

Salem Conservation Commission Minutes of Meeting

Date and Time: Thursday, August 8, 2019, 6:30 p.m.
Meeting Location: Large Conference Room, City Hall Annex, 98 Washington Street
Members Present: Chair Gregory St. Louis, Scott Sheehan, Tyler Glode, Malissa Vieira
Members Absent: Tom Campbell, Bart Hoskins, Dan Ricciarelli
Others Present: Darya Mattes, Conservation Agent
Recorder: Stacy Kilb

Chair St. Louis calls the meeting to order at 6:30PM.

I. ROLL CALL

II. OLD/NEW BUSINESS

A. City of Salem's Hazard Mitigation Plan Update: presentation by Sam Cleaves, MAPC

This update is required by the Federal Disaster Mitigation Act, and it allows the City to apply for FEMA mitigation grants. It has been used a lot in Salem. The types of grants available are discussed; the last Plan was done in 2012. Which actions are and will be taken to mitigate risks are under discussion. The 2012 hazards are in black, and the 2013 and 2018 State Hazard Mitigation Plan items are added in red. Climate resilience is not explicitly called out, but encapsulated in all hazards, and Salem incorporates these into its Plan. Mr. Cleaves describes his role in the process, and the process itself. Factors that are examined are described; the team then prioritizes mitigation strategies for possible projects, and the Plan gets implemented over the next 5 years.

- Critical facilities – 2012, 180 sites
- Hazard ID and mapping – historical state and federal data; local Plan is compared to State
- Example of existing mitigation measures, standard within many communities
- Mitigation strategies; main hazard is flooding and mitigation measure examples, progress since 2012 are outlined; some will be carried into the next Plan as they are large ongoing projects. A updated database of Chapter 91 properties would be desirable
- Plan update process and progress are outlined
- 2012 Composite Hazard Areas
- Will examine flooding, resilience, dams, regulatory updates needed, brush fires, winter storms, hurricanes, drought, microburst storms/winds – seeking Commission input in all of these areas
- Increase and tie into City's Climate Resilience Plan, social impacts, FEMA plans developed around infrastructure but are being updated to provide resilience and protect vulnerable populations
- Once Draft is ready for review, will be posted for public comment for 2 weeks, once comments incorporated, send Draft to MEMA for review, their comments are incorporated and next draft sent to FEMA; once conditionally approved by them, City Council can adopt the plan; adoption does not mean that City is bound to fulfilling everything, just that City acknowledges work has been done and projects can move forward. After adoption, there is a 5 year window to apply for grants

Chair St. Louis comments:

- North River tide gate has come up several times in the Commission; it broke at least 20 years ago and there are many redevelopment properties in the area. The DEP has appealed this Commission's decisions several times, contending that flooding around the North River is inland flooding, despite 12-14 foot tides seen there (ex. Salem Oil & Grease). The City has done additional riparian study in that zone to determine tidal influence, but DEP continues to rely on a 1977 floodplain insurance rate map study that ends at the Peabody Town line. The Army Corps North River project has come up but needs

to be clarified as to how it fits into this Plan. It is on Peabody's hazard mitigation list if not Salem's.

- Tide gate at Forest River has been rusted/frozen shut

Scott Sheehan asks if Coastal Zone Management (CZM) is involved in the process; they are not involved with these Plans. A Coastal Resiliency Plan was done in 2015 and CZM was involved in that, however. He also asks about the 2 week public comment period; this is generally enough but can be extended. January is the next big deadline.

A member of the public [does not state his name] who lives off the Common, comments that the funeral home cut down a bunch of big, old trees, creating a heat island. He wonders if there is mitigation for that sort of thing, to help developers get pushback from the City. The Chair notes that a regulatory review will be done, and the shade ordinance and disturbance ordinance may cover that, as it is not under Conservation Commission purview. The gentleman also asks if, in the floodplains, are there ways for the City to prevent development in areas it knows will get flooded. Chair St. Louis notes that the building code overlaps with much of this; much analysis is done on City FEMA projects; those that protect more people or value are incentivized. It is asked if FEMA considers projects unsustainable due to location. The life span of the project is taken into account.

Another member of the public [does not state her name] asks about access to tonight's presentation. It can be posted online.

The Chair outlines the locations of tide gates in question, for the gentleman who asked. The City can request FEMA funding to replace tide gates. Timing of tide gate repairs is discussed; funding sources are described. Darya Mattes clarifies that this Commission does not work for the City so specific infrastructure questions can be directed to the Engineering Dept.

Same member of the public who spoke previously asks if there is a definition of "hazard." There is no exact definition, but it is understood to be natural hazards, self-defined by hazards noted in the Plan. She also asks if the planning process includes testing the efficacy of the 2012 plan to determine any gaps that may need to be addressed. There is no direct testing of the efficacy other than what the City has told the MAPC works, and what it wishes to move forward with.

Another member of the public asks where the City stands legally if they authorize building on a floodplain; he feels the City is liable. The Chair has not heard this; this is a Building Department question.

The Public comment period will be made very clear once the Plan is posted. It will most likely be in a couple of months.

III. REGULAR AGENDA

A. 46 Columbus Avenue and the beach at Juniper Avenue and Beach Street – DEP # TBD – Continuation of Public Hearing – Notice of Intent for the City of Salem, 98 Washington Street, Salem, MA. Purpose of hearing is to discuss proposed removal of approximately 15 cubic yards of beach sand from the northeast corner of the beach at 46 Columbus Avenue, and relocation of the sand to the ocean side of the seawall at Juniper Ave and Beach Street, within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

The Applicant requests to continue, as there will be a new submission, and they are not present tonight.

Sheehan moves to continue to the Sept. 12, 2019 meeting, is seconded by Ricciarelli, and the motion passes with all in favor.

- B. 79 Columbus Avenue – DEP # TBD** – Continuation of Public Hearing – Notice of Intent for Eric Cormier, 20 Cutter Street, Waltham, MA. Purpose of hearing is to discuss proposed reconstruction of a single-family home at 79 Columbus Avenue, within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

Applicant has requested to continue to the Sept. 12, 2019 meeting.

A motion to continue is made by Sheehan, seconded by Glode, and passes with all in favor.

C. 379 and 383 Highland Avenue, 14 and 16 Barnes Road, and 9, 12, 14, 15, 16, and 18 Cedar Road – DEP #64-679 -- Public Hearing -- Abbreviated Notice of Resource Area Delineation under the Wetlands Protection Act, Mass. General Laws c.131§40 and Salem Wetlands Protection and Conservation Ordinance for Peter Lutts, Overlook Acres LLC, 5 Briscoe Street, Beverly, MA 01915. The purpose of the hearing is to discuss the proposed delineation of wetland resource area boundaries and their associated buffer zones for the properties located at 379 and 383 Highland Avenue, 14 and 16 Barnes Road, and 9, 12, 14, 15, 16, and 18 Cedar Road.

Scott Cameron of the Morin-Cameron Group presents. Richard Kirby with LLC Environmental, Wetland Scientist, is also present. The properties are described. The relevant resource areas are outlined.

Mr. Kirby describes the delineation of the resource area, Bordering Vegetated Wetland (BVW) and an isolated wetland. He checked to see if this was isolated land subject to flooding; there is a low point where water would flow, so it is Isolated Land Subject to Flowage (ILSF). Calculations are included but it is excluded from state and local jurisdiction. Two possible vernal pools were evaluated; the only breeding activity was green frogs, not an obligate or facultative species, the vernal pools are not able to be certified. There is a question about a hillside seep; behind lots on Barnes Rd. is a dramatic slope, with a small depression in the landscape with some wetland plants, very stony, at the base in one area. There was an upland soil profile there, though. Perhaps during high groundwater, it fills and flows into the wetland, but does not have the requisite soils or plant community. Plants and soil profiles were reviewed with the Agent, and a site walk was held on Sunday.

An Order of Resource Area Delineation approving the Boundaries is sought. Chair St. Louis asks where the ditch is that connects the Isolated Vegetative Wetland to the Bordering Wetland; there is none. If water accumulates in the isolated wetland, it flows over a low point from North to South, if indeed there is flow. The landscape and water movement, along with soil profiles, are further described. The other area in question, it is reiterated, had an upland soil profile. The location is reviewed. The locations of several other features are outlined as well. The wetland system borders on a pond area. The logistics of the site and its vegetation are further discussed.

Was there a previous Application out here years ago? No. All land is registered. The Chair is only concerned that groundwater is the source coming from the hillside. This will be accommodated and any work on the site will have to come before the Commission

The Chair opens to public comment but there are none.

Sheehan motions, and Glode seconds to close the public hearing; the motion carries.

- C. Rosie's Pond Flood Mitigation – DEP #64-601** – Public Hearing – Request to Amend Order of Conditions for the City of Salem, 98 Washington St, Salem MA. Purpose of hearing is to discuss proposed amendment to Order of Conditions (DEP #64-601) permitting flood mitigation measures at Rosies Pond within an area subject to protection under the Wetlands Protection Act MGL c131§40 and Salem Wetlands Protection & Conservation Ordinance. Proposed activities are located on approximately

33 parcels along the South River and include the outlet of Rosies Pond, an area between the MBTA railroad and Lawrence St, an area between Wheatland and Brooks s Streets, and an area west of Jefferson Ave between Dove Ave and Laurent St. Work is also proposed on several public roadways, including Lawrence Ave, Brooks s St, Jefferson Ave, and Dove Ave. Proposed changes include modifying wall sections, drainage infrastructure, and grading in some areas.

Deb Duhamel, Assistant City Engineer, and Ken Mavrogeorge of Woodard & Curran present, returning before the Commission to discuss an amendment to the existing Order of Conditions approved in 2015. 200' of flood mitigation measures including sheet pile walls and berms are included and described.

The Application is for changes to the design of the project after feedback received from both residents and contractors during the bidding process. Revisions include:

- Shorten wall sections
- Grading revisions to open berms
- Alternate plan will be added to construction docs to get to bid later this year, including half berm and half sheet pile wall on Brooks St. area where a berm only was originally proposed

Chair St. Louis asks if the City conducted a site walk; members of the Commission met on Sunday this. Tyler Glode outlines the proceedings of the site walk.

Changes to elevations are described. Under discussion at the site walk were the landscaping areas, including a small park, and which trees to remove/keep/replace. Height of the wall in the back end with an 8' reveal, possible falls, and installation of a fence or deterrent were discussed.

Trees should be replaced 1:1 ratio with 2-3" caliper trees. The new Plan works to maintain as much of the existing landscaping as possible.

Chair St. Louis opens to public comment, reminding them that the subject before us is only the amendment, not the entire project, which was previously approved. Easements and City access to private property are legal matters that must be worked out with the City, outside of this Commission.

Gary Gill, 12 Pope St., Ward 3, presents a "wish list" of what residents want. He has two notarized copies. There is a letter from the family of Mary Pelletier, who is present tonight. They live on Brooks St. They are concerned about the loss of trees, though two by the water are not healthy and may be lost. Plantings should be maintained. They are also concerned about wildlife conservation; he has seen turtles lay eggs in the flower beds. There are also other large birds and fish. Maintenance afterwards is also a concern. The Pelletier family has paid for materials to maintain the green space for nearly 20 years, paying Cashman Landscaping \$800-\$1000 per year, out of pocket, to get the island ready for the season. He feels the family should be reimbursed if the landscaping is to be destroyed. He also wants to know how many walls there will be and how high they will be. Homeowners are concerned that the walls will come right up to their property lines.

Mary Pelletier reads her letter into the record. Realizing that the area was city land, the Pelletier family decided to care for it. She notes the animals in the area, some of which she believes are endangered. She describes the work done by the landscaping company, noting that her family has never asked for compensation. Her family has also provided the boulders and curb stones there, and planted the trees. Her husband's memorial bench is well used. She is concerned that all of the trees and gardens on Brooks St. will be removed to address problems on other streets. She wants and expects to be compensated by the City for the maintenance of its land once the project is completed.

The Chair asks for clarification where Brooks St. is, and this is outlined. The previously approved project and

redesign are described. The option currently being sought received the most favorable feedback. There is no existing wall at 225 Jefferson; the proposed wall was originally approved and connects to the existing culvert.

David Raymond, 5 Brooks St. comments on a 5' wall previously proposed that has been scrapped. The Chair comments that sheeting is being replaced by berms. There are also some minor alignment improvements. This is to accommodate the park land. Details of the project are further discussed. No railing is proposed; there is no cap on the sheeting. The alternate proposed is more expensive, so the ability to do it depends on the bids that come in and funding that can be obtained. Money saved on the wall may make the alternate more viable. Different alternatives and costs were explored, and this option provides a combination of lower cost and saving more of the Park. Funding is discussed; the alternate may not be the one they wind up going with. How to proceed is discussed. The Original Plan plus a few tweaks, and an alternate, have been presented. The Applicant is asking that options 201 and 201A be considered acceptable. Both drawings are in the submission.

Chair St. Louis opens to the public a second time.

Mike Kapnis of 12 Brooks St. notes that the wall will be behind his home, on his property, and he is concerned that the boulders there placed as riprap, that extend to Lawrence St., will be difficult to move. An easement must also be obtained to come on the property, which he will not grant unless some concerns are addressed, one being the height of the wall, which would be dangerous if kids fell off it. The erosion on the other side should be addressed as well. He is concerned about the negative impacts this project may have on his property.

Gavin Gardner, 19 Boardman St #2, asks for clarification that if the Board votes to approve amendments, but developers don't have the money, if they can go back to original plans without further review. This Commission could vote down amendment and they could do project as originally presented, or the Commission could condition the amendment, in an attempt to find a middle ground. Chair St. Louis made notes on everyone's presentation, and finding that some areas of the amendment had no negative content, may allow it to be more economically feasible.

Lisa Peterson, Ward 3 City Councilor, feels that the building of berms rather than walls should be encouraged. Plan 201A is 50% berm, 50% sheeting. Grading is described. Three other alternatives were considered and presented to the neighborhood but 201 and 201A were preferred by them.

Jilliann Kapnis, 11 Brooks St., wonders why the preservation of the trees and flowers was not originally put into the budget for the project. Ms. Duhamel notes that this is funded by FEMA, who has a very strict calculation about costs and benefits; if more costs are added, the ratio won't work for funding.

Jim Herman, Jefferson Ave. is concerned if the alternatives will impact the effectiveness of the flood mitigation. The wall alternatives are designed to maintain the same level of protection as the original Plans.

Dave Raymond, 5 Brooks St., comments that those on Brooks St. have not had problems since the berm has been put in 2007; Jefferson and Lawrence have sewage and water that has nothing to do with Brooks St. but happen since the berm was put in.

Chair St. Louis feels the Commission and neighborhood have no comments except on 201A. He reads an email correspondence from Patti Morcillo concerned about those living on Lawrence St., wondering if the project will address the overgrowth of weeds and debris in the waterway. The City Engineer said it will not, and she feels this is not being properly addressed. The Chair notes that trash and deadfall should be removed, but weeds are questionable as they may provide habitat. This Commission has conditioned trash removal in the past. Also there is a general comment about invasives.

Lisa Peterson, Ward 3, asks about phragmites and if it is considered habitat; the Chair notes that it is invasive

and outcompeting desirable habitat. If phragmites removal is desired, the project cost could go up by a half million dollars. She asks if the Commission can condition use of the alternative Plan. The Commission can approve only 201A so that alone that gets put out to bid, but then the Applicant could come before the Commission again for another amendment. Chair St. Louis notes that the idea of bidding is that if a project comes in too high, they have to go through bidding again, which has its own associated costs, so a base bid with alternatives can be awarded, then the City can go from there. This is for two alternative bids, not a base plus two alternatives. Deb Duhamel comments that, if the Commission is eliminating the option of moving forward as originally planned, and only allowing option 201A, that the public hearing should be kept open as they may withdraw the Application. Chair St. Louis notes that the amendment is to either construct a berm (focus on Brooks St. area) on Brooks St. or to construct an additional 200' of sheeting and berm vs. berm only. The cost estimate for construction would need to be updated; cost per square foot or yard for sheeting can be obtained. Various other options have been explored, and different types of walls have different costs. The berm is inexpensive compared to steel wall, but the location of the wall plays into its cost. This is described in further detail. Elevations and cross sections are discussed. Vegetation is also described; the amendment would pull the berm back and save some trees, though some clearing would still be needed.

Deb Duhamel asks that they can include the alternative so that if costs allow, they can go with it, but the City would also like the original option to remain as they are familiar with it and can better calculate costs. One option is to allow both, but condition that trees be protected. Sheehan comments that if an alternative is not allowed, the original as permitted is not in anyone's interest. However, the Commission may not want to condition too many things that might make it cost prohibitive; it could request that they add additional bid items for clarity. Glode comments that either option benefits wildlife.

Chair St. Louis summarizes that both alternatives will be allowed but items such as adding tree wells and cleaning out trash may be added, along with routine maintenance (though this can be a City issue, not necessarily part of the project).

Gary Gill notes the relationship with the landscaper and asks if those expenditures can be reimbursed. It is not possible to adversely possess or improve state or municipal property and the Commission will not entertain fines or reimbursements regarding this issue. Care of the area can be taken into account for protection of trees, as much as environmental protections, but aesthetic treatments will not be funded by the federal government. Councilors make those and other budget decisions.

Trees, tree wells, costs and options are discussed at length. Some trees are in poor condition and should be replaced; there are only a couple for which tree wells may be appropriate.

Discussion on possible conditions ensues, including:

- Temporary removal of boulders
- Restoration of garden's decorative rocks
- Monitoring of replanting
- Goals for buffer strip and landscaping of other areas

Gary Gill notes that the Commission does not realize that under the entire length of the existing berm, that there are huge boulders as big as cars, and then the soil, grass, landscaping and trees were added on top. The Commission is aware of the subsurface conditions. The location of the wall in the proposed alternative will not interfere with the existing berm.

Deb Duhamel notes that the City is in the process of cleaning all the catch basins.

The full berm has a proposal for a cluster of red maples on the northwest corner; tree placement is discussed.

Conditions:

- (6) 4" caliper trees to be planted
- Landscaped berm area to be seeded with wildflower conservation mix in lieu of erosion control or highway mix
- Clear trash and deadfall in riparian zone
- Clean contributing culverts and catch basins in the area
- Maintain/protect cluster of birch trees and (2) 16" maples. Options include protect, transplant/relocate or use a tree well or equivalent
- Railing along sheeting wall subject to building department approval but the Conservation Commission will highlight this

A motion to close the public hearing is made by Glode, seconded by Sheehan, and passes 4-0.

A motion to issue an amended Order of Conditions to allow the original or amended Order, plus the additional above conditions, is made by Glode, seconded by Viera, and passes 4-0.

E. 1-3 East Collins Street – DEP #64-681 – Public Hearing -- Notice of Intent for New View Addiction Rehabilitation & Education Center, Inc, 11 Bay Street, Beverly, MA. Purpose of hearing is to discuss proposed razing of existing structure, building a new structure, configuring parking and walkways, removing pavement, installing utilities, installing stormwater facilities, and minor grading at 1-3 East Collins Street within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

Mike Laham, Civil Engineer with the Morin-Cameron Group in Danvers, presents the project. The site is the former location of the Ward 2 Social Club. There will be a reduction in impervious structure and the floor of the building will be above the floodplain. There will be related landscape and stormwater improvements. The new use will be for an Addiction Rehabilitation and Education Center; one of the owners is here as well. This is an intensive, inpatient licensed medical facility, more like a hospital.

Plans are reviewed. The parking lot for the Social Club extended onto neighboring National Grid property; currently there is a building surrounded by pavement. Coastal resource areas have been delineated by Ann Martin, LEC Environmental, who discusses them.

Ms. Martin describes the resources from landward towards the cove:

- Land Subject to Coastal Storm Flowage (LSCSF) mapped by FEMA elevation 10; entire site is under LSCSF
- Top of coastal bank/berm is outlined
- 100' buffer zone extends from top of coastal bank
- Coastal beach, coastal dune and salt marsh are also present

Mr. Laham describes the elevations and logistics of the berm, and the limit of work, held to a few feet off the parking lot in order to keep everything as inland as possible. The new building will be in a similar location to the existing; the new one will be closer to zoning compliance.

Parking and handicap access are described, and floodplain elevations along with current drainage are outlined. Impervious surface will be reduced by 2740 square feet; there is a corresponding reduction in runoff volume, and 3760 square feet of pavement are being removed and this will add to water quality improvements. Existing site conditions will otherwise be mimicked with a vegetated swale and shallow sediment floor bay, with some

culverts. There will be a public path as this is a Chapter 91 project. A shallow infiltration basin will be installed and planted with a native seed mix. This will offer substantial additional infiltration. Calculations for removal of impervious surface include the addition of the driveway; this is described in more detail. Some sidewalks and patios are being added, so while 3760 square feet of pavement are being removed and not all that replaced, impervious surface will be reduced by 2740 square feet.

The planting schedule is outlined; plantings will mimic a coastal zone. Plantings are described in further detail. The CZM Coastal Planting List was used as a guide. Sheehan asks about the location of the driveway and Mr. Laham notes that they do not front on Planter St. National Grid is adjacent and that affects logistics; they did not want to seek an easement. The location of the building in relation to the property line, and access are described. A technical review meeting occurred with City officials and this setup was approved. Paving materials are described. Chapter 91 access is described.

Chair St. Louis comments about snow removal as it may not be stored in the detention pond. If National Grid allows, the 100' of asphalt should be torn out from the right of way corner to the parking lot corner, and the area landscaped. The Chair feels that the swale is shallow. Soil borings have been done; the historic shoreline is outlined. The location of the dumpsters is outlined. Curbing is described. Chair St. Louis asks what will happen when the contractor plows the snow into the marsh; there is a berm there so this may not be an issue. Its height is discussed.

Chair St. Louis opens to public comment.

The flow of stormwater is discussed; stormwater will have to go through the system before discharging to the marsh.

Mary Knight of 5 Collins St. notes that incoming stormwater enters solely from the National Grid property, flooding her property, including her garage and basement. She wonders if there will be a barrier to prevent this from happening. There is a difference between rainwater and a coastal storm. In a downpour, this happens, but the storm causes storm flowage. Nor'easters and astronomical high tides cause this too. The Chair comments that the topography does not show this, but Ms. Knight says she has a video. The Chapter 91 jurisdictional area is reviewed.

Chair St. Louis wonders if the walkway can be lifted on the National Grid side, but fire truck access is a concern. The curb should not have a sharp edge. Other changes will be reviewed by Chapter 91 as well. Adding a lip to the sidewalk on the northern side is suggested to create definition between National Grid and the Applicant's property. The only way to avoid flooding as Ms. Knight describes would be to raise her parking lot by 3.5'. The sidewalk is further discussed.

Flora Tonthat of 30 Northey St. asks about the boundary of conservation land; this is described. The entire property is under the jurisdiction of this Board; it is coastal floodplain, but is a paved parking lot. The types of land protected by the Wetlands Protection Act are described. Building is allowed on land that floods. She asks what would prevent this from becoming another type of property; this is a zoning issue. The jurisdiction of the Conservation Commission is described. Ms. Tonthat is opposed to building on wetlands. Within current ordinances, it is allowed, as the Commission bylaws and local ordinance do not speak to that. Regulations may be changed if desired but we are not there yet. Bylaw change proposals may be in the works. Currently there are no rules limiting such projects in place for the Commission to enforce. The limit of work is inside the pavement; no undisturbed area will be newly disturbed, and more landscaping than is currently there will be installed. Ms. Tonthat confirms that the parking lot floods when it rains. Gary Gill also confirms this. His neighbors are concerned that mold in the building will be discharged when the building is torn down.

Gary Gill asks if they can raise the parking lot to address the flooding issue. This would make the project

prohibitively expensive and the Commission can't require it.

A neighbor from 6 East Collins Street [does not state his name] notes that has not been before the Planning Board or ZBA yet. He asks about jurisdiction over the project and comments on the severe flooding in the area, over several streets, during a storm surge the year before last. He wonders how drainage and infiltration will work. Infiltration and migration of contaminants is discussed; if the site is contaminated, there are procedures that must be followed.

Ms. Tonthat asks about the dumpsters and enclosure and this is discussed as well. Board of Health and other requirements will be met.

Another member of the public asks about the yard, asphalt/impervious/pervious area. She notes that a small yard with grass fills with water, not just the parking lot.

Glode motions to close the public hearing, Vieira seconds, and the motion carries with all in favor

The Order will be subject to conditions; Ms. Martin asks that condition 31, that waste is stockpiled 100' from the wetland, be amended as this is not feasible. She suggests changing it to 50' from top of coastal bank, the same for cement truck wash areas. The Applicant will need a NPDES permit if allowing vehicle wash onsite, and she is aware, but needs flexibility as 100' from the buffer zone is not possible.

A motion to issue the Order of Conditions with Standard conditions as amended above is made by Glode, seconded by Sheehan, and passes 4-0.

F. 11-13 Franklin Street -- DEP #64-682 – Public Hearing -- Notice of Intent for Spire Investments LLC, 5 Rantoul Street, Beverly, MA. Purpose of hearing is to discuss proposed reconstruction of a building destroyed by fire, along with parking, a stormwater management system, and utilities at 9 & 11 Franklin Street within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

Scott Cameron with Morin-Cameron Group presents on behalf of Spire Investments. He discusses the following:

- Location of property: one existing building burned down almost 2 years ago. The ZBA has issued a permit for reconstruction and the project is undergoing Site Plan Review with the Planning Board
- Existing conditions:
 - No wetlands or buffer zones, in Coastal Zone AE
 - Elevations are described; property is flat
 - Remediation of some wastes has occurred
- New building is described and changes from the original highlighted; part of building will be in 10 year floodplain but will be raised a bit
- Pavement and grading plans are described
- New utilities will be installed in the floodplain
- Special Permit for Flood Hazard Overlay District has been filed as well

Chair St. Louis asks about a flood way; much probably comes up and backs out of catch basins. Water would fill in low areas. Various storm events were examined.

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

A motion to close the public hearing is made by Sheehan, seconded by Glode and passes 4-0.

A motion to issue an Order of Conditions with Standard conditions, but permitting stockpiling/storage in the buffer zone with appropriate erosion controls, is made by Campbell, seconded by Glode, and passes 4-0.

IV. OLD/NEW BUSINESS, cont'd

B. Discussion of a possible new trail from Swampscott into the Forest River Conservation Area (presentation by Swampscott Conservancy).

Richard Simmons and Alana Lewinsky present. Mr. Simmons describes the Swampscott Conservancy and its mission. The proposed trail is discussed; there is an existing trail between South Campus and the Swampscott cemetery, but it has not been in use and is not easily traversed. Parcels the trail would go through are described – one owned by Swampscott, one by Salem, and one by the Salem Conservation Commission. This has been discussed in Swampscott and the trail walked; the project has support in Swampscott. The route of the trail is described. One wetlands area is described; the trail crosses 55' of that. Planned trail maintenance would be considered a minor exempt activity under the WPA. Or, it could be an RDA.

Chair St. Louis notes that the City paid for a trail study 18 months ago that includes recommendations. The Swampscott Conservancy would be willing to work with Salem for improvements. This also goes near the Marblehead Rail Trail. Having such trails lead to a decrease in crime. The Chair notes a nearby apartment complex who also wanted to develop a trail from their public space into the trail network. A negative Determination for the project currently under discussion would most likely be granted if sought.

Construction and maintenance of the trail are discussed.

Darya Mattes notes that the largest parcel from Swampscott to Salem is owned by the City, not the Conservation Commission, but no one knows of anything happening there; nobody thought the City would do anything with it, but it is not preserved or protected, though it is landlocked wetlands. Glode asks if it could be transferred to the Conservation Commission; this could be discussed but several factors would need to be taken into account. Darya Mattes asks if the Commission agrees this is exempt or would prefer an RDA; an RDA is desired. The wetlands crossing would require an RDA.

Maintenance of existing structures, such as the "Boy Scout Bridge," is discussed. If structures are replaced, they must be updated to comply with current codes including railings, etc. Gary Gill comments that he and his friends used to walk from Marblehead to Forest River on that trail, which is still used today. He approves of this trail development.

Proposal for the Salem Conservation Commission to pay the Salem News legal ad fee for an RDA for this project; motioned by Sheehan and seconded by Glode.

V. APPROVAL OF MINUTES: July 11, 2019

Tabled until the next meeting

II. ADJOURNMENT

A motion to adjourn is made by Glode, seconded by Sheehan, and passes unanimously.

The meeting ends at 10:27PM.

Know your rights under the Open Meeting Law M.G.L. c. 30A §18-25 and City Ordinance Sections 2-2028 through 2-2033.

Respectfully submitted,
Stacy Kilb
Clerk, Salem Conservation Commission