

**Salisbury Conservation Commission**  
**Meeting Minutes**  
**May 3, 2023**  
**Colchester Auditorium, Town Hall**  
**5 Beach Road**  
**Salisbury, MA 01952**  
**Hybrid Meeting**  
**7:00 P.M.**

**COMMISSION MEMBERS PRESENT IN PERSON:** Julie Doughman-Johnson (**JDJ**), Michael Colburn (**MC**), Mark Warcewicz (**MW**), Chairman Jeffrey Ward (**JW**), Christopher Leahy (**CL**), Christine Maxim (**CM**)

**COMMISSION MEMBERS PRESENT REMOTELY:**

**COMMISSION MEMBERS ABSENT:** Michael Lucas (**ML**)

**ALSO PRESENT:** Conservation Agent, Adriane Marchand (**AM**), Administrative Assistant, Alison Weaver (**AW**)

Chairman Jeffrey Ward (**JW**) opened the meeting at 7:00 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. 10 Fanaras Drive.**

**JW** states there is flooding caused by beavers. The applicant wants to install a pond leveler.

**JDJ** motioned to approve the Emergency Certificate for 10 Fanaras Drive.

**MC** seconded.

**6-0-0. Motion Carried.**

**B. MINUTES:**

1. May 18, 2022
2. June 1, 2022
3. June 15, 2022
4. July 6, 2022
5. July, 20, 2022
6. August 3, 2022
7. August 17, 2022
8. September 21, 2022
9. November 16, 2022
10. December 7, 2022
11. January 18, 2023
12. March 1, 2023
13. March 15, 2023
14. April 5, 2023
15. April 19, 2023

**JDJ** motioned to continue the minutes, May 18, 2022 through September 21, 2022, November 16, 2022, December 7, 2022 and January 18, 2023 through April 19, 2023 to our next meeting May 17, 2023 at 7:10 PM.

MC seconded.

**6-0-0. Motion Carried.**

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

**1. NOI: Christopher DeLuca, 108 Elm Street. (11/16/22)**

**JDJ** motioned to continue the Notice of Intent for Christopher DeLuca, 108 Elm Street. (11/16/22) to the May 17, 2023 meeting 7:10 PM.

MC seconded.

**6-0-0. Motion Carried.**

**2. NOI: 6 Steve Paquette, 6 Forest Road, LLC, 6,10 &18 Forest Road. (1/19/22)**

**JDJ** motioned to continue the Notice of Intent for 6 Steve Paquette, 6 Forest Road, LLC, 6,10 &18 Forest Road (1/19/22)

to the May 17, 2023 meeting 7:10 PM.

MC seconded.

**6-0-0. Motion Carried.**

**3. NOI: 18 NE BLVD LLC, 14, 16 & 18 North End Blvd. (4/5/23)**

**JDJ** motioned to continue the Notice of Intent for 18 NE BLVD LLC, 14, 16 & 18 North End Blvd (4/5/23) to the May 17, 2023 meeting 7:10 PM.

MC seconded.

**6-0-0. Motion Carried.**

**4. NOI: Richard True, 1 Congress Street. (4/19/23)**

Matt Steinel (**MS**) from Millennium Engineering is representing the applicant and explains the plans to build a new single-family home and recalls the site visit and what was addressed.

**CL** motioned to continue the Notice of Intent for Richard True, 1 Congress Street with standard order of conditions and a silt fence backing the sock for erosion control.

MC seconded.

**6-0-0. Motion Carried.**

**5. NOI: Rachel Harris, 83 Atlantic Avenue. (4/19/23)**

Matt Steinel (**MS**) from Millennium Engineering is representing the applicant and explains the plans for a single-family home. **JDJ** asks about removing concrete for helical piles. **MS** confirms, that is correct.

Commissioners discuss a concrete pad and having concerns for erosion. **CL** asks about construction procedures for beginning and ending work to lift boards up and away from grass. **AM** adds about monitoring dune grass for the two years being a part of the notice of intent. **JW** asks that the risers be as open as possible.

**CL** motioned to approve the Notice of Intent for Rachel Harris, 83 Atlantic Avenue for the May 17, 2023 meeting at 7:10 PM with standard order of conditions and special conditions.

**JDJ** seconded.

**6-0-0. Motion Carried.**

**6. NOI: Michael & Kristin Chase, 574 North End Blvd. (4/19/23)**

Tom Hughes (TH) from Hughes Environmental Consulting is representing the applicant and has Matt Steinel (MS) from Millennium Engineering covering this project. TH explains the project for a pile supported building and the plan to remove the lawn and keep the dune at its fullest function. CL speaks about the commission asking for DEP guidance with dunes on the beach and the pavers, they do not work for the movement of the dune. TH addresses the commission by stating the standard regulations are simplified for vegetation. TH states that with regards to pavers, since we were coming from hard pavement and reducing the impact that the pavers were ok. MC would like to see more acceptance for the change with pavement to pavers. The commissioners discuss impervious to pervious pavers. MS discusses the difference between new construction and a lot with a tear down. There are more existing impacts with a tear down. In this case the recourse area is degrading. When replacing the pavement, we are going into the lawn a little but still a reduction and does not have to be in the exact same foot print. JW asks about coastal dune regulations and the concerns he sees about native and non-native vegetative cover. There is an issue where you are removing established vegetation from the dune and that raises concerns. TH states it is about dune function and water action in a major coastal event. JDJ asks to clarify what is happening to the old lawn. TH replies that the sawed gets removed and they are leaving what is underneath. The applicant Michael Chase at 574 North End Blvd speaks on the reduction of asphalt. He talks on the difficulties of maintaining a lawn and wants something that works for the environment that won't die easily. Lynn Welch from 50 Lafayette Road asks for a way a resident can use a licensed installer by the product company for pervious pavers. MC states there is an organization that does licensing named ICPI, Interlocking Concrete Pavement Institute, and we should look further into that.

JDJ motioned to continue the Notice of Intent for Michael & Kristin Chase, 574 North End Blvd (4/19/23) for the May 17, 2023 meeting at 7:10 PM.

MC seconded.

**6-0-0. Motion carried. ML abstained.**

#### **7. NOI: Ocean Front South LLC, One Ocean Front South Development. (4/19/23)**

JDJ motioned to continue the Notice of Intent for Ocean Front South LLC, One Ocean Front South Development (4/19/23) for our May 17, 2023 meeting at 7:10 PM and a site visit to be scheduled in the interim.

MC seconded.

**6-0-0. Motion Carried.**

#### **8. RDA: Nick & Irene Katzulis, Richard Kaminski & Associates Inc., 127 Atlantic Ave. (5/3/23)**

Richard Kaminski (RK) from Kaminski & Associates Inc. explains the plan to remove the back deck and to replace it on 4 helical piles in the same footprint. CL adds that he would like the stairs open for lateral movement of the sand. RK has a riser but can take it out. CM asks about making sure the equipment and debris management are added to the conditions.

CL motioned the Request for Determination of Applicability for Nick & Irene Katzulis, Richard Kaminski & Associates Inc., 127 Atlantic Avenue be granted a negative determination with special conditions.

MC seconded.

**6-0-0. Motion Carried.**

#### **9. NOI Nancy Reap, Old Silver Estuary on Little River LLC, 100 Forest Road. (10/5/22)**

Tom Hughes (TH) with Hughes Environmental Consultant explains the plan for the development of the road and shared driveways in regards to the site visit that took place on Monday May 1, 2023. JW has concerns on sequencing for the lots being sold off individually. They would file their own Notice of Intent for building. JW wants to know if TH is still working on recommendations from Joe Serwatka. TH says he would like Rimmer

Environmental's opinion on the water as well. TJ Melvin (TJ) from Millennium Engineering states they will have everything turned back in for the next meeting. Abutter Michelle Palowich from 10 Corporal Patten Way approaches the podium and has concerns about the flood zone and building a road in it. The wind deductible will change and the flood plain. When entering this project off of Forest Road it is an extremely tight windy area. What happens to her when her property gets damaged because of this project. Safety and a change of the environment are a concern. JDJ asks about trees being taken out on the development and the concern for winds coming in off the marsh and a direct line into the neighborhood. CL asks if there will be an opportunity to develop a planting plan? AM asks for details for the clay damns. TJ it is not incorporated into the plans yet but will be in the next set of plans. CL asks about road maintenance being a HOA or the Town's responsibility. TJ will find out the answer. TH addresses the abutters concerns for flooding and clarifies what is in the flood zone and what is just marsh and not rain run-off.

MC motioned to continue the Notice of Intent for Nancy Reap, Old Silver Estuary on Little River LLC, 100 Forest Road (10/5/22) to the May 17, 2023 meeting 7:10 PM and a site visit in the interim.

CL seconded.

**6-0-0. Motion Carried.**

#### **10. NOI Nancy Reap, Old Silver Estuary on Little River LLC, 100 Forest Road Lot 1. (5/3/23)**

Tom Hughes (TH) with Hughes Environmental Consultant explains the plan for the development of this specific lot. The house is to be set on the lower section of the lot with minimal impact. TJ Melvin (TJ) from Millennium Engineering explains the storm water and septic for the lot. JDJ asks about the septic going to the side to avoid the ledge. TJ answers yes. CL asks about re-siting the house to get it out of the 100-foot buffer zone to help minimize the impact. TH asks for the recording of minutes from Lot one to be included in Lots two through six as well. Michelle Palowich of 10 Corporal Patten Way, states that 8 Corporal Patten Way was recently built and had trouble building a basement, they had trouble connecting to the water lines and would like a clearer picture of what the shared driveways would look like. TH discusses and explains the plans.

CL motioned to continue the Notice of Intent for Nancy Reap, Old Silver Estuary on Little River LLC, 100 Forest Road LOT 1 (5/5/23) to the May 17, 2023 meeting 7:10 PM with a site visit in the interim.

MC seconded.

**6-0-0. Motion Carried.**

#### **11. NOI Nancy Reap, Old Silver Estuary on Little River LLC, 100 Forest Road Lot 2. (5/3/23)**

Tom Hughes (TH) with Hughes Environmental Consultant explains the plan for the development of this specific lot. TH explains the lot as 8.75 acres and the plan for utilities, house septic and jurisdictional areas. TJ Melvin (TJ) from Millennium Engineering adds that test pits will be provided. MC asks when will you have approval of septic. TJ answers in the future once permits are obtained we will move forward.

JDJ motioned to continue the Notice of Intent for Nancy Reap, Old Silver Estuary on Little River LLC, 100 Forest Road LOT 2 (5/5/23) to the May 17, 2023 meeting 7:10 PM with a site visit in the interim.

MC seconded.

**6-0-0. Motion Carried.**

#### **12. NOI Nancy Reap, Old Silver Estuary on Little River LLC, 100 Forest Road Lot 3. (5/3/23)**

Tom Hughes (TH) with Hughes Environmental Consultant explains the plan for the development of this specific lot including the house, septic, and impacts.

**JDJ** motioned to continue the Notice of Intent for Nancy Reap, Old Silver Estuary on Little River LLC, 100 Forest Road LOT 3 (5/5/23) to the May 17, 2023 meeting 7:10 PM with a site visit in the interim.

**CL** seconded.

**6-0-0. Motion Carried.**

**13. NOI Nancy Reap, Old Silver Estuary on Little River LLC, 100 Forest Road Lot 4. (5/3/23)**

Tom Hughes (**TH**) with Hughes Environmental Consultant explains the plan for the development of this specific lot. **TH** explains the acres in the lot and the commissioners address the same concerns as for 1,2,3. **JDJ** has a question about the well and the high-water table. How are you going to get fresh water wells? **TH** answers they will use town water.

**CL** motioned to continue the Notice of Intent for Nancy Reap, Old Silver Estuary on Little River LLC, 100 Forest Road LOT 4 (5/5/23) to the May 17, 2023 meeting 7:10 PM with a site visit in the interim.

**MC** seconded.

**6-0-0. Motion Carried.**

**14. NOI Nancy Reap, Old Silver Estuary on Little River LLC, 100 Forest Road Lot 5. (5/3/23)**

Tom Hughes (**TH**) with Hughes Environmental Consultant explains the plan for the development of this specific lot and explains it as a 3.5acre lot and shows on the plans the location of the house and septic. **JDJ** had trouble finding the gas line on the plan. **TJ** Melvin (**TJ**) from Millennium Engineering will revise that for the next meeting. **MC** states that this is the most concerning lot. **TH** suggest really focusing on it during the site walk. **JDJ** adds her concerns with the line from the septic tank to the house and to the leach field. **JW** wants them to consider a rain garden to help remove contamination into the wetlands. **CL** wants clarification on part of the lot that is getting leveled and what the impact is.

**JDJ** motioned to continue the Notice of Intent for Nancy Reap, Old Silver Estuary on Little River LLC, 100 Forest Road LOT 5 (5/3/23) to the May 17, 2023 meeting 7:10 PM with a site visit in the interim.

**CL** seconded.

**6-0-0. Motion Carried.**

**15. NOI Nancy Reap, Old Silver Estuary on Little River LLC, 100 Forest Road Lot 6. (5/3/23)**

Tom Hughes (**TH**) with Hughes Environmental Consultant explains the plan for the development of this specific lot and the size being a little over 2 acres. Michelle Palowich from 10 Corporal Patten Way would like the questions all answered for the next meeting. She states she has been asking questions at every meeting that are not answered at this time.

**CL** motioned to continue the Notice of Intent for Nancy Reap, Old Silver Estuary on Little River LLC, 100 Forest Road LOT 6 (5/3/23) to the May 17, 2023 meeting 7:10 PM with a site visit in the interim.

**MC** seconded.

**6-0-0. Motion Carried.**

**D. NEW BUSINESS:**

**1.Enforcement Order: 253 North End Blvd.**

**JW** motioned to ratify the enforcement order.

**JDJ** seconded.

**6-0-0. Motion Carried.**

Residents Mr.& Mrs. Bove (**BO**) of 253 North End Boulevard are representing themselves. **AM** explains she spotted some imported mulch and a weed barrier that extends off of the property over phragmites and a shed being erected on the property extended beyond the original design of the yard. **JW** talks about the property lines and the scope of work being done on the property. **BO** comments that he went by the posts that were originally there when purchasing the property. **JW** explains that a management plan for phragmites is needed. **BO** explains the post and beam shed to be assembled on the property. **AM** states that an 8x10 shed does not need a building inspector or permitting. **BO** explains the mulch by smothering the phragmites. **JDJ** states that the property line is 14.3 feet beyond the deck and further then that has to be removed. Any work beyond that cannot be done because it is not on their property. **JW** recommends looking at the as-builts and pulling things back to the property line. **JW** asks about items on the ground and pulling back the slats. **CL** asks about the white fence. **AM** clarifies that it is a demarcation of the yard. **MC** adds there should be signs up and does not think it was approved. **AM** agrees and will look into that and have them closed out. **BO** asks if the town works with the state to get rid of the phragmites? **JW** suggests contacting them to help with controlling it. **AM** will give them the official permission with a letter stating they would like to control the phragmites and get their permissions.

**CL** motioned to require mulch to stay once on the property line.

**MC** seconded.

**Roll Call Vote: JDJ-no, CL-yes, JW-yes, CM-yes, MC-no, MW-yes.**

**4-2-0. Motion Carried.**

### **2.Enforcement Order: 375 North End Blvd.**

**JW** states the property owner is not present. **AM** explains she was contacted by the property owner for a cleanup of brick and concrete and would like to move them out.

**JW** motioned to ratify the enforcement order.

**MC** seconded.

**6-0-0. Motion Carried.**

### **3.Enforcement Order: 95 Railroad Ave.**

Brian Belfury (**BB**) at 95 Railroad Ave is present and explains he would like to remove the non-compliant boardwalks and replace with Moby Mats and add sand to the back yard to cover existing portion of the backyard. **JW** asks what is there. **BB** answers that there is dirt and just wants to cover the dirt with sand and plant sea grass. **AM** will discuss with him; the sand needs to be compatible for Salisbury Beach. **JW** asks how would it be spread around? **BB** answers he has been in touch with a local team, but the method has not been determined yet. **JW** would like a site visit.

### **E. ENFORCEMENT ORDERS:**

#### HOLD, PENDING UPDATE:

1. 2A, 12<sup>th</sup> St. W.
2. 14 Old County Rd.
3. 100 Main St.
4. 14 10<sup>th</sup> St. W.
5. 36 Pike St.
6. 2 Baker Rd.
7. 565 North End Blvd.
8. 30 Main St.

9. 211 N. End Blvd.
10. 16 Hayes St.
11. 11 Railroad Ave.  
ACTIVE, PENDING COMPLETION:
12. 5 Patriot Way
13. Lafayette Rd. Sewer
14. 27 12<sup>th</sup> St. W.  
COMPLETE, PENDING APPROVAL:
15. 29 Lafayette Rd.
16. 114 Bridge Rd.
17. 6 Sycamore Ln.
18. 16 Commonwealth Ave.
19. 139 Elm
20. 4 Main Street

**JW** motioned to lift enforcement for 83 Atlantic Ave.

**MC** seconded.

**6-0-0. Motion Carried.**

#### **D. COMMISSIONER COMMENTS**

**MW** asks about the Fanaras Drive site visit. **AM** states she will contact you.

**JDJ** comments on an accident on the water with 4 drownings this year and asks the public to know the limitations of their vessel, the commission wants a safe boating season.

#### **F. ADJOURNMENT:**

**CL** motioned to adjourn the May 3, 2023 Salisbury Conservation Commission Meeting at 11:30 PM

**MC** seconded.

**6-0-0. Motion Carried.**