Commonwealth Avenue (7/19/23)

ML recused himself from the Commission as he is an abutter.

Matthew Steinel (**MS**) from Millennium Engineering is representing the applicant. **MS** reviewed the project proposal for removal and replacement of front stairs and pavement removal from one driveway and installation of pavers in 2 driveways. **CL** asked how the site visit went. **MC** reviewed his concerns about the gravel and hard pavement. **CM** asked why the pavers extend into public land and are set back on the other side? **MS** replied the plan was designed per the applicants request and with restrictions on hardened surface to meet dune performance standards. **MC** asked if the pavers on the gravel side could be reduced to match the other side. **MS** marked up plans per discussion. **CY** asked if there are any improvement rules triggered by this that would make the site come into compliance with the dune performance standards. **JW** stated no it does not trigger the 50% substantial improvement regulations from building code. **CM** asked if there was additional scope of work proposed but not yet discussed based on what is shown on the plans. **MS** confirmed the other improvements within the plan are not within the jurisdiction of the commission therefore he did not present the work. **CM** asked for the agent to confirm. **AM** replied that yes, they do not need Conservation Commission approval for work that does not alter the resource area. In the past you have seen similar projects file RDA and this is because the Access to the site could alter the resource area but they can work from paved surfaces at this site so it was not required.

MC motioned to continue the public hearing for the Notice of Intent for Shiv Shrestha, International Capital Management LLC., 42 Commonwealth Avenue to August 2, 2023 at 7:10pm

CL seconded.

Vote: MW-yes, ML-yes, CM-yes, MC-yes, JW-yes, CL-yes.

6-0-0. Motion Carried.

5. NOI: Michael D'Angelo, 100 Atlantic Avenue (7/19/23)

Matthew Steinel (**MS**) from Millennium Engineering represented the applicant. Reviewed the project proposal to remove the existing structure and build a new structure elevated on piles and associated site improvements

Power was lost at 6:55pm. SCTV broadcasting ended. Zoom call remained online continuously

MC motioned to continue the public hearing for the Notice of Intent for Michael D'Angelo, 100 Atlantic Avenue to August 2, 2023 at 7:10pm

MW seconded.

Vote: **MW**-yes, **ML**-yes, **CM**-yes, **MC**-yes, **JW**-yes, **CL**-yes.

6-0-0. Motion Carried.

B. NEW BUSINESS:

1. Request for Certificate of Compliance, Newburyport North Jetty Dredge Project.

David Smith (DS) of **GZA** represented the project. Reported on the projects completion. The dredge removed more than anticipated but the additional sediment removed is within acceptable limits. **CL** asked if the sand was placed in Salisbury. **DS** replied it was placed on North Point in Plum Island. **MC** added the last dredge was placed on Salisbury beach.

CL motioned to issue the Certificate of Compliance for Newburyport North Jetty Dredge Project.

ML seconded.

Vote: **MW**-yes, **ML**-yes, **CM**-yes, **MC**-abstained, **JW**-yes, **CL**-yes.

5-0-1. Motion Carried.

2. Request for Certificate of Compliance, 33 Folly Mill Road.

AM stated the project was for the installation of a septic system within the buffer zone to Bordering Vegetated Wetlands. The project was designed to meet Title V standards and has received its Certificate of Completion from the Board of Health. The site is stable and I've approved the removal of erosion controls. I recommend issuing a Certificate of Compliance.

CL motioned to issue the Certificate of Compliance for 33 Folly Mill Rd.

MW seconded.

Vote: **MW**-yes, **ML**-yes, **CM**-yes, **MC**-yes, **JW**-yes, **CL**-yes.

6-0-0. Motion Carried.

3. Request for Significance of Change, 20 Friedenfels Rd.

Tom Hughes (TH) of **Hughes Environmental** is representing property owner.

Project has received its Chapter 91 waterways permit but through the review the float plan had some minor adjustments. **TH** described the changes and the reasoning for the adjustments to the floats. All the anchors and impacts remain the same. **CL** asked **AM** if she had any concerns. **AM** confirmed she does not have concerns in regards to the adjustments.

CL motioned to find the changes as presented not significant to the approved project.

MC seconded.

Vote: **MW**-yes, **ML**-yes, **CM**-yes, **MC**-yes, **JW**-yes, **CL**-yes.

6-0-0. Motion Carried.

C. OLD BUSINESS:

1. Request for Certificate of Compliance, 552 No End Blvd.

CM and **ML** recused themselves from the Commission.

MS reviewed the commission site visit that took place on July 13 attended by **MC**. They are requesting to keep the wall as the function to the dune is diminished in the area. **MC** reviewed the site visit and his

concerns. Removing the wall will damage neighbor's property so trying to balance general practice in non-resource areas and dune performance standards is challenging. Discussed the wing walls that were originally proposed and the retaining wall that now exists. **MS** addressed the property owner's permission to do work off property as a barrier to work being done. **JW** asked what the distance grading would need to be scaled back to. **MW** stated about six feet. **MS** confirmed 5 to 7 or 8 feet depending on slope. **MW** stated he has been to the site when it was raining and the water was draining to this part of the site and moving into the depression. In his opinion the remedy is worse than the violation. The impacts to the site which is fully vegetated would be significantly worse. **MC** agreed the vegetation has taken off really well and the impacts of the work are substantial. **ML** added as the property owner that the site is a very difficult corner and though he wished the wall didn't go in, he doesn't want to impact the area.

CL motioned to approve the certificate of compliance for 552 North End Blvd.

MC seconded.

Vote: **MW**-yes, **MC**-yes, **JW**-yes, **CL**-yes.

4-0-0. Motion Carried.

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

AM provided a brief history of the project. The site visit with **CM** and **ML** was on July 13, 2023. Recommended issuance of the Certificate of Compliance.

CL motioned to issue the Certificate of Compliance for 70 Brissette Avenue.

MC seconded.

Vote: **MW**-yes, **ML**-yes, **CM**-yes, **MC**-yes, **JW**-yes, **CL**-yes.

6-0-0. Motion Carried.

F. COMMISSIONER COMMENTS:

G. ADJOURNMENT:

CL motioned to adjourn the July 19, 2023 Salisbury Conservation Commission Meeting at 7:46 PM.

MC seconded.

MW-yes, **ML**-yes, **CM**-yes, **MC**-yes, **JW**-yes, **CL**-yes.

6-0-0. Motion Carried.