



CITY OF SALEM CONSERVATION COMMISSION

NOTICE OF MEETING

Notice is hereby given that a meeting of the Salem Conservation Commission will be held on December 20, 2022, at 6:30 p.m. via remote participation in accordance with Chapter 107 of the Act of 2022.

Gregory St. Louis, PE, Chair

MEETING MINUTES

Greg St. Louis opens the meeting at 6:32 pm.

I. ROLL CALL

In attendance: Greg St. Louis, Judith Kohn, Bart Hoskins, Tom Campbell, Tom Philbin (5)

Late arrival: Tyler Glode (1)

Absent: Dan Ricciarelli

Commission Staff: Kate Kennedy (1)

Minute Clerk: Chelsea Titchenell (1)

II. REGULAR AGENDA

- A. 252 Bridge Street – DEP# 64-769 – (Continuance)** - Public Hearing- Notice of Intent of Ramie Schneider, WinnDevelopment Companies, LLC. for proposed construction of a mixed-use redevelopment on a .97-acre site, associated commercial space, landscaping, and parking, located at 252 Bridge Street, within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

A motion to continue the public hearing to January 17, 2023, is made by Bart Hoskins, seconded by Judith Kohn and passes 5-0.

- B. 50, 52 Circle Hill Road – DEP# 64-764, DEP# 64-765 – (Request to Continue to January 17, 2023)** - Public Hearing – Two Notices of Intent of Patrick Delulis, Pasquanna Developers, Inc. for

proposed construction of two single-family homes, associated driveways, utilities, grading, and landscaping located at 50 and 52 Circle Hill Road, subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

A motion to continue the public hearing to January 17, 2023, is made by Judith Kohn, seconded by Bart Hoskins, and passes 5-0.

- C. 142 Canal Street** – Request for Determination of Applicability - of Richard Williams, Williams & Sparges LLC, on behalf of Canal Realty Development, LLC, Beverly MA for the proposed razing of an existing 1,400 square foot garage, adding a residential second story and associated roof drainage, located within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

Richard Williams, of Williams & Sparges, shares a presentation. Highlights include:

- Project subject to a prior permit that included construction of 124 Ocean, Starbucks on the corner, and mixed-use space
- Parking lot reworked as part of the project
- Drainage installed and analyzed as part of the project
- Current requested project is for 142 Canal Street only
- Existing piece of building was last used as an auto repair shop and is currently vacant
- Looking to replace with residential units on upper two floors, a total of four units, and 3 garage spaces on first level
- No changes to grades on the site
- Install new foundation
- Existing building does not have flood vents, but this part of the site does lie within the flood zone
- Land subject to coastal storm flowage and at elevation 10
- Proposed building does include engineered flood vents
- Roof runoff currently discharges through down spouts and into catch basin in the parking lot, which discharges to Canal Street
- Proposing to have roof drainage no longer discharge over the surface

Judith Kohn: Do you have the resource area mapped on the plan?

- Richard Williams: It is all in the flood zone at elevation 10. The depth at the doors is a little over a foot.
- Judith Kohn: So, you are saying you have no work on the site proposed, other than the storm water changes?
- Richard Williams: Yes, we are adding two floors to the building that is there and providing flood openings

Greg St. Louis: What is the use of the ground floor now?

- Richard Williams: It is a commercial garage. It was an auto repair before, but it is vacant now.

Greg St. Louis: Are there other openings in this building on the ground floor? Are there other garage doors?

- Steven Feinstein: The existing building today has other garage type bays, whether it is delivery or doors, that we are not changing.
- Richard Williams: Most of the building is not changing.
- Steven Feinstein: And the residential will be above the flood.

Tom Campbell: I know you are building three new buildings, so are you increasing the impervious surface cover?

- Steven Feinstein: It will remain the same.
- Richard Williams: Yes, we built those and already got a Certificate of Compliance
- Tom Campbell: Are you decreasing it at all?
- Richard Williams: It stays the same.

Greg St. Louis: So, you are replacing the foundation on the first floor?

- Richard Williams: Just on that floor. It was an addition to the original building.
- Greg St. Louis: But the walls remain?
- Richard Williams: No, the three sides will have a new foundation.
- Steven Feinstein: There is an obtrusive use for the service of automotive use. We are getting rid of that and then putting the garage in for parking and building up for residential. The garage will be for parking and not automotive use
- Greg St. Louis: Can you raise the slab to above the flood plain?
- Richard Williams: If we did that, we would have to raise the adjacent grade.
- Greg St. Louis: But it is a coastal flood plain, so the compensatory storage is not in question.
- Richard Williams: But I guess what is the benefit?
- Greg St. Louis: So we aren't garaging parking spaces in the flood plain.
- Richard Williams: There are a lot of grading challenges, this is 7 ½ and elevation 7 so it doesn't work since you would be re-grading the entire site. We could be cutting off drainage to a catch basin and the doors are at elevation at 8 ½, so it would cause problems in other areas.
- Greg St. Louis: I understand this is an existing building, but would you be able to put deployable barriers at the garage doors?
- Steven Feinstein: The concern is that the cars in the garage may flood?
- Greg St. Louis: Yes. And if you leave the foundation alone, I would understand leaving it, but since you are modifying the foundation now.
- Richard Williams: The alternatives would be to not have a garage there and then the cars would be on the street and in the flood anyways because I don't think we can make the grading work.

Judith Kohn: Do you have the map?

- Richard Williams: Yes, we have all of it in the flood except for one building, up to the rail trail and the access from the rail trail.
- Steven Feinstein: And the residential will be above the flood
- Greg St. Louis: It is just an ongoing conversation right now about interior garage spaces and sea level rise. I am on the fence since this is an existing building, but you are rebuilding the

foundation because it is in the flood plain.

- Richard Williams: No, we are rebuilding the foundation because it is inadequate to build the three floors. We cannot make that grading work for 10

Judith Kohn: The other issue is we are encouraging residential uses above garages in the flood plain, so there is no residential use there now, correct?

- Richard Williams: It is a commercial space that had vehicles in it being worked on.
- Judith Kohn: But there currently are no people residing over it. If vehicles were impacted by a flood the vehicle is lost but it doesn't endanger people since they aren't trying to get their cars out of the garage. It is a broader issue as well.
- Steven Feinstein: Parking outside the garage is in the flood zone as well, so I do think it would be the same issue there as well. I just don't know how we would be able to do that and economically it probably wouldn't work. We have been encouraged by the City to improve this area and get more residential there. I think this does a good job of doing that without changing impervious surface, it is just changing grading doesn't work here. We have side entrances in the back and studios. There is a lot going on in that area, so we really are looking to just replace and put in three garage parking spaces, for few cars, most likely three total.

Tom Philbin: How many cars will be in the garage?

- Steven Feinstein: One each.
- Richard Williams: So just three total.

Tom Campbell: Are there any environmental issues with an automotive repair such as underground storage tanks or hydraulic lifts?

- Steven Feinstein: Those lifts are gone, so it was a different area of the building. The environmental that we had on the site was not all in this area, so we were subject to DEP, relative to that, and the clean-up for that. This area is not within that area though, so this area is clean.

Judith Kohn: If this is an RDA are you asking if you need to file a Notice of Intent?

- Richard Williams: Yes.

Greg St. Louis: What is the age of the building?

- Richard Williams: I would guess 50 or 60 years old.
- Steven Feinstein: It is old enough that we had to talk to Historical.

Greg St. Louis: How does the Commission feel about this being an existing property, dating back several decades, and this is not substantial reconstruction, not impacting more than 50% of the building and a change to use from a land use with higher pollutant loads to a three-car garage.

- Tyler Glode: Based on the nature of this, it does make more of a hardship to raise this out of the floodplain, like they said, so because of the historical use the benefit of the change of use, I personally don't have significant concerns.
- Judith Kohn: I don't think that a NOI would accomplish anything in addition to what we heard this evening in terms of proving an RDA
- Bart Hoskins: The concern is not a resource concern in my line of thinking. It is probably better

to have the water enter and leave the building, but it definitely does create potential trouble for the person parking their car there. This does keep coming up though, even on new buildings. I don't know how we should navigate that.

- Greg St. Louis: For smaller residential the Commission has required signage that the area is subject to flooding.
- Steven Feinstein: Maybe even in the lease itself for the proper spot for that?
- Bart Hoskins: Or maybe both.
- Greg St. Louis: I would say put it on the garage doors or inside where it is readily available.
- Bart Hoskins: Yes, the concern is that the note might not be read in the lease.
- Steven Feinstein: I think the same issue will be on the site itself, whether inside the garage or outside.
- Greg St. Louis: We are striving to make each development more aware and resilient as they come before us.
- Richard Williams: I think it is a fair request to put a small sign in there.

Judith Kohn: Does everyone have their own exit and control when pulling out of the garage?

- Richard Williams: Yes
- Judith Kohn: This seems like less of a concern to me because people don't have to queue their cars to get out. They are in the same situation as people parking at grade because they open their own door and can leave. It doesn't seem to be a huge risk to the people who live there since they can open up their own garage door and leave.

Bart Hoskins: We have had the question come up on if we can condition an RDA.

- Greg St. Louis: I think it is a -2 vs -3 with condition options.

Tom Philbin: In the 2017 narrative, you said that the groundwater recharge will be improved increased groundwater recharge and reduction of impervious surface. You said you aren't here, but I wanted to clarify if it was done previously?

- Richard Williams: Yes, when we did the prior project we put in new infiltration units, and parking areas that did not have infiltration before was improved. So, we did that in 2017 when we started the project.
- Steven Feinstein: That process had a NOI, and we came back to ConCom and cleared out that project, so that is completed. That was three new buildings that went on the site.
- Tom Philbin: So, you improved previously and this time you won't have a negative impact?
- Steven Feinstein: Correct.

Greg St. Louis: Based on this being an existing building, the footprint isn't getting larger, the existing building is several decades old, there isn't substantial reconstruction of the entire building, I don't have a problem proceeding at this time.

A motion to close the public hearing is made by Tyler Glode, seconded by Bart Hoskins, and passes 6-0.

A motion for a negative determination of conditions, such that potential renters or buyers are informed of potential flood hazards in documents and a posted flood warning in the garage space is made by Judith Kohn, seconded by Bart Hoskins, and passes 6-0.

III. OLD | NEW BUSINESS

Kate Kennedy: We received a request for 55 Memorial Drive, which was on the agenda last month, but they did not open the hearing. There will be an extension request for the Grove Street site for next month as well. That is it for now.

- Greg St. Louis: The floodplain overlay district and flood hazard overlay district are both being re-written by the City and I encourage people to weigh in on the documents.
- Judith Kohn: Where can we see those?
- Greg St. Louis: I believe the working group is posting them somewhere for comment in the near term.
- Judith Kohn: Kate, can you post the link?
- Kate Kennedy: Yes.

IV. APPROVAL of MINUTES

November 15, 2022 Meeting Minutes

Greg St. Louis: I have a couple comments. Can we hold these and table them for now?

- Kate Kennedy: Okay.

V. OTHER UPDATES

Kate Kennedy: There is another annual conference in the spring and a fundraiser with a dollar donation match. They are very supportive of Conservation Commissions. And thank you to all of you over the past year.

Greg St. Louis: We already voted on our calendar dates for next year?

- Kate Kennedy: We did, but we can always vote or bring it back to the Commission for the time or frequency of the meetings.
- Judith Kohn: I prefer 6 pm, but I know people have work and sometimes can't make it until a little later, so I am fine with it.

Judith Kohn: We have a lot of longer continued hearings, is there a way to make a cutoff and say that a meeting is full so we don't have 15 projects in front of us at one hearing?

- Greg St. Louis: I think we can set a discussion time limit of 30 minutes if we have a long one.
- Judith Kohn: Or limit the applicants presentation time limit.
- Greg St. Louis: There are a lot of good projects happening. Some of the benefits are not ConCom related, and it is nice to see housing items that are much needed. Our goals are different than other Commissions
- Tom Philbin: We should keep the discussion to what is in our purview. A lot of the time they won't discuss items that impact us until they ask. Maybe a cheat sheet of what they need to be presenting to the Commission. Especially for a hearing.

VI. ADJOURNMENT

A motion to adjourn is made by Bart Hoskins, seconded by Tyler Glode, and passes 6-0.

The meeting is adjourned at 7:20 pm.