



**Salisbury Conservation Commission
Meeting Minutes
April 6, 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 7:10 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 CERTIFICATE

1. 30, 38, 40 Central Ave.

SA stated the emergency certificate is for cleanup work from the January fire. Work includes bringing in beach compatible sand to fill in holes left from the structural removal.

JKP 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. **November 17, 2021**
2. **December 1, 2021**
3. **December 15, 2021**
4. **January 5, 2022**
5. **January 19, 2022**
6. **January 21, 2022**
7. **February 2, 2022**
8. **February 16, 2022**

JDJ motioned to approve the minutes for November 17, 2021

MC seconded.

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

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

JDJ motioned to continue the remaining minutes, December 17, 2021 through March 16, 2022, until April 20, 2022 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.

SA advised all of a lengthy agenda and requested presenters to keep presentations under 5 minutes. Questions should be specific and not repeated.

C. PUBLIC HEARINGS at 7:10pm:

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

Matthew Steinel (**MS**) of Millennium Engineering represented the project. Reviewed the revised language in application, it is not singly family and will need to meet stormwater standards. **CL** doesn't see how it meets the standards. **MS** stated it was a cut and paste error. He is looking through the narrative now to make the correction.

JDJ motioned to continue the Notice of Intent for Town of Salisbury Planning Director, Lisa Pearson, Forest Road & Gerrish Rd. until April 20, 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. Motion carried.

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

Chris York of Millennium Engineering (**CY**) reviewed the updates with the Commission. **CY** noted they have received a draft decision from the Agent

Cheryl Papandrea (**CP**), 41 Old County, asked what took place with encroachment review to determine flooding affects? Was an encroachment review done? Whose purview is it? **AM** replied project review was being conducted through the town's engineer, and the town's wetland scientist as well as town departments, not aware of encroachment review under our purview. Planning Dept. has purview for public safety, etc. **CP** thought it would be under con-com purview. Flooding concerns for surrounding areas. **MS** addressed the land subject to coastal storm flowage regulations and how the amount of displaced water has immeasurable effect on surrounding properties. The site is not a floodway, it's a floodplain, so encroachment review not a thing. Proper process is to be reviewed under WPA. **CP** replied it won't be displaced? Where is the water going to go? **MS** discussed calculations illustrating the effect of the development is immeasurable in an open system. **CP** stated it better not have increased flooding on Old County. **SA** asked if the project meets FEMA regulations? **AM** confirmed. **JKP** has the same reservations regarding flooding, understands math. Has another body substantiated that? **MS** replied the project conforms to WPA, meets floodplain requirements within WPA. The state anticipates there is no measurable effect. **SA** cannot say there will be no increase to flooding to Old County Rd in future, but it will not be due to this project. **SA** added Mary Rimmer has reviewed the proposed special conditions for the project. **JDJ** also had comments regarding flood control. Spoke with DPW, PD, FD, they all use Old County Rd. when Beach Rd. is flooded. It's the only way on or off the beach in a storm event. **SA** stated the Commissions purview is under flooding, not public safety. **CL** asked has the applicant had a chance to respond to Serwatka's comment letter? **CY** replied peat will not be excavated for driveways, driveways will be crushed stone. **CL** asked for the grading plan? **MC** had question about run off, are we redirecting water from property? **CY** replied we are not pushing water off property; the project is infiltrating roof top and roadway runoff. **MC** asked by filling, is any water getting redirected. **MS** replied it preventing water from marsh water on southern side from coming onto site. **MC** is struggling with the definition of redirecting water. **MS** replied we do have storm water policy with pre and post calculations to ensure no water

is being pushed off the site. **AM** added this water doesn't flow with velocity like some of the other flood zones but, rises, this project won't be increasing flow or the amount of water, but creating an island for water to move around. **MS** comments to **MC** about consistency. **CL** asked the applicant to address why runoff is being handled one way on the big project, another on the two smaller projects. Tom Patenaude (**TP**) stated the other two lots are previously developed and the grade was a little higher, the grade needs to blend into those lots. The larger project is being built up to address run off concerns and elevated due to comments from Planning etc.. **MC** asked for clarification, planning required it? **TP** replied it was suggested for safety, not required, to keep driveways and cars out of water. **CY** confirmed yes, it was strongly recommended. **TP** added all calculations come up with zero run off. If Old County does flood, it will be because of unprecedented high tides. **MC** stated the property acts as retention basin, lowest lying spot as of now. Filling it up will make water go to next lowest spot. **TP** stated it would still go to same height, it is tidal flooding. **CL** added some water that is stored there may not be stored there, shouldn't infringe on property owners' rights. **SA** added abutters concerns are valid. **CP** stated she disagrees with **MS** definition of floodway. **JKP** comments the documentation that she is talking about the commissioners have not received. I would like to read it and process it and am not ready to vote. **AM** sent the link for her review. **MS** stated the project was reviewed by the Town's peer reviewer's for compliance with stormwater and WPA compliance and it is in full compliance with WPA. The document submitted from the abutter has nothing to do with WPA. **TP** requested the commission come to a decision, will not agree to continuance. Reputable engineers have answered questions, these are all what ifs. **MC** thinks the abutter issues are under planning purview, and the building inspector, not the Conservation Commission. Tom Hughes explains flood way vs flood plain. None in our area, shows map.

CL motioned to approve the Notice of Intent for Tom Patenaude, 207 Beach Road, lots 249-258 with special conditions and standard.

JW seconded.

Roll Call Vote:

SA-yes, **JDJ**-no, **JKP**-yes, **MC**-yes, **JW**-yes, **CL**-yes

Vote: carries 5-1-0

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

Chris York (**CY**) of Millennium Engineering reviewed the updates with the Commission, duplex to north of previous address. Houses have been moved away from wetlands. Serwatka's comments have been addressed. Contours are correct despite Serwatka's comments. **MC** asked why this site is not filled like the previous? **CY** responded they would need to move houses back to wetland to make driveway traversable. **MS** added they are not redirecting water, conforms with WPA. **SA** asked what the distance between abutting development and slopes are. **MS** explained the decks out back and the area that will absorb the water.

JKP motioned to approve the Notice of Intent for Tom Patenaude, 207 Beach Road, lot 259. April 20, 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.

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

Chris York of Millennium Engineering represented the applicant.

JW motioned to approve the Notice of Intent for Tom Patenaude, 207 Beach Road, lot 260. With the standard special conditions.

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

Tom Hughes of Hughes Environmental (TH) represented the applicant. Reviewed the changes to the project which included downsizing the project to a 3 unit building, and maintaining the existing single family. Reviewed existing site conditions. No longer subject to stormwater with 3 unit, still providing rain garden. JKP asked if a second egress was added? TH responded the project would have had to comply with building code. The project qualifies for single means, but will come back if needed. MC asked if the project was being reviewed in front of the Planning Board? TH replied it doesn't have to due to its smaller size, it's now under the limit for units. JKP stated looking at plan, the decks are still there? Ben Legare (BL) stated they are more like sun room, no longer a deck on pilings. JW asked the side elevation to show utility meters? BL replied they do not know meter location yet, probably right side, by utility chase or stairs. JW advised it to be installed above base flood elevation. BL agreed. JW asked if parking under the structure? TH responded each unit has a bay underneath. JW asked if under the structure would be gravel? TH replied yes, the gravel drive extends under the structure. JW asked what is planned for the shed on 32 Cable Ave. TH replied minor renovations to the structure, a larger deck, and a proposed shed on blocks. The shed could be anchored if needed. MC asked if DPW had questions regarding the pipes. JKP comments regarding snow storage. TH replied the plan has more room than previous plan. JDJ asked if each unit will have a 2x2 foot utility chase? TH confirmed yes, same size pipe.

CL motioned to approve the Notice of Intent for Damon Amato, Downeast Residential, LLC, 30 & 32 Cable Ave. to April 20, 2022 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.

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

JKP motioned to continue the Notice of Intent for Brian Thibaut, ZJBV Investment Realty, 191 Atlantic Ave. to April 20, 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.

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

JW motioned to continue the Notice of Intent for Henry A. Richard, Jr., 247-249 North End Blvd. to April 20, 2022 at 7:10 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.

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

JW motioned to continue the Notice of Intent for Seacoast Canine, 156 Lafayette Road to April 20, 2022 at 7:10 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.

9. NOI: Joseph Leone, 20 Friendenfels Road (3/16/22)

Tom Hughes (TH) of Hughes Environmental represented the project. They have received NHESP approval letter and further review from harbor master. Minor changes have been made to the plan based on comments. SA advised the letter just came in late today so it hasn't been reviewed yet. TH added the mooring blocks were changed, NHESP prefer helix anchors. Changes included temporary pipes, helix anchors, and habitat mooring blocks. Overall reduced impacts, conditions coming back with final layout. May be changes in army corps process. Still might be changed during process. Reviewed conditions requested by NHESP. JKP will review letter, received new design today. TH stated the changes are minimal. CL asked if extensions are typically granted for vibration pilings time of year restrictions? AM replied in certain circumstances. CL asked if it was likely here? AM conditionally yes.

JKP motioned to continue the Notice of Intent for Joseph Leone, 20 Friendenfels Road to April 20, 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.

10. NOI: Anthony Finocchiaro, 29 12th St (4/6/22)

Anthony Finocchiaro represented self. SA stated there is no DEP # issued due to an incorrect address. JKP requested a narrative. SA stated the Commission will need to continue but this will be put at top of agenda for the next meeting.

JKP motioned to continue the Notice of Intent for Anthony Finocchiaro, 29 12th St. to April 20, 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.

11. NOI: Grant Monahan & Jane Minasian, 442 North End Blvd. (4/6/22)

Ron Laffely (RL) of Fulcrum Architects represented the applicant. Reviewed the existing conditions, discussed flood zone. Vegetation will grow under building. Construction timing, intend to be done by next spring. Beach grass will be planted next spring. Mechanics will be on the roof. JW asked what are you using to fill foundation hole. RL responded a 200 screen? Or sand compatible with Salisbury Beach sand. JW asked what will be used for erosion control? RL replied they will be using jute mat. SA requested RL to elaborate on the retaining wall. RL stated it will stay. Taking it out will be large task, lots of erosion and disturbance to vegetation. Steel is 2 feet below grade, piles encapsulated to prevent rust. Bracing outside velocity, removing wall would damage both properties. JKP requested a site visit.

JKP motioned to continue the Notice of Intent for Grant Monahan & Jane Minasian, 442 North End Blvd. to April 20, 2022 at 7:10 PM. In the interim conduct a site visit.

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. AMEND NOI: Raymond & Donna Champagne, 552 North End Blvd. (4/6/22)

Matt Steinel (MS) of Millennium Engineering reviewed the previously approved plan. The new plan is a little bit smaller, driveway shifted towards center of lot. Landing 1.5 feet further back, pulled back from rear line.

Impacting more vegetation with driveway shift, planting, and leaving more vegetation, etc. Reviewed mitigation and replication ratio. **CL** asked why the change is required? **MS** replied it was first presented by owner, has sold twice since. The new owner has a new vision. **CL** asked about closing old and opening new for new owners. Discussed validity of keeping old applicant/owner on paperwork. **CL** commented they'll likely need an extension. **MS** recommended they close out and opened to get another 3-year window. They plan on starting immediately. **AM** added the order is recorded with the property, and changes ownership with the property.

CL motioned to approve the Amended Notice of Intent for Raymond & Donna Champagne, 552 North End Blvd.

JW seconded.

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

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

13. RDA: Robert Nicholas Landor, 8 Grover St (4/6/22)

AM discussed gravel pros and cons. Only on his property, not on easement. Reduction in overall driveway area due to sprawl and will infiltration an infiltration trench. **JW** asked if this is a singly family exemption to stormwater? **AM** confirmed if the Commission agrees it's a minor project. **CL** asked if there will be erosion control around the work area. **AM** replied it is up to commission, the project is short term. **MC** asked how far away from wetland? Will erosion control be needed? **AM** project duration is 1-2 days and with no rain, no erosion control would be needed. It is about 10 feet from the resource area. **CL** stated he would be comfortable with erosion control.

CL motioned to issue negative approve the Request for Determination of Applicability for Robert Nicholas Landor, 8 Grover St with erosion.

JW seconded.

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

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

D. NEW BUSINESS

1. Request for Certificate of Compliance, 30 Elm St.

SA noted that there are no asbuilts for the COC's. Contractor finished and didn't return with close out documents.

CL motions to discuss D. New Business #1-4 together.

JDJ seconded.

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

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

Dan Edwards (**DE**) and Steve Gayfer (**SG**), trustees of Colchester Commons Condominium Trust. No modifications have been made to grades, landscape, etc. Took measurements from foundation corners and utility poles, other landmarks. All measurements within inches of what was approved. Reviewed measurements. No disturb signage still there. **SA** commented there were adjustments due to flooding during construction. Has heard of continued flooding issues. **SG** added gutters were added to the units in response to those issues. **SA** stated gravel strips and grading change were requested too. **CL** stated they provided a well thought out presentation but he is uncomfortable waiving asbuilt requirement. Commission agreed.

CL motioned to table the Request for Certificate of Compliance, 30, 32, 34, 26 Elm St. until close documents can be provided.

JW seconded.

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

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

5. Master Plan Discussion

SA requests to table Master Plan Discussion until next meeting. JW asked is it time sensitive to discuss tonight? MC replied no, he just wants to make sure voices heard. Could just write down thoughts and send.

CL motioned to Continue the Master Plan Discussion until after enforcement orders.

JKP 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 -

Brent Byers (BB) would like to move forward with the restoration plan. SA stated driveway parking area extends back 50 feet? BB stated he believes it is 58'. The intent is to fit cars. CL asked is it residential or commercial parking? BB replied he bought with the neighbors to have parking in summer, might build in future. CL asked if there are any performance standards the site is not adhering to? JKP requested a site visit to determine measurements and car space. BB stated he met with AM on site last fall. CL suggested moving it back 15' and move the shed off the dune grass.

CL motioned to approve portion of restoration plan allows moving shed, site visit will be held to discuss parking for 53 Railroad Ave.

JKP seconded.

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

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

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. - Joe Orzel (**JO**) Environmental Scientist with Lucas Environmental, LLC represented the property owner. Offered update. Survival was poor - 20-25% survival overall, due to drought conditions. Proposing additional planting to increase to 80% of the proposed plan. Doing containerized plants as opposed to bare root. Invasive species management need. Japanese knotweed encroaching on the site. Erosion in sediment basin will be addressed with grading and stabilization. Suggests 1. growing season of monitoring before closing out. **JKP** looks great compared to how it started. **JW** asked are invasive species inhibiting growth of native planting. **JO** replied it is possible in portion of restoration area.

E. COMMISSIONER COMMENTS:

MC requested comments regarding changes to the master plan. Wants feedback. **JKP** noted support at community meetings for conservation commission, advocating for bylaws.

AM stress educating selves on sea level rise and realistic expectations. visit website conservation commission page, sea level rise viewers.

F. ADJOURNMENT:

JKP motioned to adjourn the April 6, 2022 Salisbury Conservation Commission Meeting at 11:40 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.

Meeting adjourned **11:40 PM.**