

**Salisbury Conservation Commission**  
**Meeting Minutes**  
**February 21, 2024**  
**Colchester Auditorium, Town Hall**  
**5 Beach Road**  
**Salisbury, MA 01952**  
**Hybrid Meeting**  
**7:00 P.M.**

**COMMISSION MEMBERS PRESENT IN PERSON:** Chairman Jeffrey Ward (**JW**), Julie Doughman-Johnson (**JDJ**), Michael Lucas (**ML**), Mark Warcewicz (**MW**), Christine Maxim (**CM**), Michael Colburn (**MC**), Christopher Leahy (**CL**).

**COMMISSION MEMBERS PRESENT REMOTELY:**

**COMMISSION MEMBERS ABSENT:**

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

Chairman Jeffrey Ward (**JW**) opened the meeting at 7:09 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.     EMERGENCY CERTIFICATES:**

- |                       |                       |
|-----------------------|-----------------------|
| 1. 103 Atlantic Ave   | 5. 364 North End Blvd |
| 2. 522 North End Blvd | 6. 384 North End Blvd |
| 3. 172 North End Blvd | 7. 472 North End Blvd |
| 4. 218 North End Blvd | 8. 286 North End Blvd |

CL motioned to add 364 North End Blvd and 384 North End Blvd to the agenda.

**JDJ** seconded.

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

**6-1-0. Motion Carried.**

CL motioned to ratify the Emergency Certificates 1-8.

**JDJ** seconded.

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

**6-1-0. Motion Carried.**

**B.     MINUTES:**

1. **January 17, 2024.**
2. **February 7, 2024**

CL motioned to approve the minutes for January 17, 2024 and February 7, 2024.

**JDJ** seconded.

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

**7-0-0. Motion Carried.**

**C.     PUBLIC HEARINGS at 7:10pm:**

**1. NOI: John Berglund, Berglund Homes, 77 & 79 North End Blvd Lots 1,2,3.**

**CL** motioned to continue the Notice of Intent for 77 & 79 North End Blvd Lots 1,2 & 3 to the March 6, 2024 meeting at 7:00 PM.

**JDJ** seconded.

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

**7-0-0. Motion Carried.**

**2. NOI: Arthur J. Broadhurst, Pensco Trust Company, LLC, 1 & 3 Sixth Street. (2/7/24)**

**CL** motioned to hear 1 and 3 Sixth Street as one presentation.

**CM** seconded.

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

**7-0-0. Motion Carried.**

Matthew Steinel (**MS**) from Millennium Engineering on behalf of the applicant explains the latest revised plan and recalls the site visit where commissioners agreed to slide structure further Northeast to give distance to the wetland line. On the site walk it was demonstrated where to place the erosion control line. **CL** states he is concerned about stabilizing the construction site. **MS** does not want to cause damage to the vegetative state and suggests ply wood or a construction mat for heavy equipment use. **JDJ** asks if native grass or plantings have been recommended around the perimeter of the riverfront to better stabilize the bank. **JW** asks about the increase of impact on one of the lots and suggests adding the plantings to bring that increase down to 0. **MS** states that the impact to Lot one is at a 39 percent increase and will discuss plantings with the applicant. **JDJ** would like to see the Mean High-Water Line on the plan. Commissioners discuss planting locations on the plan. **CL** asks about the Knot Weed being an invasive species, if that is pulled out and shrubs planted would the knot weed possibly take over again. **AM** suggests a planting management plan to be conditioned and explains that the Knot Weed will only help in the erosion furthermore.

**CL** motioned to continue the Notice of Intent for Arthur J. Broadhurst, Pensco Trust Company, LLC, 1 Sixth Street and 3 Sixth Street to the March 6, 2024 meeting at 7:00 PM.

**MC** seconded.

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

**7-0-0. Motion Carried.**

**3. Stormwater Bylaw: Article 12 Chapter 78, Rules and Regulations.**

**JW** states that at the May 15, 2023 Town Meeting the Town passed a Stormwater Bylaw and we have a series of regulations before us that we need to issue to supplement the Bylaw and the enforcement. It was presented at the last meeting and we wanted to have time to read and get feedback. **MC** states he will abstain due to his seat on the Board of Selectmen. **CL** states he thinks the regulations are reasonable. **JW** mentions that there has been some concern from the representatives that some projects would have to have a stormwater proposal where it might now be perceivable. **AM** reads a section of the bylaw that clarifies that concern. Under purpose, to diminish impacts, does mitigate work better. **AM** will look into changing the language. **AM** comments on the administration portion of the regulations and asks about the language to address design criteria and waiving to the extent practical. **JW** agrees. Matthew Steinel (**MS**) from Millennium Engineering discusses his opinion on how certain projects should be exempt and how this is applied to developed lots. **AM** suggests that being the criteria for exemption. **JW** states they use a 10 percent exemption for the riverfront area and suggests the same. **MS** says that would be a good option. **JW** says this portion might fit better under design criteria. **AM** will do the framework for presenting this at our next meeting. **JW** comments that section 3-B, designated agent

functions, there is nothing that gives you the power to collect fees. **AM** states that the enforcement portion is in the bylaw and review fees are submitted as part of the application process. **CL** under section I, I suggest other administrative tasks including issuance and collection of fees and permit application. **JW** agrees. **AM** has comments on section five where we require signatures of all owners and would like that language changed. Do we want to allow electronic signatures? **CL** suggests authorized signatory. **AM** states she will look into accepting electronic signatures. **JW** comments on wanting to make the process as easy as possible. **AM** under section B, she would like added that legal notice is the applicant's responsibility to pay. **CL** asks about the schedule fee review and being able to use card payment. **AM** can try to get that online through citizen serve. **CL** speaks on the land surveyor stamp being unnecessary sometimes and needing that language changed to include and/or a registered land surveyor. **CL** speaks about having a portion on the plans like title 5, if the application is requesting relief from the bylaw that it should be stated on the plan. **JW** has a question under design criteria and section 9: A-1, to follow the most recent revision of the atlas standard for rainfall. **AM** states that the fee schedule is on the Board of Selectman meeting and would like to get that looked at if the commission sees fit. **JW** talks about the Planning Director, Lisa Pearson's letter of recommendation for a fee schedule and reads the fees.

**CL** motioned to approve the fee schedule and to recommend to the Board of Selectman for their approval.

**JDJ** seconded.

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

**6-1-0. Motion Carried.**

**CL** motioned continue the Stormwater Bylaw: Article 12 Chapter 78, Rules and Regulations discussion to our next scheduled meeting March 6, 2024 at 7:10 PM.

**JDJ** seconded.

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

**6-1-0. Motion Carried.**

#### **D. NEW BUSINESS:**

##### **1. Enforcement Order, 42 Commonwealth Ave.**

**JW** states they received the existing conditions as well as supportive photographs. **AM** comments that work was initially stopped by the Building Inspector but they have also violated the Order of Conditions for non-compliance and the Commissioners would need to ratify the Enforcement. **CL** states he would like the Commission to resend the approval for the Order of Conditions for the original Notice of Intent that was approved. **JW** states they should start with ratifying the Enforcement Order and then look into what is required for the resending of the Order of Conditions. **MC** also recommends getting the health department involved.

**CL** motioned to ratify the Enforcement Order for 42 Commonwealth Ave.

**JDJ** seconded.

**Roll Call Vote:** MW-yes, ML-Abstained, CM-yes, MC-yes, CL-yes, JDJ-yes, JW-yes.

**6-1-0. Motion Carried.**

##### **2. Enforcement Order, 105 Forest Road.**

**AM** pulls up the photographs for this property and states that this was a work without permit. Demolition of the trailer and clean up of the piles. It is the quickest way to get this cleaned up. **MC** suggests raked up

and hydroseeded immediately for stabilization. **JDJ** suggest a certified restoration plan by a professional. **CM** comments on the possible contaminants.

**MC** motioned to amend the Enforcement Order to 105 Forest Road to include site cleanup upon approval of agent and the site be stabilized and hydroseeded to the destabilized area.

**JDJ** seconded.

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

**7-0-0. Motion Carried.**

**MC** motioned to ratify the Enforcement Order for 105 Forest Road.

**JDJ** seconded.

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

**7-0-0. Motion Carried.**

**E. ENFORCEMENT ORDERS:**

**HOLD, PENDING UPDATE:**

1. 20 Cable Ave  
**AM** updates the commission that they have finished removing the boarding from underneath the structure and anticipates lifting the enforcement order soon.
2. 103 Lafayette Rd.
3. 35 Liberty Street  
**AM** updates the commissioners that the property owner has been out of the country but has been in contact with her and plans to attend the March 6 meeting.
4. 546 North End Blvd.
5. 249 North End Blvd.
6. 2A, 12<sup>th</sup> St. W.
7. 14 Old County Rd.
8. 100 Main St
9. 10<sup>th</sup> St. W.
10. 36 Pike St.
11. 2 Baker Rd.
12. 565 North End Blvd.
13. 30 Main St.
14. 211 North End Blvd.
15. 16 Hayes St.
16. 11 Railroad Ave.
17. 95 Railroad Ave.

18. **ACTIVE, PENDING COMPLETION:**

19. 27 12<sup>th</sup> St. W.
20. 10 Ferry Lots Lane
21. 253 No End Blvd.
22. **COMPLETE, PENDING APPROVAL:**
23. 29 Lafayette Rd.
24. 6 Sycamore Ln.
25. 16 Commonwealth Ave.
26. 139 Elm St.
27. 4 Main St.

**F. AGENT & COMMISSIONER COMMENTS:**

**AM** updates that the beach nourishment emergency certificates are continuing to progress through access 7 and Department of Conservation and Recreation is doing nourishment as well through access 11. **ML** asks the agent what the status of the beach access ways. **AM** states that beach access way 8 is repaired and re-opened, 9 and 10 walkways will be filled and graded, 11 will be sloped and have Moby Mats. **JW** comments that the newspaper had an article about the Conservation Agent and staff and wanted to make sure it didn't go unnoticed. **AM** thanks a lot of the supports that all worked together to get this done as quickly for homeowners as possible.

**G. ADJOURNMENT:**

**CL** motioned to adjourn the February 21, 2024 Salisbury Conservation Commission meeting at 9:15 PM.

**JDJ** seconded.

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

**7-0-0. Motion Carried.**