

**Salem Conservation Commission
Minutes of Meeting**

Date and Time: Thursday, August 24, 2017, 6:30 p.m.
Meeting Location: Third Floor Conference Room, City Hall Annex, 120 Washington Street
Members Present: Chair Gregory St. Louis, Tom Campbell, Gail Kubik (arrives at 6:55 p.m.), Scott Sheehan, Bart Hoskins, Dan Ricciarelli
Members Absent: Tyler Glode
Others Present: Ashley Green, Conservation Agent
Recorder: Stacy Kilb

1. Old/New Business

- **Shetland Park Seawall Repair, DEP #64-628, Request for Certificate of Compliance.**

Here for the applicant is Eric Hahn of Shetland Properties. The project went well. Chair St. Louis has some technical questions:

- The engineer has omitted review of any submittals for concrete reinforcement testing procedures, drilling, grout, etc. This is unusual. Applicant responds that the engineer of record was not the same one that did the work.
- Why was concrete chosen to be poured instead of blocks? This was a matter of cost.
- Were two or three blocks left in the mud due to failure? What was there left, as requested by the Commission. Chair St. Louis is indifferent and is OK with the blocks being left.

Crushed stone instead of grass was placed at the top of the wall.

There are no comments from the public.

A motion to issue the Certificate of Compliance is made by Ricciarelli, seconded by Hoskins, and passes 5-0.

2. Brewer Hawthorne Cove Marina Main Building—Continuation of Public Hearing—Notice of Intent for Noah Flaherty of BHCM Inc., 10 White Street, Salem, MA. The purpose of this hearing is to discuss proposed demolition of an existing building, removal of temporary structures, construction of a new marina building, stormwater improvements, a concrete pad, paving, drainage, and utility work at 8-10 White Street & 57R Turner Street within an area subject to the Wetlands Protection Act MGL c131§40 and Salem Wetlands Protection & Conservation Ordinance.

Applicant requests to continue to the September 21, 2017 meeting*

A motion to continue this item to the September 21, 2017 meeting is made by Ricciarelli, seconded by Hoskins, and passes 5-0.

** Note that the meeting originally scheduled for September 14, 2017 conflicts with Commissioners' schedules and therefore is being rescheduled to September 21, 2017.*

3. 22 Sunset Road Berm and Landscape Restoration— Continuation of Public Hearing —Request for Determination of Applicability for Leland Hussey, 22 Sunset Road, Salem, MA. The purpose of this hearing is to discuss proposed construction of a stone berm and restoration of lawn at 22 Sunset Road within an area subject to protection under the Wetlands Protection Act MGL c131§40 and Salem Wetlands Protection & Conservation Ordinance.

Applicant requests to continue to the September 21, 2017 meeting

A motion to continue this item to the September 21, 2017 meeting is made by Ricciarelli, seconded by Campbell, and passes 5-0.

4. 83 North Street Redevelopment— Continuation of Public Hearing —Request for Determination of Applicability for Michael Blier, 112 Shawmut Avenue, Boston, MA. The purpose of this hearing is to discuss proposed demolition of a portion of a building, construction of an addition, removal of pavement, construction of a pervious patio, and associated improvements at 83 North Street within an area subject to protection under the Wetlands Protection Act MGL c131§40 and Salem Wetlands Protection & Conservation Ordinance.

Ricciarelli recuses himself from this item.

Plans are the same as from the previous meeting, but materials have been edited to be clearer. John Seger, Architect, is presenting for Michael Blier, who is working toward the purchase of the property.

A description of the site location is provided. The three buildings in question are described. Part of the site is under the jurisdiction of Chapter 91 including one small corner of Building B and all of Building C. Chapter 91 licensing will be pursued once the site is purchased and they move on to the next phase of the project. Previous usage was automotive and the entire site is paved. Use will be changed to office/business which will minimize vehicular traffic. One building will be renovated (Building A), the other demolished and replaced with a building in the same footprint (Building B). Only interior renovations for Building C.

This Commission's purview is the floodplain. The first floor elevation is discussed; is 6' below the 10' line. Need to finalize survey, but based their current determination from their FEMA certificate. No grades will change. They are unsure if they will be tearing down or renovating Building C in the future phase, but if demolishing, it will be 10' shorter. Erosion control measures are described. Chair St. Louis asks if the building is demolished, regarding Chapter 21E, Phases 1 and 2 have already been released, but the report from Phase 2 has not yet come back. The history of the site is discussed.

A motion to issue a Negative 2 and Negative 6 determination is made by Hoskins, seconded by Campbell, and passes 4-0.

5. 289 Derby Street Park Construction—Public Hearing— Notice of Intent for the City of Salem, 120 Washington Street, 3rd Floor, Salem, MA. The purpose of this hearing is to discuss proposed construction of a public park with associated concrete walkways, retaining walls, landscaping, and stormwater management system at 289 Derby Street within an area subject to protection under the Wetlands Protection Act MGL c131§40 and Salem Wetlands Protection & Conservation Ordinance.

(Kubik arrives at 6:55 p.m., prior to the start of this item.)

Bob Griffin presents. The project is described as construction of a public park on Derby St. in the vacant lot next to the gas station. The wetland resources are mainly associated with the canal, and are described as beach, coastal bank, and riverfront area. Elevations are described. The site does get submerged under current flood conditions, and will continue to be submerged in those cases. CBA Architects has been retained as the landscape architect for the project. There have been several public meetings, and they would like to begin construction in September. The broken asphalt surface will be removed and replaced with planting beds and several generous areas of lawn, along with a concrete paved area. The City and the landscape architect have discussed options for features whose inclusion depend on the final cost of the project, namely a splash pad.

WPA and stormwater management requirements are reviewed. Catch basins will be added to contain any runoff. A First Defense water quality treatment device will be installed. A duckbill tidegate will also be installed. Roof runoff from an adjacent building will also be addressed, and a small area drain installed to take care of a low spot. All discharge will be treated, but no retention pond is required and pre-and post runoff rates are not required to match, though pervious surfaces will increase. The water quality treatment device is oversized so will provide 96% TSS removal. Other standards are described but several do not apply. Concrete area will be cast in place with colors and patterns, so will not look like a large mass of concrete. Low walls will provide seating, as will some benches. Other features of the park are described.

There is a question about a paved area against the building that Sheehan saw in a previous rendering; this has not been incorporated but the landscape architect did require that one area be flush so that tables could be set by the adjacent building; this would require a modification to the permit. Restrooms were originally planned (a porta potty) but that is not included in the current plan. Several trees are planned and are described. They include honey locust, arborvitae, and

some perennials and perennial grasses. Occasional entertainment is a possibility. Chair St. Louis asks about lighting and the cabinet. This is described. An ENF was done by Tighe & Bond; no reportable concentrations were found, though it was previously a gas station and had a 21 E, which was closed out. Much of the site is filled in. Chair St. Louis notes a potential easement that may need to be sought; this is discussed.

The gas station property is also discussed. A gap in the riverwalk is noted. Logistics of this are discussed and the applicant will have to apply for a Chapter 91 license. Fencing/guard rail is discussed. The project may be done in phases; a future floating dock is mentioned. Joyce Kenney (member of the public, though the item has not been opened to public comment) mentions the Riverwalk.

Fill to be placed is described. Operation of the duckbill tidegate and potential dangers to the First Defense unit are described; there is no perfect tidegate, but risks are minimal. Such tidegates are easy to replace. They can last up to 20 years; for this 12" line, it will be fairly inexpensive. The splash pad will be 3'x5'. Riprap size is discussed.

The condition should allow for a splashpad if it is financially feasible; drainage for this is discussed. Chair St. Louis mentions that water from the splash pad may be considered greywater and need to be directed to the sewer system.

Replacement of the concrete walk is discussed; vehicles could use the existing driveway. Previously, this site was also authorized for disposal of snow into the sea; this may be a consideration. Food trucks have been discussed.

Chair St. Louis opens to the public but there are no comments.

A motion to close the public hearing is made by Ricciarelli, seconded by Sheehan, and passes 6-0.

A motion to issue an Order of conditions with standard and the following special conditions is made by Ricciarelli, seconded by Kubik, and passes 6-0.

Special conditions:

- *12" traprock at 3x5 boulder splash pad located at the outfall*
- *Permission granted to connect splash pad in accordance with BOH requirements*

6. Bridge Street Reconstruction Project—Public Hearing—Notice of Intent for the City of Salem, 120 Washington Street, 3rd Floor, Salem, MA. The purpose of this hearing is to discuss proposed roadway and intersections improvements along Bridge Street from Boston Street to Flint Street and along Goodhue Street within an area subject to protection under the Wetlands Protection Act MGL c131§40 and Salem Wetlands Protection & Conservation Ordinance.

David Knowlton, City Engineer and Andrew Johnson, LEC Environmental, present. LEC is the consultant for the project for environmental permitting. The full project team is not present as Project Manager and other engineers are out of the office. This is a roadway project to add "complete streets*" functionality to the roadway, including repaving, improving traffic signals, pedestrian and bike accommodations.

Mr. Johnson describes the extent of the project, as above. Bike accommodations are described. A shared use path runs along Goodhue St. and will be extended and connected to Bridge St. The shared use path that runs along the MBTA terminates at the parking lot; it is a dirt path but will be established as a forward progress point. Intersection improvements and improvements to Bridge St. will be in accordance with the Salem Master Plan.

This is a MassWorks project, and will be tied into previously completed MassWorks projects.

Resource areas include:

- Coastal bank
- Riverfront areas, both 100' and 200'
- City 100' buffer
- Land Subject to Coastal Storm Flowage (LSCSF)

Impacts:

- The 100' buffer to the bank and the riverfront area will see 70,144 square feet of temporary and 6,432 square feet of permanent disturbance
- The space between the 100' and 200' riverfront areas will see 7,494 square feet of temporary and 370 square feet of permanent disturbance
- LSCSF will see 147,367 square feet of temporary disturbance and 9,931 square feet of permanent disturbance

Total disturbance is within previously altered infrastructure and previously degraded riverfront area. This area is also previously developed commercial, industrial and residential, but the project is subject to performance standards for those areas. There will be no adverse impacts to coastal bank, and the project meets standards as it will have a net decrease in impervious area, with some removal of impervious surface along with some additional plantings. Where these will occur is described.

There will be improvements to stormwater management as well, with no encroachment into riverfront or coastal bank areas. The footprint is within the existing infrastructure. There will be no relocation of drainage outfalls. A 36" drain line within a private parcel will be repositioned to within the bounds of the right of way. The area of the project is further described by David Knowlton. Chair St. Louis points out that on an adjacent project, the Commission requested that the applicant harden a grass strip so that they will continue to discharge into a certain area; this applicant may want to upgrade to accommodate this if they are putting in catch basins. Curb cuts are discussed briefly.

Chapter 91 license application has been filed. Hoskins asks about Mass Highway's plans for Bridge St, from Flint St to Route 114. Mr. Knowlton describes the "Beverly Salem Transportation Improvement Plan" (TIP) and outlines some unresolved issues from 1992 that have held it up. Basically, the project is being actively pursued but improvements are not on the immediate horizon. In any case, it would not interfere with the presently proposed project.

The TIP (Transportation Improvement Program) process for Boston St. itself, from the Essex St. intersection to Peabody line, has also begun, so this project will tie into that one, though it will be a very long, slow process.

They are aiming to complete planning and put this project out to bid in the fall, and start work next spring, to coincide with the Community Life Center project construction. There is a question if catch basins will be upgraded to deep sumps. The applicant is using existing basins as much as they can, but if that is not possible, 4' sumps will replace them. There has been discussion with the bike community regarding the placement of castings while still improving drainage.

Chair St. Louis notes that the Commission has been appealed by state and neighborhood twice now because the Dept. of Environmental Protection (DEP) believes this is NOT Land Subject to Coastal Storm Flowage, and is in fact inland, despite the 12' tides that occur. This is an issue because compensatory flood storage is required for the latter, but not the former. He would like Order to reflect that the applicant is providing compensatory storage, or make an argument that improvements will mitigate perceived impacts. In short, he would like to avoid an appeal. One suggestion would be to drop the roadway by a small amount. The two projects that were appealed were significantly delayed. It is suggested that the Commission meet with the DEP to discuss and define which area is which, rather than requesting that applicants reclassify an area, or having them do it in anticipation of this issue.

The question remains as to how to condition this so as to avoid an appeal. The Chair apologizes for not flagging this previously. The Applicant feels it could be a minor modification to provide compensatory flood storage. Chair St. Louis advises them to plan on meeting it; someone can do analysis and then figure out how much to drop the street, for example.

A motion to continue to the Sept. 21, 2017 meeting is made by Hoskins, seconded by Kubik, and passes 6 -0.

* <https://smartgrowthamerica.org/program/national-complete-streets-coalition/what-are-complete-streets/>

"Complete Streets are streets for everyone. They are designed and operated to enable safe access for all users, including pedestrians, bicyclists, motorists and transit riders of all ages and abilities. Complete Streets make it easy to cross the street, walk to shops, and bicycle to work. They allow buses to run on time and make it safe for people to walk to and from train stations.

*Creating Complete Streets means transportation agencies must change their approach to community roads. By adopting a Complete Streets policy, communities direct their transportation planners and engineers to **routinely design and operate the entire right of way to enable safe access for all users, regardless of age, ability, or mode of transportation. This means that every transportation project will make the street network better and safer for drivers, transit users, pedestrians, and bicyclists—making your town a better place to live.***

7. Old/New Business Cont.

- **Meeting minutes—July 13, 2017.**

A motion to approve the minutes with minor modifications is made by Hoskins, seconded by Campbell, and passes 6-0.

Lot #4 on the Thorndike Street Subdivision, DEP #64-538 is discussed. In this case, a Partial Certificate of Compliance was sought for Lot #5, but not granted, as one of the other houses (Lot #4) under this same Order of Conditions was granted a Certificate of Occupancy despite having an open Order of Conditions. Green will reach out to ask applicant for both lots to request Certificate of Compliance.

Kubik has a new address. She will email Green her new address.

Chair St. Louis asks about revisions to the wetland ordinance. Green is working on this, compiling resources for discussion. She notes she will discuss this with the City Solicitor and have an update on the agenda for the September meeting. Kubik mentions she will not be available at the September meeting. Green states she will hold off on a discussion until the October meeting.

The Chair points out that in a neighboring community, he wanted to push to implement a sea level rise policy, e.g. not allowing building below anticipated sea level rise levels, but the Solicitor's office stated that the Commission could not condition building code, as there is case law against it. He is not sure what the point of the Climate Change study was if it cannot be referenced to update policy.

Kubik notes that the state can change the building code, but must be pushed by municipalities. Discussion of the options open to the Commission, and how previous projects would have been impacted by changes to the regulations, ensues. Chair St. Louis is not in favor of blanket no-build zones.

Green says we may need to look outside of MA to find something proactive.

Green notes that applicant for Franklin St/Junkyard project has filed with the Planning Board and will be filing with the Conservation Commission in the immediate future.

There was some discussion today of practical measures to improve projects without halting development, since there are few places left in Salem to develop that are not in a floodplain.

A motion to adjourn is made by Ricciarelli, seconded by Sheehan, and passes 6-0.

The meeting ends at 8:30PM.

Respectfully submitted,
Stacy Kilb
Clerk, Salem Conservation Commission

Approved by the Conservation Commission on November 16, 2017.