



**Salisbury Conservation Commission
Meeting Minutes
March 2, 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: Chairwoman Sheila Albertelli (SA), Julie Doughman-Johnson (JDJ), Jane Purinton (JKP)

COMMISSION MEMBERS ABSENT:

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

Chairwoman Sheila Albertelli opened the meeting at 7:11 pm under the Wetlands Protection Act & Open Meeting Law and informed the public that the meeting was being recorded and being held remotely.

A. EMERGENCY CERTIFICATES:

- 1. Off Beach Center, Broadway –** Emergency certificate for removal of remnant pilings.

JDJ motioned to ratify the Emergency Certificate for Off Beach Center, Broadway.
MC seconded.

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

Vote: 6-0-0. Unanimous. Motion carried

- 2. 30, 38, 40 Central Avenue –** Emergency certificate for cleanup of fire debris from the January 17th fire. **JKP** asks about special conditions. **AM** replied when you ratify you are approving special conditions.

JDJ motioned to ratify the Emergency Certificate for 30, 38, 40 Central Ave.
MC seconded.

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

Vote: 6-0-0. Unanimous. Motion carried.

B. 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**
- 11. February 16, 2022**

JDJ motioned to approve the minutes for October 6, 2021.
MC seconded.

Roll Call Vote: SA-yes, JDJ-yes, JKP-yes, MC-yes, JW-yes, CL-Abstained
Vote: 5-0-1. Motion carried.

JDJ Motioned to continue the remaining minutes October 20, 2021- February 16,2022 until our next meeting March 16, 2022 at 7:10 PM.

JW seconded.

Roll Call Vote: SA-yes, JDJ-yes, JKP-yes, MC-yes, JW-yes, CL-yes
Vote: 6-0-0. Unanimous. Motion carried.

A. PUBLIC HEARINGS at 7:10pm:

1. NOI: Town of Salisbury, Planning Director, Lisa Pearson, Forest Road & Gerrish Road (3/2/22)-

SA noted DEP # has not been issued. **TJ** Melvin (**TJ**) from Millennium Engineering representing the applicant. Presented 5' wide concrete sidewalk, just north of Small Pox on Forest Rd., then turn west on Gerrish to Seabrook Road. Reviewed buffer zone locations. **SA** asked if the majority of project is within the existing roadway? **TJ** confirmed. **CL** asked about text in application that state there is no significant adverse impacts, not related to single family dwelling. Has the project met stormwater performance standards? **SA** asked if the improvement of public roadway is within existing roadway, if so it's exempt. **AM** clarified the regulations and stated it looked to be a cut and paste error. **SA** asked if there are any changes to the outfall? **TJ** responded no.

CL motioned to continue the Notice of Intent for Town of Salisbury Planning Director, Lisa Pearson, Forest Rd & Gerrish Rd. until March 16, 2022 at 7:10 PM.

JDJ seconded.

Roll Call Vote: SA-yes, JDJ-yes, JKP-yes, MC-yes, JW-yes, CL-yes
Vote: 6-0-0. Unanimous. Motion carried.

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

TJ Melvin (**TJ**) from Millennium Engineering presented. Reviewed changes since last meeting. Wetland's have been flagged. Only major change is that the outlet has been rerouted, the swale on Meaders Lane extension. They will be addressing Commissioner Leahy's comments about the extended duration of the project and its effect on erosion controls. **MC** asked what is the plan if discontinuing the existing pipe and structure; will it be removed or dead ended? **TJ** dead ended and left in place. **CL** asked how old is Meaders Lane? Is it hot mix asphalt, or is it the old stuff? **MC** replied closer to mix. **JKP** added in it was built in the 70's.

JDJ 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 16, 2022 at 7:10 PM.

CL seconded.

Roll Call Vote: SA-yes, JDJ-yes, JKP-yes, MC-yes, JW-yes, CL-yes
Vote: 6-0-0. Unanimous. Motion carried.

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

Chris York (CY) and **Matt Steinel (MS)** of Millennium represented the project. The applicant was also present. **CY** reviewed site visit, few revisions to wetland line and Rimmer Environmental Consulting's comments, which addressed concerns with proximity to wetland. **MC** asked if the planning board's comments about putting up fence would be on these plans? **MC** stated the removal of snow concerned him, it will go into wetlands. **CY** replied any excess will be trucked off site but small storms should be ok. **MC** stated homeowner's association don't always want to pay for that, so it doesn't always happen. **Tom Patenaude (TP)**

added its a through road, it will be like going through any other subdivision, snow will be pushed along sides, just like any other street. Harder with dead end. **MC** asked what about exiting onto main road? **CL** they'll push it into the main road. **JKP** part of special conditions, it could be written into condo docks. **SA** and it should be put into the conditions and condo documents. **MC** suggested maybe make area by Old County Road a "no build" area and snow can go there. **CL** wants to see soil stockpile areas to be added to the plan. **JDJ** asked why the buildings are not on piles? **TP** replied they are putting piles in, but the slabs will be on top to minimize excavation. **JDJ** stated it floods frequently, why not elevate? **TP** replied it is not required they installed flood vents **JDJ** was not comfortable with the flooding possibilities. **JKP** asked if they had given thoughts to changing concrete to pea stone? **TP** asked what about stone from garage to street and slabs inside above flood elevation. **CL** asked in regards to the drainage that tie's into Beach Road, how did you determined pipe can handle it? **CY** replied the approval from DOT. **SA** called on abutter's – Cheryl Deandrea, Old County Road. She sent letter regarding her concerns, house not being elevated. In the flood zone you can fill or put on piles. Planning assured they'd forward our flood management concerns to Commission. Comments on FEMA and flood insurance. Old County Road serves as emergency access when Beach Road floods, worried about effect on that access. **AM** comments regarding the peer review process and the CRS program. Abutter disagrees? Slab actually counts. **MS** commented on FEMA requirements.

CL motioned to continue the Notice of Intent for Tom Patenaude, 207 Beach Road, lots 249-258. To March 16, 2022 at 7:10 PM.

MC seconded.

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

Vote: 6-0-0. Unanimous. Motion carried.

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

Chris York (**CY**) from Millennium representing. In Rimmer Environmental Consulting's comments, the main concern was the lot 259 deck being close to wetland. They revised the deck. It now comes down the side of the structure instead of the back. In process of storm water review.

CL motioned to continue the Notice of Intent for Tom Patenaude, 207 Beach Road, lot 259. to March 16, 2022 at 7:10 PM.

MC seconded.

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

Vote: 6-0-0. Unanimous. Motion carried.

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

Chris York (**CY**) from Millennium representing. We reviewed Rimmer Environmental Consulting's comments, the deck is now 18ft from the wetlands with a Pea stone driveway.

CL motioned to continue the Notice of Intent for Tom Patenaude, 207 Beach Road, lot 260. to March 16, 2022 at 7:10 PM.

MC seconded.

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

Vote: 6-0-0. Unanimous. Motion carried.

6. 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 16, 2022 at 7:10 PM.

CL seconded.

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

Vote: 6-0-0. Unanimous. Motion carried.

7. 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 16, 2022 at 7:10 PM.

CL seconded.

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

Vote: 6-0-0. Unanimous. Motion carried.

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

JKP motioned to continue the Notice of Intent for Henry A. Richard, Jr., 247-249 North End Blvd. to March 16, 2022 at 7:10 PM.

JW seconded.

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

Vote: 5-1-0. Motion carried.

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

JKP motioned to continue the Notice of Intent for New Cingular Wireless PCS LLC, 91 North End Blvd. to March 16, 2022 at 7:10 PM.

JW seconded.

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

Vote: 6-0-0. Unanimous. Motion carried.

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

SA stated DEP # has been issued. Reviewed DEP comments. Applicant Daniel Moynihan (**DM**) represented self. Submitted new narrative and drawing based on site visit. Removing about 36 linear feet of concrete/cinder block that wraps around shed. Repair and strengthen small section of wall. Will keep means of egress for the first floor. **JDJ** comments on site visit. **JKP** asked have we heard from them since last updates? **SA** clarified we may not hear from them. **DM** stated they keep the wall keep wall parallel to Libby Ave, the wall will step down at the corner of the house to mimic slope.

JKP motioned to approve the Notice of Intent for Daniel Moynihan, 69 Railroad Ave. with standard order of conditions, and including the project narrative and technical drawing.

JDJ seconded.

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

Vote: 6-0-0. Unanimous. Motion carried.

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

Matt Steinel (MS) from Millennium represented the applicant. Addressed concerns raised at last meeting. The shed was moved off swale area, the other shed will be removed and relocated further from wetland. A post and rail fence is shown between rain gardens and behind the other house. Plantings were added behind the rain garden.

JKP motioned to approve the Notice of Intent for Benjamin Legare, Downeast Building and Development, 2 Gravel Way. with standard order of conditions and drafted special conditions.

JDJ seconded.

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

Vote: 6-0-0. Unanimous. Motion carried.

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

Matt Steinel (**MS**) of Millennium Engineering represented the applicant. Site walk was conducted. No comments from DEP.

MC motioned to approve the Notice of Intent for Daniel Fitzgerald, 19 12th St. West with the standard order of condition.

CL seconded.

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

Vote: 6-0-0. Unanimous. Motion carried.

13. NOI: Jamil Jouraij, Salisbury Petroleum and Auto Repairs, Inc., 156 Bridge Road (3/2/22)

Chris York (**CY**) of Millennium Engineering and Patrick Seekamp (**PS**) of Seekamp Environmental representing the applicant. **CY** introduced the project, proposing to construct service garage with second floor apartment above. **PS** added the wetland area is solid phragmites showing a distinct wetland boundary. Discussed the proposed vegetated buffer to the wetland boundary. **JW** asked if there will be any fuel sales? **CY** stated no, there will be service repair, no hazardous materials, just inspection sticker's, etc. **JW** asked if there is a storage tank on site already? **CY** stated there will be an oil water separator. **JW** asked what are the provision for waste oil storage? **JW** asked about trenching on site for water main. Why they can't reuse existing utilities? **CY** responded new water will be installed reusing existing sewer. **JW** asked what will be under dumpster? **CY** replied concrete with fencing around perimeter. **JKP** requested a site visit. **CL** drew attentions to the street light in the middle of snow storage area but he doesn't see a conduit and asked it to be added to the plan. **JW** pointed out the flood zone is base flood elevation of about 9 but the lowest elevation for the building is between 6.5-7+, top of foundation 7.1; isn't that in flood elevation? **CY** responded yes, the structure will need flood vents, etc. **CL** would like flood vent details on the plans. **JKP** asked when Bridge Road will be repaved. **CL** estimated 2 years.

CL motioned to continue the Notice of Intent for Jamil Jouraij, Salisbury Petroleum and Auto Repairs, Inc., 156 Bridge Road to March 16, 2022 at 7:10 PM and in the interim a site visit.

JW seconded.

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

Vote: 6-0-0. Unanimous. Motion carried.

14. Amended NOI: Mark Feigenbaum, 35 Commonwealth Ave. (3/2/22)

Tom Hughes (**TH**) of Hughes Environmental represented the applicant. The commission found the changes to be significant enough to require an amended NOI. Stated the proposed chair lift is not practical for beach use. The outdoor model is not designed for salt air and not compliant with FEMA regulations. The mechanics end up in the flood zone. Proposing to install a FEMA compliant elevator. **JDJ** asked if the elevator shaft is enclosed? Architech Scott Brown responded yes. Discussion regarding utility shaft sizes allowed.

CL motioned to approve the Amended Notice of Intent for Mark Feigenbaum, 35 Commonwealth Ave with standard and special conditions as well as special drafted conditions.

MC seconded.

Roll Call Vote: SA=yes, JDJ=no, JKP=yes, MC=yes, JW=yes, CL=yes

Vote: 5-0-1. Motion carried.

15. NOI: Seacoast Canine, 156 Lafayette Road (3/2/22)

SA stated the DEP number has not been issued. This project will be going to Planning on March 23, 2023. Jacob Murray (JM) represented the applicant Jenny Ford (JF), and her attorney was also present. JM reviewed the existing site conditions and proposed plans for training facility. The existing fence will remain as a wetland boundary. The existing septic will remain until sewer installation is completed on Lafayette Rd. Then abandon according to title 5 regulations. JKP asked if the wetlands have been flagged? JM stated the abutter granted permission and they were flagged and refreshed in September. JKP requested a site visit. JDJ asked how many dogs will be on site? JF replied typically, animal control gives limit based on sq. footage and soon to be determined. JDJ asked about dog waste management? JF replied they use G-Mello in other location. JDJ asked if all spaces enclosed with walls and roof? JM responded there is fencing around the crushed stone area and a roof over an area for weather protection. MC asked regarding dog waste, will the dumpster be just on a flat pad? JM responded yes. MC asks if it leaks, you're close to wetlands? Could edging or something be added so it doesn't leak into wetlands. JM replied they haven't seen a leaking situation. CL suggested to maybe relocate the dumpster pad away from wetland? JM replied that it is an ideal location for pick up. JW asked if dog waste will be bagged before entering the dumpster? JF replied each individual will have a bucket with a bag. JW added that would help prevent dumpster waste entering storm water. JKP requested peer review of stormwater.

CL motioned to continue the Notice of Intent for Seacoast Canine, 156 Lafayette Road to March 16, 2022 at 7:10 PM. In the interim, drainage will go for peer review, and the commission will do a site visit.

JW seconded.

Roll Call Vote: SA=yes, JDJ=yes, JKP=yes, MC=yes, JW=yes, CL=yes

Vote: 6-0-0. Unanimous. Motion carried.

B. NEW BUSINESS

1. Request for Certificate of Compliance, 115-121 Bridge Road

JKP motioned to grant the Certificate of Compliance for 115-121 Bridge Road.

JDJ seconded.

Roll Call Vote: SA=yes, JDJ=yes, JKP=yes, MC=yes, JW=yes, CL=yes

Vote: 6-0-0. Unanimous. Motion carried.

C. OLD BUSINESS

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

Matt Steinel (MS) of Millennium Engineering represented the applicant. MS reviewed the previously discussed plans where the commission requested clarification on the drainage pipe and location of the foundation drain. That information has been added to the utility plan.

JKP motioned to grant the Certificate of Compliance for 17 Forest Road, Lot 3.

CL seconded.

Roll Call Vote: SA=yes, JDJ=yes, JKP=yes, MC=yes, JW=yes, CL=yes

Vote: 6-0-0. Unanimous. Motion carried.

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

Matt Steinel (MS) of Millennium Engineering represented the applicant. Plans have been updated as described for 17 Forest Road lot 3.

JW motioned to grant the Certificate of Compliance for 19 Forest Road, Lot 4.

CL seconded.

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

Vote: 6-0-0. Unanimous. Motion carried.

D. 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

E. COMMISSIONER COMMENTS:

MC requested commission members or any citizen could provide him with a list of comments for master plan committee, he would like to represent. **SA** requested they send out a copy to everyone.

F. ADJOURNMENT:

JDJ motioned to adjourn the March 2, 2022 Salisbury Conservation Commission Meeting at 10:26 PM.

JKP seconded.

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

Vote: 6-0-0. Unanimous. Motion carried.