



**Salisbury Conservation Commission  
Meeting Minutes  
January 19, 2022  
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**), Jeffrey Ward (**JW**), Christopher Leahy (**CL**)

**COMMISSION MEMBERS ABSENT:** Julie Doughman-Johnson (**JDJ**)

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

Chairwoman Sheila Albertelli opened the meeting at 7:08 pm under the Wetlands Protection Act & Open Meeting Law and informed the public that the meeting was being recorded and being held remotely.

The following public hearings will be continued to Friday 1/21/2022 at 7:10 PM:

- B. 4. NOI: Wayne Capolupo, 13 Beach Road, LLC, 13 North End Blvd. (8/4/21)
- B. 6. NOI: Brian Thibeaut, ZJBV Investment Realty Trust, 191 Atlantic Ave. (10/6/21)
- B. 8. NOI: Michael Terminiello, M.T.I. Properties, LLC, 26 Cushing St. (1/5/22)
- B. 9. NOI: Brendan Corcoran, 2 Baker Rd. (1/5/22)
- B. 10. NOI: McKenzie Johnston, 75 Ferry Rd. (1/5/22)
- B. 11. NOI: Henry A. Richard, Jr., 247-249 North End Blvd. (1/5/22)
- C. 3. Request for Certificate of Compliance, 15 Forest Rd, Lot 2A (formerly lot 2)
- C. 4. Request for Certificate of Compliance, 17 Forest Road, Lot 3
- C. 5. Request for Certificate of Compliance, 19 Forest Road, Lot 4
- C. 7. Discussion on Meeting Format

**A. MINUTES:**

- 1. **September 1, 2021**
- 2. **September 15, 2021**

**JKP** motioned to approve the minutes for September 1, 2021 & September 15, 2022.

**MC** seconded.

**Roll Call Vote:** SA-yes; JKP-yes; MC-yes; JW-yes; CL-yes

**Vote: 5-0-0. Unanimous. Motion carried**

- 3. **October 6, 2021**
- 4. **October 20, 2021**
- 5. **December 1, 2021**
- 6. **December 15, 2021**
- 7. **January 5, 2022**

**JKP** motioned to continue the minutes for October 6, 2022 – January 5, 2022.

**MC** seconded.

**Roll Call Vote:** SA-yes; JKP-yes; MC-yes; JW-yes; CL-yes

**Vote: 5-0-0. Unanimous. Motion carried**

**B. PUBLIC HEARINGS at 7:10pm:**

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

Chris York (CY) of Millennium Engineering represented the applicant. SA advised of quorum issues and that it might be a good idea to re-notice, then all members would be able to vote. Mr. Patenaude and CY discussed and agreed to re-notice.

**JKP** motioned to continue the Notice of Intent for Tom Patenaude, 207 Beach Road, lots 249-258. until February 2, 2022 at 7:10pm. In the interim the applicant will re-notice abutters, place a legal ad, and reopen the public hearing.

**MC** seconded.

**Roll Call Vote: SA=yes; JKP=yes; MC=yes; JW=yes; CL=yes**

**Vote: 5-0-0. Unanimous. Motion carried**

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

**JKP** motioned to continue the Notice of Intent for Tom Patenaude, 207 Beach Road, lot 259. to February 2, 2022 at 7:10pm. In the interim the applicant will re-notice abutters, place a legal ad, and reopen the public hearing.

**MC** seconded.

**Roll Call Vote: SA=yes; JKP=yes; MC=yes; JW=yes; CL=yes**

**Vote: 5-0-0. Unanimous. Motion carried.**

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

**JKP** motioned to continue the Notice of Intent for Tom Patenaude, 207 Beach Road, lot 260. to February 2, 2022 at 7:10pm. In the interim the applicant will re-notice abutters, place a legal ad, and reopen the public hearing.

**MC** seconded.

**Roll Call Vote: SA=yes; JKP=yes; MC=yes; JW=yes; CL=yes**

**Vote: 5-0-0. Unanimous. Motion carried.**

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

**JKP** motioned to continue the Notice of Intent for Damon Amato, Downeast Residential, LLC, 30 & 32 Cable Ave. to February 2, 2022 at 7:10pm.

**MC** seconded.

**Roll Call Vote: SA=yes; JKP=yes; MC=yes; JW=yes; CL=yes**

**Vote: 5-0-0. Unanimous. Motion carried.**

**7. NOI: Todd Fitzgerald, Father & Son Construction, 40 Brissette Ave. (10/20/21)**

**MC** motioned to continue the Notice of Intent for Todd Fitzgerald, Father & Son Construction, 40 Brissette Ave. to February 2, 2022 at 7:10pm.

**JW** seconded.

**Roll Call Vote: SA=yes; JKP=yes; MC=yes; JW=yes; CL=yes**

**Vote: 5-0-0. Unanimous. Motion carried.**

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

**MC** motioned to continue the Notice of Intent for New Cingular Wireless PCS LLC, 91 North End Blvd. to January 19, 2022 at 7:10pm.

**JW** seconded.

**Roll Call Vote: SA-yes; JKP-yes; MC-yes; JW-yes; CL-yes**

**Vote: 5-0-0. Unanimous. Motion carried.**

**13. NOI: Steven Paquette, 6 Forest Road, LLC, 6, 10, & 18 Forest Rd. (1/19/22)**

Tom Hughes (**TH**) of Hughes Environmental Consulting represented and the applicant Steve Paquette (**SP**) was present. **SP** reviewed the 40B project designed to be affordable and walkable to town open space and square. Has been reduced from 76 units to 56 units though Zoning Board of Appeals review but don't plan to reduce further due to viability of project. Has had peer review and traffic studies and has received approval from reviewers. **TH** reviewed the proposed layout of the site takes which takes advantage of upland on the site. resource area map approved with ORAD. **TH** discusses wetland impacts and stormwater report.

**MC** asked about ongoing litigation. **TH** replied yes, the project has been appealed. **MC** would like to table the NOI until litigation is resolved so we don't waste time. **JKP** agreed, asked to walk whole property while there's no snow. **MC** issues with the grades, would like to see a smaller project. **TH** replied that is why peer review will be conducted. **CL** doesn't think it's appropriate to table to wait for litigation.

Attorney Elizabeth Pyle (**EP**), Hill Law, advises that tabling is not advisable. Would like alternatives analyses and different configuration that is smaller and pulled out of riverfront area. Currently, the plan extensive impacts.

Bill Eaton, 81 Rabbit Rd., asked if the Commission's review would look at impact to wildlife. **SA** confirmed it would in regards to endangered species habitat but not in regards to all wildlife.

Lynn Welch, 50 Lafayette Rd., asked if fees cover expenses to hire peer reviewers or if the tax payers cover the cost? **SA** replied the applicant pays out the cost of review out of their own pocket.

Steve Pivacek, 14 Forest - asks if the peer reviewer can accomplish anything while ground is frozen as opposed to when it is wet. **SA** peer reviewer will make that determination. S. Pivack expressed concern over how it will affect his wetland and well. Extended the invite to the commission to come see where his wetlands are.

Amanda Bidgood, 12 Forest Rd., has the same situation regarding wetlands as the other abutters who have spoken. Also invites the commission to their property for a site visit.

**EP** concerns about flooding impacts on abutting properties and would be happy to coordinate site access for their clients.

**TH** requests to continue to the 2nd meeting in Feb. to allow time for peer review.

George Mowbray, 3 Garafalo Dr., also extended the invitation to look at his wetlands.

**JKP** motioned to continue the Notice of Intent for 6 Forest Road. to February 16, 2022 at 7:10 PM, in the interim there will be a site visit with wetland scientist and town engineer. The wetland scientist shall review for impacts and compliance, engineer for stormwater management compliance and impacts.

**JKP** that abutters who wish to have site visit will.

**MC** seconded.

**Roll Call Vote: SA-yes; JKP-yes; MC-yes; JW-yes; CL-yes**

**Vote: 5-0-0. Unanimous. Motion carried**

**C. NEW BUSINESS**

**1. Request for Extension, 82 Lafayette**

Read status report Mark West (**MW**) represented. Explained with COVID they are regrouping but are planning on constructing additional structure. Have completed restoration and monitoring. Would like to take up enforcement order at this time.

**MC** Motion to take the Enforcement Order for 82 Lafayette Rd. out of order.

CL second.

**Roll Call Vote: SA-yes; JKP-yes; MC-yes; JW-yes; CL-yes**

**Vote: 5-0-0. Unanimous. Motion carried.**

**D. 22. Enforcement Order, 82 Lafayette:** MW reports have been submitted, everything restored and replicated and is functioning. JW asked if they were aware of the phragmites on the site, is there concern of it spreading. MW could remove and document removal, but they are prevalent in this area. SA not required as enforcement, so it would need to be discussed under extension.

**JKP** motions to lift Enforcement Order for 82 Lafayette Rd.

**MC** seconds.

**Roll Call Vote: SA-yes; JKP-yes; MC-yes; JW-yes; CL-yes**

**Vote: 5-0-0. Unanimous. Motion carried.**

Return to discussion on C1.Extension Request.

SA recommends adding phragmites management if wanted. JKP will second the second building be a storage unit? MW replied it is likely but they may explore other options. It is not designed yet.

**JKP** motion to approve extension for 3 years for 82 Lafayette Rd. and to include cutting and management of phragmites. MC adds agent (AM) should monitor cutting.

**JKP** restated her motion - to approve 3-year extension and to include management of phragmites, before cutting. MW will call Agent to seek approval.

**MC** seconded.

**Roll Call Vote: SA-yes; JKP-yes; MC-yes; JW-yes; CL-yes**

**Vote: 5-0-0. Unanimous. Motion carried**

## **2. Request for Extension, 41 Gardner**

**JKP** motion to approve 3-year extension for 41 Gardner St.

**JW** second.

**Roll Call Vote: SA-yes; JKP-yes; MC-yes; JW-yes; CL-yes**

**Vote: 5-0-0. Unanimous. Motion carried.**

## **6. Request for Certificate of Compliance, 81 Railroad Ave-**

Bill Eaton (BE) represented self.

MC stated everything looks good and recommends issuance. Does not want BE to lose his sale. SA stated the open order came up during title search. AM clarified the enforcement order has been lifted but the Order of Conditions has not been closed out.

**JW** motion to issue a Certificate of Compliance for 81 Railroad Ave.

**MC** seconded.

**Roll Call Vote: SA-yes; JKP-yes; MC-yes; JW-yes; CL-yes**

**Vote: 5-0-0. Unanimous. Motion carried**

## **E. ENFORCEMENT ORDERS:**

### **HOLD, PENDING UPDATE:**

1. 100 Main St
2. 53 Railroad Ave
3. 14, 10<sup>th</sup> St. W.
4. 97 Atlantic Ave.
5. 114 Bridge Rd. –

Patrick Seekamp (PS) stated the Enforcement Order goes back to earlier this year. Chris York and David Cowie are also present. PS reviewed issue, which was illegal machine work. Developed restoration plan. PS discussed planting plan and mowing of phragmites 1-2 times a year. SA comments regarding the "as needed language. DC asks to be able to remove phragmites at discharge to prevent further issues. \*\*culvert mowing

CL motion to approve wetland restoration plan with 2 mows per year May 15-June 1 and Oct 15- Nov 1 to commence 2022 any additional coordinate with Agent (AM).

JKP second.

Roll Call Vote: SA-yes; JKP-yes; MC-yes; JW-yes; CL-yes

Vote: 5-0-0. Unanimous. Motion carried

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

**F. COMMISSIONER COMMENTS:**

MC commend Salisbury and surrounding Towns Fire and Police Departments after the recent tragic fires. Also, the Salisbury Senior Center and residents stepping up to assist afterwards. Very grateful.

**G. ADJOURNMENT:**

SA reminded all that as stated at the start of the meeting the following public hearings will not be discussed and will be continued to Friday 1/21/2022 at 7:10 PM in the Colchester Room at Town Hall:

- B. 4. NOI: Wayne Capolupo, 13 Beach Road, LLC, 13 North End Blvd. (8/4/21)
- B. 6. NOI: Brian Thibeaut, ZJBV Investment Realty Trust, 191 Atlantic Ave. (10/6/21)
- B. 8. NOI: Michael Terminiello, M.T.I. Properties, LLC, 26 Cushing St. (1/5/22)
- B. 9. NOI: Brendan Corcoran, 2 Baker Rd. (1/5/22)
- B. 10. NOI: McKenzie Johnston, 75 Ferry Rd. (1/5/22)
- B. 11. NOI: Henry A. Richard, Jr., 247-249 North End Blvd. (1/5/22)
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- C. 4. Request for Certificate of Compliance, 17 Forest Road, Lot 3
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- C. 7. Discussion on Meeting Format

At 9:47 PM **JKP** motioned to continue to January 21, 2022 Salisbury Conservation Commission Meeting to Friday January 21, 2022 at 7:10pm in the Colchester room in Town Hall.

**MC** seconded.

**Roll Call Vote: SA-yes; JKP-yes; MC-yes; JW-yes; CL-yes.**

**Vote: 5-0-0. Unanimous. Motion carried.**