

**Salisbury Conservation Commission  
Meeting Minutes  
June 13, 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**), Chairman Jeffrey Ward (**JW**), Michael Lucas (**ML**), Christine Maxim (**CM**), Mark Warcewicz (**MW**)

**COMMISSION MEMBERS PRESENT REMOTELY:**

**COMMISSION MEMBERS ABSENT:** Michael Colburn (**MC**), Christopher Leahy (**CL**)

**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 CERTIFICATES:**

**1. Mass DCR Access 8.**

**AM** has concerns about getting emergency personnel onto the beach. DCR felt it necessary to do an emergency certificate to open access 8 as soon as possible.

**JDJ** motioned to ratify the emergency certificate for 8.

**CL** seconded.

**5-0-0. Motion Carried.**

**B. PUBLIC HEARINGS at 4:00 pm:**

**1. NOI: Ronald Falite, 140-142 North End Blvd. (6/7/23)**

Matt Steinel (**MS**) from Millennium Engineering is present and representing the applicant. Same plan as reviewed at the last meeting, and the board had no concerns, but DEP had comments to resolve. Updated the plan to show the measurement of wall. We provided a wall segment dimensions table with existing elevations and changes to the pavement. **CL** entered the meeting room and joined the commissioners.

**JDJ** motioned to approve the Notice of Intent for Ronald Falite, 140-142 North End Blvd (6/7/23) with our standard order of conditions.

**MC** seconded.

**Roll Call Vote: JDJ-yes, CL-Abstained, ML-yes, CM-yes, JW-yes.**

**5-0-0. Motion Carried.**

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

**JW** states this Notice of Intent is for the access road and utilities. Tom Hughes (**TH**) from Hughes Environmental is representing the applicant and speaks about Rimmer Environmental's review and

wants to state that they are willing to meet all recommendations. **TH** reviews the updated plan and changes made. **JDJ** would like a construction fence installed in places determined by the conservation agent. **TH** agrees they would put in protection as necessary and suggest doing that at a first walk through with commissioners. **CL** asks if the DEP has comments on the storm water standard 2 and the discharge rates. **AM** states that the standard is under the commissioner's decision. **CL** asks if the road way and shared use warrants on the storm water pollution prevention plan. **TH** states yes it would fall under that. **TJ** Melvin (**TJ**) from Millennium Engineering speaks on the storm water report and how they calculated. They are providing recharge on 4 of the lots and updating the plan to provide recharge enough for the road. Storm water is collected and treated, according to the planning board and DEP standards, and will add additional recharge to meet that requirement so that the roadway can meet standards on its own. **TH** pulls up the flood map and explains the standard to grant the relief of the rate and is based on the discharge point, not where the water is generated. Michelle and Joe Pallowich (**MP**) (**JP**), 10 Corporal Patten Way, ask upon ownership are owners going to remove more trees, is there enforcement on that, and how can you enforce that. **JW** asks what is this main shared road going to look like, what is it made out of, and is it elevated. They have concerns about the access point off of Forest Road. **TH** speaks on mitigating for the road. **JW** asks if they have to get a DEP water quality certificate. **TH** answers that they need to get a 401 water quality deed restriction. With the wetland we are filling, we will be replicated 1-1. **MW** asks how wide is this shared drive? **TJ** answers it is a 24-foot road with a shared drive at 14-feet and bump outs in certain areas. **MW** asks if bump outs are with crushed gravel? **TH** states that pavement is being proposed. **MP** is concerned with the shared roadway being created in the flood zone. As you build additional roadways on the space what impact will it have on that shared road. **JP** is concerned about possible flooding and having to pay flood insurance in the future. **TH** adds that the source of the flooding is not rain water but coastal ocean water. The areas of road over wetlands will have hydrology, and we are not altering the hydrology. **JW** asks if the road is elevated? **TJ** answers that it varies 2-3 feet, and in wetlands, about a half foot. **CL** suggests a plan of the roadway with a profile of all the utilities going through. **MP** asks who would be responsible for maintaining the roadway so it doesn't change the hydrology. **CL** asks if a deed restriction would cover that? **TH** explains in regards to maintenance, there is a Home Owners Association. There will be no incentive to not maintain the pipes. **JP** asks if there will be limits to what fertilizer would be put into the water? **JW** states there is no bylaws to regulate fertilizer use or pesticides, but can put it as a condition. **TH** explains how recharge systems filter pollutants.

**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 June 21, 2023 meeting 7:10 PM.

**CL** seconded.

**5-0-0. Motion Carried.**

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

Tome Hughes (**TH**) from Hughes Environmental speaks of one change made on the chambers to a rain garden. The house itself is located outside the buffer zone. **CL** would like the rain garden explained. **TH** explains the purpose of a rain garden and how it works. **JW** asks what the maintenance is for a rain garden? **TH** explains it is simple maintenance. **JDJ** wants clarification on the foundation or slabs. **TH** explains they assumed on the plans that they will be full foundation just to make sure it is covered. **MW** asks if there will be blasting with the ledge? **TH** answers no, a jack hammer or excavator, non-explosive blasting, but suggests they can add that into the conditions. **CL** asks when digging out foundation what spot will they stock pile? **TH** states they can add a recommended stock pile to the plans. **CL** would like more detail on the rain garden and the planting plan. **TH** explains that on Rimmer Environmentals review she recommended additional mitigation for trees. We are offering two saplings on each lot. **TH** recommends a 1 inch because it will take well into the soil rapidly. **CL** would not like a foundation drain going any closer to the buffer zone. **JW** states he would like trees identified on the plan, will they be

marked and staying? **TH** answers no, both trees listed are in the rain garden and would have to go. **TH** discuss suitable tree plantings. **JW** states in Joe Serwatka's letter where the road access is, was there any concern for run off onto lot one? **TJ** states the roadway pitches down towards Forest Road and not towards the lot. For the shared drive I will check for the next meeting.

**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) with plan revisions to the June 21, 2023 meeting 7:10 PM with a site visit in the interim.

**MC** seconded.

**5-0-0. Motion Carried.**

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

Tome Hughes (**TH**) from Hughes Environmental speaks of the property being minimally jurisdictional and pretty far from the buffer zone. He speaks on types of planting and 4 shrubs to go in. **CL** asks about a foundation drain and if it could fit on the opposite side. **TJ** comments that the elevation goes back up and cannot be put there. **JW** asks about removal or the process of removal possibly destabilizing the site. **CL** suggests a special condition that stock piling be out of the buffer zone. **JW** talks about trees and this area being hard to replicate and replant trees, is a 24-inch deciduate staying? **TH** states that if it is within the limit of work it is likely going however, they can mark trees deemed to be significant and trying to save trees that we can.

**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 June 21, 2023 meeting 7:10 PM.

**MC** seconded.

**5-0-0. Motion Carried.**

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

Tome Hughes (**TH**) from Hughes Environmental is representing the applicant and speaks about if they are unable to put two trees in, they will plant four shrubs. It is not a large impact. Most everything is out of jurisdiction. **CL** asks what the elevation is for the house footprint. **TH** shows where the elevations are on the plan. **JDJ** asks if they can bring the leach field closer to the house and farther away from the buffer zone. **TJ** explains a few bad test pits, but he will see what he can do to put it in the reserve and swap. **JW** adds that it is difficult to see where the lots are within the entire lot plan. **TH** agrees and states that will be included in all of the lot plans. Joe Pallowich, 10 Corporal Patten Way, asks if they are putting out water lines? **JW** states that town water is not within their purview.

**JDJ** motioned to continue the NOI for Nancy Reap, Old Silver Estuary on Little River LLC, 100 Forest Road LOT 3 (5/5/23) to the June 21, 2023 meeting 7:10 PM.

**CL** seconded.

**5-0-0. Motion Carried.**

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

Tome Hughes (**TH**) from Hughes Environmental is representing the applicant and explains the plans for this lot. Two proposed trees for planting and all the same elements. Would except a condition for ledge removal and stock piling. **JW** states they are losing more than two trees and discuss the 1 for 1 replacement. **TH** explains that tree loss in the buffer is primarily in the recharge area and will be difficult with the slab, but will try. **CL** states in title five a setback table of discharge to the leach field. **TJ** answers no, but there are no impacts on it but can direct it away from it. Joe Pallowich, 10 Corporal

Patten Way asks if they are taking a survey on the carbon footprint. **JW** comments that he is not aware of a way to do a carbon verification but have walked the site and to limit the tree cutting.

**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 June 21, 2023 meeting 7:10 PM, with a site visit after the next meeting.

**MC** seconded.

**5-0-0. Motion Carried.**

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

Tome Hughes (**TH**) from Hughes Environmental is representing the applicant and speaks about the house being relocated for significantly less impact, out of the 50-foot buffer zone. Will also put two trees and a stock pile area. **ML** asks about the septic reserve. **TJ** explains the footprint. **CL** asks about the soil disturbance around the gazebo.

**JDJ** motioned to continue the NOI for Nancy Reap, Old Silver Estuary on Little River LLC, 100 Forest Road LOT 5 (5/3/23) to the June 21, 2023 meeting 7:10 PM, with a site visit after the next meeting.

**CL** seconded.

**5-0-0. Motion Carried.**

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

Tome Hughes (**TH**) from Hughes Environmental is representing the applicant and speaks about moving shed away from the wetland location to plant trees and to put location of stock piling onto plans. **JDJ** asks how we ensure the limit of work stays where it is supposed to be. **TH** answers, possibly a split rail or some type of post mark. Joe Pallowich, 10 Corporal Patten Way, agrees that this is a main concern and would like it in the deed or conditions.

**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 June 21, 2023 meeting 7:10 PM, with a site visit after the next meeting.

**MC** seconded.

**5-0-0. Motion Carried.**

**C. COMMISSIONER COMMENTS:**

**D. ADJOURNMENT:**

**CL** motioned to adjourn the June 13, 2023 Salisbury Conservation Commission Meeting at 6:45 PM.

**MC** seconded.

**5-0-0. Motion Carried.**