



**Salisbury Conservation Commission
Meeting Minutes
October 20, 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 7:09 pm under the Wetlands Protection Act & Open Meeting Law and informed the public that the meeting was being recorded and being held remotely.

A. MINUTES:

1. May 19, 2021
2. June 2, 2021
3. July 7, 2021
4. July 21, 2021
5. August 4, 2021
6. September 1, 2021
7. September 15, 2021

JDJ motioned to approve the minutes for May 19, 2021
MC seconded

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

JDJ motioned to continue the minutes dated June 2, 2021; July 7, 2021; July 21, 2021; August 4, 2021; September 1, 2021; and September 15, 2021 until the next meeting, November 3, 2021.
MC seconded

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

B. PUBLIC HEARINGS at 7:10pm:

SA stated Matt Steinel of Millennium Engineering (MS) requested to take Public Hearing #8, AMD. NOI: Gary Jaffarian, 8 Poor Farm Rd. out of order

MC motioned to take Public Hearing #8, AMD. NOI: Gary Jaffarian, 8 Poor Farm Rd. out of order
JDJ seconded

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

8. AMD. NOI: Gary Jaffarian, 8 Poor Farm Rd. (10/6/21)- Millennium Eng. representing.

Matt Steinel of Millennium Engineering (**MS**) reviewed the last public hearing, which was continued for a site walk. The site walk was conducted earlier this week. **SA** noted they received a planting plan via email. Commissioners had no questions.

JKP motioned to approve the Amended Notice of Intent for Gary Jaffarian, 8 Poor Farm Road with the new proposed landscaping plan and the standard order of conditions
MC seconded

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

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

SA stated no DEP # has been issued, and the applicant has requested a continuance to November 3, 2021.

JDJ motioned to continue the Notice of Intent for Patrick DiMartino, 14 Lewis Ave. to November 3, 2021.
MC 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 3, 2021

JDJ motioned to continue the Notice of Intent for Tom Patenaude, 207 Beach Road, lots 249-258. to November 3, 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 3, 2021

JDJ motioned to continue the Notice of Intent for Tom Patenaude, 207 Beach Road, lot 259. to November 3, 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 3, 2021

JDJ motioned to continue the Notice of Intent for Tom Patenaude, 207 Beach Road, lot 260. to November 3, 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 3, 2021

MC motioned to continue the Notice of Intent for Wayne Capolupo, 13 Beach Road, LLC, 13 North End Blvd. to November 3, 2021.

JDJ 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 3, 2021

MC motioned to continue the Notice of Intent for Damon Amato, Downeast Residential, LLC, 30 & 32 Cable Ave. to November 3, 2021.

JDJ 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) –

SA noted there was a site visit the past week. The representative was not present for the hearing. JDJ stated she had questions regarding some clearing that occurred in the resource area. JKP and MC both stated they would prefer to continue.

JKP motioned to continue the Request for Determination for Jared Thomas, 11 Old County Road until November 3, 2021 7:10 pm

MC seconded

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

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

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

SA noted the representatives were given a long punch list at the last meeting. **JKP** asked if any updates were received. **AM** confirmed no updates had been received.

JDJ motioned to continue the Notice of Intent for Brian Thibaut, ZJBV Investment Realty, 191 Atlantic Ave. to November 3, 2021.

MC seconded

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

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

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

Applicant Mike Wolpert (**MW**) presented. **SA** stated there was a site visit this week. **MW** reviewed his responses to the comments from the previous meeting. Hay bales will be placed instead of wattles. Tree work will be limited and is shown on the plan. Trees to be removed will be marked prior to the preconstruction meeting. The perimeter drain will be moved back off of wetland flag A4 by at least 35 feet to keep it away from the wetland. **JKP** requested that all of the updates be in writing. **MW** replied he will get it done, he hasn't had a chance to update the plan yet. **JDJ** added she would like signage and a post and rail fence demarcating the wetlands noted on the plan. **MC** suggested a guardrail since the wetland is next to the driveway. **AM** suggested reusing the pile of rocks on the site somewhere.

JKP motioned to continue the Notice of Intent for Michael Wolpert, H & M Industries, 40 Jak-Len Drive, to November 3, 2021.

JDJ seconded

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

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

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

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

MC motioned to continue the Notice of Intent for Todd Fitzgerald, Father & Son Construction, 40 Brissette 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

C. NEW BUSINESS

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

SA informed the Commission that Commissioner Colburn will need to recuse himself, and because of that there will not be a quorum of members to vote.

JKP motioned to continue the Certificate of Compliance for Town of Salisbury, Rail Trail Connector to NH
JDJ seconded

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

2. Request for Certificate of Compliance, 113 Forest Rd. DEP# 065-0778

SA stated the Order was for a sanitary disposal system which was never installed. Maggie Brown of Essex County Greenbelt (**MB**) was present to discuss. She informed the Commission that the permit to perform the installation has expired. SA commented that it's an administrative request, and a Certificate can be issued stating the Order of Conditions is invalid as the work never commenced. **JKP** asked why the work never commenced. **MB** replied it was work that was permitted years ago, before Greenbelt acquired the properties. Now they are seeking to make the property Conservation land so it won't be developed.

JKP motioned to issue the Certificate of Compliance as invalid for 113 Forest Rd. DEP# 065-0778
JDJ seconded

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

3. Request for Certificate of Compliance, 113 Forest Rd. DEP# 065-0835

SA for stated the Order was for a subdivision plan that was never completed.

JKP motioned to issue the Certificate of Compliance as invalid for 113 Forest Rd. DEP# 065-0835
JDJ seconded

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

4. Request for Extension, 110 Elm St.

SA stated they are requesting a 3-year extension until July 22, 2025. Brian Knowles explained there are a few outstanding items left to complete that they'd like to work on while they work on 112 Elm Street.

JDJ motioned to issue the extension for 110 Elm Street until July 22, 2025.
MC seconded

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

Brian Knowles requested that the Commission take Old Business # 1, Request for Certificate of Compliance, 110 Elm Street out of order

JDJ motioned to take Old Business # 1, Request for Certificate of Compliance, 110 Elm Street out of order

MC seconded

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

1. Request for Certificate of Compliance, 110 Elm St

Brian Knowles stated they are requesting to withdraw their request for a Certificate of Compliance as they are extending the Order of Conditions.

JDJ Motioned to approve the withdrawal of the Request for a Certificate of Compliance, 110 Elm Street.
MC Seconded

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

5. Request for Certificate of Compliance, 536 North End Blvd.

Greg Hochmuth of Williams & Sparages (**GH**) presented. **SA** stated there were concerns from an abutter at 54 Commonwealth, a retaining wall was removed and there are concerns regarding erosion and stability of their structure and parking area. **SA** also noted there is a non-compliant storage structure. **AM** showed a photo of the storage structure in question. **JDJ** noted they can't have crossbeams. **SA** agreed they are not in compliance with dune performance standards. **GH** replied he didn't think they were there when they did the as-built, and he will speak with the applicant. **AM** agreed they looked new. **JDJ** stated it looks like the plantings are doing well at stabilizing the area instead of the wall. **JKP** agreed.

JDJ motioned to continue the Certificate of Compliance for 536 North End Blvd. until November 3, 2021
MC seconded

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

6. Request for Certificate of Compliance, 534 North End Blvd.

Greg Hochmuth of Williams & Sparages (**GH**) presented. He explained that some pieces of blue stone were scattered throughout the dune on the way to the beach. The previous path had concrete stepping stones. The property owner didn't have permission to put down the blue stone sections, but did so anyway. This deviation was mentioned in their letter. **JDJ** stated she thought there was going to be a roll out mat. **GH** replied that was his understanding, but it wasn't used. **GH** stated the stone should be easy to remove.

JDJ motioned to continue the Certificate of Compliance for 534 North End Blvd.
MC seconded

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

7. Enforcement Order, 14 10th St. W

SA stated work was done without a permit including filling a resource area and construction of a shed. There may have been an elevation change, and the existing drainage may have been affected by the loaming and seeding.

JDJ motioned to ratify the Enforcement Order for 14, 10th St. W.
MC seconded

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

Discussion – Homeowner Roger Blomquist (**RB**) stated he can raise the shed in the spring when they return. **JKP** stated that might be a problem. **SA** asked if they had comments from Mary Rimmer. **AM** replied she spoke with her today. The project abuts the Blackwater Floodwall. Heavy machinery was used in the area to construct the wall and killed some grass and compacted the soils. The Army Corps of Engineers reseeded the area three times to make a lawn and was unsuccessful. Mary Rimmer believes there is alot of salt around, making germination difficult for non-salt tolerant grass. Grass that is more salt-tolerant would help. **AM** added the biggest concern is that drainage grades were established by the Army Corps through a very specific plan to have all the water in the area feed into the drainage system. If the grades were changed, it changes the water flow and may stop it from entering the system and cause flooding. They need to establish that won't happen. **RB** replied they didn't change the grade. The additional loam that was placed is about half inch thick, and the area floods during heavy rain all the time anyway. He added that he wanted to plant grass to slow the water flow, and there is no loam near the wall. **JKP** asked if the wall is not doing what it's supposed to do **RB** replied they do get seepage from under the wall during very high tides and storm surge, but the wall has improved the flooding vastly. **SA** advised that they need to show that the additional fill is not impacting the stormwater, or take it the fill out. **RB** replied that they want to postpone that determination until May when they get back from Florida. **MC** advised that any grade change here could have major impacts up the street. The fill can come out, or they can hire someone to show it won't negatively impact the neighborhood. They need a professional opinion. **AM** suggested the determination as to whether the fill will affect the flooding in the neighborhood can be done while the homeowners are in Florida with a local engineer. The homeowners don't need to be physically present. **JKP** advised it can't wait until May.

D. OLD BUSINESS

2. Request for Certificate of Compliance, 46 Lafayette Rd

Tom Hughes of Hughes Environmental (**TH**) presented on behalf of Henry Becker. He informed the Commission that they intend to table until the spring as landscaping was just completed. **TH** also reviewed plan changes which included moving the building and driveway away from wetland, which **TH** wants on record. **SA** stated she has no issue with the changes.

JDJ Motioned accept the minor changes to the plan and to table the Request for a Certificate of Compliance for 46 Lafayette Road until the applicant and Agent agree on a time to resubmit the request.
MC Seconded

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

E. ENFORCEMENT ORDERS:

HOLD, PENDING UPDATE:

1. 97 Atlantic Ave.
2. 114 Bridge Rd.
3. 36 Pike St.
4. 2 Baker Rd.
5. 16 Commonwealth Ave.
6. 565 North End Blvd.
7. 30 Main St.
8. 83 Atlantic Ave.
9. 211 N. End Blvd.
10. 16 Hayes St.
11. 11 Railroad Ave.
12. 6 Sycamore Ln.

ACTIVE, PENDING COMPLETION:

13. 150 North End Blvd.

COMPLETE, PENDING APPROVAL:

14. 139 Elm
15. 86/88 Elm St.
16. **438 N. End Blvd** - SA stated that work is completed and the applicant has requested that enforcement be lifted.

JDJ motioned to lift the Enforcement Order for 438 North End Blvd.

JKP seconded

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

17. 165 Atlantic Ave.
18. 4 Main Street
19. 61 Bridge Rd.
20. 82 Lafayette Rd

F. COMMISSIONER COMMENTS:

JKP suggested a change in the format of the minutes.

G. ADJOURNMENT:

JDJ motioned to adjourn the October 20, 2021 Salisbury Conservation Commission Meeting at 8:52 pm
MC seconded.

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