



**Salisbury Conservation Commission
Meeting Minutes
November 3, 2021
Colchester Auditorium, Town Hall
5 Beach Road
Salisbury, MA 01952
Virtual Meeting
7:00 P.M.**

COMMISSION MEMBERS PRESENT: Chairwoman Sheila Albertelli (SA), Jane Purinton (JKP), Michael Colburn (MC), Julie Doughman-Johnson (JDJ),

COMMISSION MEMBERS ABSENT: Daniel Richard (DR)

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

Chairwoman Sheila Albertelli opened the meeting at 7:12 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 CERTIFICATE:

1. **7 Florence Ave.**

SA stated the Emergency Certificate was for the demolition of the structure, at the request of the building inspector due to safety and code violations.

JDJ motioned to ratify the Emergency Certificate for 7 Florence Ave
MC seconded

Roll Call Vote: SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes
Vote: 4-0-0. Unanimous. Motion carried

B. MINUTES:

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

JKP motioned to approve the minutes for June 2, 2021
JDJ seconded

Roll Call Vote: SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes
Vote: 4-0-0. Unanimous. Motion carried

JKP motioned to continue the minutes for July 7, 2021; July 21, 2021; August 4, 2021; September 1, 2021; September 15, 2021; October 6, 2021; and October 20, 2021 until November 17, 2021.

MC seconded

Roll Call Vote: SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes
Vote: 4-0-0. Unanimous. Motion carried

C. PUBLIC HEARINGS at 7:10pm:

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

SA stated the applicant has requested a continuance to November 17, 2021.

MC motioned to continue the Notice of Intent for Patrick DiMartino, 14 Lewis Ave. to November 17, 2021.

JKP seconded

Roll Call Vote: SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes
Vote: 4-0-0. Unanimous. Motion carried

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

SA stated the applicant has requested a continuance to November 17, 2021

JDJ motioned to continue the Notice of Intent for Tom Patenaude, 207 Beach Road, lots 249-258. to November 17, 2021.

MC seconded

Roll Call Vote: SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes
Vote: 4-0-0. Unanimous. Motion carried

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

SA stated the applicant has requested a continuance to November 17, 2021

JDJ motioned to continue the Notice of Intent for Tom Patenaude, 207 Beach Road, lot 259. to November 17, 2021.

MC seconded

Roll Call Vote: SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes
Vote: 4-0-0. Unanimous. Motion carried

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

SA stated the applicant has requested a continuance to November 17, 2021

JDJ motioned to continue the Notice of Intent for Tom Patenaude, 207 Beach Road, lot 260. to November 17, 2021.

MC seconded

Roll Call Vote: SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes
Vote: 4-0-0. Unanimous. Motion carried

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

SA stated the applicant has requested a continuance to November 17, 2021

JDJ motioned to continue the Notice of Intent for Wayne Capolupo, 13 Beach Road, LLC, 13 North End Blvd. to November 17, 2021.

MC seconded

Roll Call Vote: SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes
Vote: 4-0-0. Unanimous. Motion carried

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

SA stated the applicant has requested a continuance to November 17, 2021

JDJ motioned to continue the Notice of Intent for Damon Amato, Downeast Residential, LLC, 30 & 32 Cable Ave. to November 17, 2021.

JKP seconded

Roll Call Vote: SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes
Vote: 4-0-0. Unanimous. Motion carried

7. RDA: Jared Thomas, 11 Old County Rd. (10/6/21) –

Applicant Jared Thomas (**JT**) was present. **JDJ** asked about clearing happening below the fence and advised that it's a resource area and should not be cleared **JT** replied he doesn't plan on any clearing behind the fence as the deck will be attached to house and he wasn't involved in the clearing. **JDJ** requested that the Agent contact the property owner. **JKP** asked the applicant to remind owners to not clear without permission.

JKP motioned to issue a Negative Determination for Jared Thomas, 11 Old County Road with the stipulation that there would be no more clearing

JDJ seconded

Roll Call Vote: SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes
Vote: 4-0-0. Unanimous. Motion carried

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

SA stated the applicant has requested a continuance to November 17, 2021

MC motioned to continue the Notice of Intent for Brian Thibaut, ZJBV Investment Realty, 191 Atlantic Ave. to November 17, 2021.

JDJ seconded

Roll Call Vote: SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes

Vote: 4-0-0. Unanimous. Motion carried

9. NOI: Michael Wolpert, H & M Industries, Inc, 40 Jak-Len Dr. (10/6/21

Applicant, Mike Wolpert (MW) was present. SA noted they received a letter from the DPW director with her own conditions. MW stated that he doesn't think moving the pole as request by DPW will cause an issue. He then reviewed changes including moving the perimeter drain and installing a post and rail fence. AM advised that Mike will need to address the DPW letter with DPW as it does not pertain to Conservation.

MC motioned to approve the Notice of Intent for Michael Wolpert, H & M Industries, 40 Jak-Len Drive, with the special conditions that he obtain necessary permits, and if anything changes due to other permitting processes, he will come back for approval.

JDJ seconded

Roll Call Vote: SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes

Vote: 4-0-0. Unanimous. Motion carried

D. NEW BUSINESS

1. Request for Extension, 22-24 First Street

Tom Hughes of Hughes Environmental (TH) explained that the project was for a tear down and rebuild. The new house is complete, but the dock is not yet complete, so they are looking for and extension. The will be coming to the Commission for a partial Certificate of Compliance for the house and landscaping only. They would like to extend the Order to December 3, 2024.

JKP motioned to grant the extension for 22-24 First Street until December 3, 2024.

MC seconded

Roll Call Vote: SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes

Vote: 4-0-0. Unanimous. Motion carried

JKP motioned to reconsider the Request for Extension for 22-24 First as the new expiration date was incorrectly noted.

JDJ seconded

Roll Call Vote: SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes

Vote: 4-0-0. Unanimous. Motion carried

JKP motioned to grant the extension for 22-24 First Street until August 3, 2023

JDJ seconded

Roll Call Vote: SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes

Vote: 4-0-0. Unanimous. Motion carried

2. Request for Extension, 4 Ocean Front No.

Tom Hughes of Hughes Environmental (**TH**) stated the Order was for ongoing maintenance under the building, and they want to extend it. The open Order has been useful for when there's an issue with a pile or erosion event. They are requesting a 3-year extension. **JDJ** advised that they should notify the Agent when work is being done.

JKP motioned to issue the extension for 4 Ocean Front No. until December 3, 2024
JDJ seconded

Roll Call Vote: SA – Yes; **JDJ** – Yes; **JKP** - Yes; **MC** – Yes
Vote: 4-0-0. Unanimous. Motion carried

3. Enforcement Order, 53 Railroad Ave

SA noted that the Enforcement Order was for placement of fill, disturbance of vegetation, and construction of an unpermitted structure within the coastal dune resource area.

JKP motioned to ratify the Enforcement Order for 53 Railroad Ave.
JDJ seconded

Roll Call Vote: SA – Yes; **JDJ** – Yes; **JKP** - Yes; **MC** – Yes
Vote: 4-0-0. Unanimous. Motion carried

Discussion: Property owner Brent Byers (**BB**) was present. **BB** stated he and the other owners bought the property at auction. He and the other owners also own abutting properties, and would like to use 53 Railroad as parking and to put up a shed. They didn't realize they were part of dune and had to go through Conservation. **AM** advised that any shed would have to meet dune performance standards. **SA** advised that with the addition of a structure and fill he would have to come before the Commission with a Notice of Intent and a compliant plan. **AM** noted where there was an existing gravel area, and that what was previously sand had gravel added. **JKP** asked what kind of gravel was added. **BB** replied it was pea stone. **JKP** asked about the existing vegetation. **AM** stated the vegetation area wasn't filled or altered, just cut, so the root systems still intact. **BB** noted that the seagrass is starting to grow back. The Commission reviewed a Google Street View photo from October 2019 showing the extent of the gravel. **JDJ** stated she'd be ok with clamshell, and suggested he come back with an NOI for that and putting the shed on piles. **BB** stated that the shed is on blocks, so there is a foot or two clearing underneath. **JDJ** advised that if a big storm hits, it could be damaged and should be on piles or something else permanent. **JKP** advised removing the structure and fill, getting the site back to original condition, then if he still wants the shed and a clamshell parking area, he will need to file a Notice of Intent. **BB** asked if the current gravel is compliant. **SA** replied it is not, but clam shell is compliant. **MC** suggested he hire a wetland scientist to get him into compliance. **AM** advised he should submit a plan by the next meeting.

E. OLD BUSINESS

1. Request for Certificate of Compliance, Town of Salisbury, Rail Trail Connector to NH

SA stated Commissioner Colburn needs to recuse himself due to his involvement in the project; however, without him, there is not a quorum of Commissioners for the vote. She recommended tabling the request until such a time as there are enough Commissioners so as to establish a quorum.

JDJ motioned to table the Request for Certificate of Compliance for Town of Salisbury, Rail Trail Connector to NH until there is a quorum of members present

JKP seconded

Roll Call Vote: SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes
Vote: 4-0-0. Unanimous. Motion carried

F. 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.** - JDJ asked for status. AM said she'd reach out to the property owner.
MC stated she was having trouble finding a contractor.
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

G. COMMISSIONER COMMENTS:

MC asked about the status of 17th St. AM replied it was going well, the property owner is pulling together a Notice of Intent for vegetation management going forward and will not proceed with any cutting or clearing until it is approved.

AM informed the Commission that she has received a letter of resignation from Commissioner Daniel Richards, stating he didn't have time in his schedule, and requesting that she pass his thanks on to the Commission. She then informed the public that there are openings on the Commission and to please contact Town Manager Neil Harrington if interested in being appointed.

H. ADJOURNMENT:

JDJ motioned to adjourn the November 3, 2021 Salisbury Conservation Commission Meeting at 8:15 PM

JKP seconded.

Roll Call Vote: SA – Yes; JDJ – Yes; JKP - Yes; MC – Yes

Vote: 4-0-0. Unanimous. Motion carried