



CITY OF SALEM CONSERVATION COMMISSION

NOTICE OF MEETING

Notice is hereby given that a meeting of the Salem Conservation Commission will be held on **Tuesday, August 16, 2022 at 6:30 p.m.** in-person at City Hall Annex, 98 Washington Street on the first floor Large Conference Room, and via remote participation in accordance with Chapter 40A of the Massachusetts General Laws and Chapter 107 of the Act of 2022.

DRAFT MEETING MINUTES

Greg St. Louis opens the meeting at 6:35 pm

I. ROLL CALL

Present: (In-person) Greg St. Louis, (Remote): Judith Kohn, Tom Campbell, Dan Ricciarelli (4 total)

Absent: Tom Philbin, Tyler Glode (2)

Commission Staff: Kate Kennedy (1)

Minute Clerk: Chelsea Titchenell (1)

Arrival after Roll Call: Bart Hoskins (1)

I. REGULAR AGENDA

A. 1 and 2 Lee Fort Terrace – DEP# 64-756 – (REQUEST to CONTINUE to 9/20/2022) - Public Hearing- Notice of Intent – of BC Lee Fort Terrace LLC, 2 Center Plaza, Boston MA. The purpose of this hearing is to discuss the proposed replacement of 50 apartments with 124 apartments, associated garage, surface parking, outdoor community space and new public open space at the property located at 1 and 2 Lee Fort Terrace, Map 41, Lots 242 and 249, Salem MA. The proposed work is located 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 September 20, 2022, is made by Tom Campbell, seconded by Judith Kohn, and passes 4-0.

B. Railyard #49 Substation - 97 Margin Street – DEP# 64-759- Public Hearing – Notice of Intent –of New England Power Company. The purpose of this hearing is to discuss the proposed installation of underground conduit and duct bank between existing control enclosures located within the Railyard #49 Substation and the terminal structures on the S145E & T146E lines (located just outside the substation). The proposed work is located within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

Carolyn Gorss, representing New England Power Company, shares a presentation. Highlights include:

- A total of 4,650 sq. feet of temporary disturbance in the FEMA floodplain and is located in previously disturbed areas used for electrical transmission.
- Trenches for the conduits will be about 3 feet wide and 3 feet deep.
- Best management practices will be implemented prior to construction including inlet protection, storm drain protection and erosion and sediment controls.
- If dewatering is required discharge will be pumped through a filter bag and located in an upland area and appropriately contained and not allowed into any wetland resource areas
- The proposed work has designated concrete washout area, and this water will not be discharged onto the ground or into catch basins and will be disposed of offsite after construction.
- Prior to construction vegetation mowing will take place to allow access with woody vegetation being cut at the base with the stumps retained to minimize disturbance
- All soil excavated will be placed to the side from the trenches and used to back fill the trenches after construction
- All disturbed areas will be stabilized and restored to preexisting conditions as far as possible.
- Mowed areas will be seeded with an appropriate conservation mixture and mulched
- Construction is proposed to begin in September 2022.

Greg St. Louis: Is this the same sight that had tests bits within the last year?

- Carolyn Gorss: I am unsure and cannot speak to that.

A motion to close the public hearing is made by Dan Ricciarelli, seconded by Tom Campbell, and passes 4-0.

A motion to issue the order of condition subject to standard conditions is made by Dan Ricciarelli, seconded by Tom Campbell, and passes 4-0.

C. 60 Bay View Avenue - DEP# 64-### - Public Hearing – Notice of Intent - The purpose of this hearing is to discuss the proposed repairment of a coastal revetment. The proposed work is located within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

Duncan Mellor, representing 60 Bay View Avenue, discusses the Notice of Intent. Highlights include:

- Single family house lot and the revetment structure is required to be maintained in good repair and work would take place in the licensed area
- Coastal beach just offshore and is dry at low tide.
- Just above is the top of the coastal bank which will have temporary equipment access for stone resetting, and this is land subject to coastal storm flowage.
- Existing toe stones are too small, proposing to shift them up further on the slope and add new ones that are 3 to 4 tons in size for a more secure revetment.
- No changes in existing wave action on site or adverse impact to the stability of the coastal bank
- The amount of wave action is too much for a soft approach, such as planting salt marsh
- Repair is a licensed coastal engineering structure
- Project screened, stated it has no impact on rare species
- 260 sq feet that equipment will walk over and will be restored in time
- Requesting to put erosion control sock along the toe of the revetment and will be placed by hand so that

no equipment is on the coastal beach

- Fisheries have no current concerns but are doing further review
- The project minimizes footprint by staying within the revetment footprint and will be done working around low tide to be performed in the dry
- Equipment will work along the top area in shore of the revetment and all fueling will be happening on the street
- The repair design uses larger and more stable stones improving the revetment and wave sustainability
- Not exposed to storm water runoff and no impervious area, therefore not impacted by increased rainfall
- No vegetated wetlands within project area

Greg St. Louis: Is your intent to remove the bulk of the stones and make this a flush revetment or add additional rock?

- Duncan Mellor: Additional stones should be minimal, but the plan is to take the smaller toe stones further up and put larger ones at the base. We bring in larger 3- or 4-ton stones to keep the revetment stable. We do anticipate some underlay stone for bedding to put underneath this as the revetment is reset, but we don't plan to remove any.
- Greg St. Louis: So, your detail doesn't call out any erosion control fabric, so are you going to remove the existing revetment stone and put erosion control fabric underneath it?
- Duncan Mellor: We are just removing the armor stone and supplementing any underlay that we need to. We already have an existing good stone base on it, so it doesn't seem to make much point to put a geotextile and trap it between the stones when the stones are going to just cut through it.
- Greg St. Louis: So, you are not seeing voids or migrations of the soil through the rock?
- Duncan Mellor: No, we really haven't seen any migration of soil, there just seems to be more the unravelling of the stones.

Dan Ricciarelli: I am assuming this wall has been here for quite a while?

- Duncan Mellor: I do not know the date on it. The license was 1996 and referred to it as existing.
- Dan Ricciarelli: So, it seems fairly stable, it is just the lower portion,
- Duncan Mellor: Yes, and this is not open ocean, and it is not a super high energy environment.

Dan Ricciarelli: The temp erosion controls that are below the high water, is that getting removed and recycled or how does that stay in place?

- Duncan Mellor: That is what we have done before. We normally have the contractor pull it up at night and replace it in the morning, so it is in place during work.

Dan Ricciarelli: The toe stone, is there excavation under the lower stone or in front of the wall for support?

- Duncan Mellor: We are going to excavate out existing stone since we do not want to make the footprint any larger and want to stay in compliance with the Chapter 91 license

Tom Campbell: I can see brick mixed in with the stonewall, would you be retaining it?

- Duncan Mellor: It is probably adequate as long as it is high enough on the slope. It is probably more prone to deterioration over time than would be a harder stone material but if it is high enough up and doesn't see a lot of action then it can stay in place from an engineering perspective.

Greg St. Louis: Do you see any opportunity to plant between the stones here?

- Duncan Mellor: The waves wash right on it, so it is probably too high energy to do that.
- Greg St. Louis: Even in the upper areas?

- Duncan Mellor: Yes, the waves have been going up into the lawn area and that is the actual concern for the homeowner is that he doesn't lose property.

Kate Kennedy: We did receive a public comment today from an abutter in support of this project.

Dan Ricciarelli: Is there any tie into the abutters? Have you spoken with them?

- Duncan Mellor: They have all been notified but there has been no comment back.

A motion to close the public hearing is made by Judith Kohn, seconded by Tom Campbell, and passes 4-0.

A motion to issue the order of condition subject to standard conditions is made by Dan Ricciarelli, seconded by Tom Campbell, and passes 4-0.

Kate Kennedy: I would like to recognize that Bart Hoskins has joined us.

C. Certificate of Vote Authorizing Signatures Pursuant to M.G.L. c.110G - A vote to allow for execution of documents either with electronic signatures or wet ink, both to carry the same legal weight and effect, in accordance with Massachusetts General Laws chapter 110G (Uniform Electronic Transaction Act), which documents are then to be recorded at the registry of deeds.

Kate Kennedy: This does not technically need a vote, but I believe this will significantly improve turnaround time of issuing permits and coordination and I hope to have the Commission's support in this.

Greg St. Louis: As a reminder we were not allowed to use Doc-U-Sign when COVID hit.

- Judith Kohn: Is it temporary or permanent?
- Greg St. Louis: I believe it is permanent until we are all in person. I think in person we would all rather sign when present.

A motion to certify is made by Bart Hoskins, seconded by Dan Ricciarelli, and passes 5-0.

II. OLD | NEW BUSINESS

A. Request for Certificates of Compliance – 7 & 9 Channele Circle – DEP# 64-665 & DEP# 64- 664

Channele Dibiasi, representative of Osborne Hill Realty Trust, 14 Nahant Street, Wakefield Massachusetts, presents. Highlights include:

- Deviation has the dwelling as larger and driveway smaller
- Retreating wall constructed at 12 by 12 feet
- Play set and mulch bed constructed in the buffer zone, there is a requirement to reach out to necessary agencies for correct permissions, but we were not aware of the playset and mulch
- Fence and boulder wall were also constructed to help with erosion
- House was smaller as it was more contiguous to that specific lot based on the conditions
- Landscaping wall added in
- Larger deck than originally planned

Dan Ricciarelli: Was there a proposed plan?

- Greg St. Louis: It is not provided with this package.

- Dan Ricciarelli: I am having trouble looking at the buffer line because it disappears
- Greg St. Louis: You can see the resource area is by the play structure there and is the totality of the lot.

Dan Ricciarelli: Is that the new fence line? Past the property line?

- Greg St. Louis: It appears to be.

Judith Kohn: It looks like there has been a lot of changes and impacts very close to the wetlands. It would be nice to know what the original order was and what work was done because it doesn't look like it complies with the order based on what was presented. And it looks like there is some impact to wetlands if the boulder wall goes across the tip of the wetlands where the flag is.

- Greg St. Louis: The line you see is a stone wall that I assume was always through the wetlands as opposed to the separate triangle revetment wall
- Judith Kohn: It is so close that is it hard to say it has not impacted the wetlands in that area.

Dan Ricciarelli: The deck being a raised structure I don't have a problem with that but the the placement with the steep slope seems...I am assuming there are no photos. Kate did you look at the site?

- Kate Kennedy: It drops off pretty abruptly so that play structure when you are on site does not appear to be that close to the wetlands
- Greg St. Louis: And there is a fence between the play structure and wetlands.

Judith Kohn: I think it is more an issue of what was the order and what appears to be the compliance of the order since that doesn't appear to be that that was the case.

- Dan Ricciarelli: It is more of an amendment.
- Greg St. Louis: We wouldn't approve an amendment for a fence offsite. As for the playset, that is minimal to me. The increase to impervious on Lot 9 I would have preferred to see offset so it would have been nice if that has been done.
- Judith Kohn: And adding a wall, if it was not in the original order, it is very close to the wetlands and a deviation from the order of conditions
- Greg St. Louis: I guess I am used to seeing buildings in subdivisions like this that have been built with retaining walls, I think that is designed just due to the original permitting in the 90's?
- Chanelle Dibiase: 2000s? From what I was told it was due to erosion to help prevent it due to change in the grading.

Judith Kohn: So, this was done in 2020, is there a reason you are coming in 2022?

- Chanelle Dibiase: It was an oversight, and it was an honest mistake on our part. We were moving offices and when we were packing up boxes, we realized we still had an open order of conditions.

Judith Kohn: How many houses are in this subdivision?

- Chanelle Dibiase: Right now, there are about 78 and there will eventually be 131
- Judith Kohn: In general, have they complied with the order or are there deviations everywhere?
- Greg St. Louis: A number of lots have come back before us for swimming pools and sheds and those types of items. But I think a lot of the lots out here were permitted basically up to the resource line for backyards and what not.

Dan Ricciarelli: I seem to remember we asked for trees or something to mitigate the extra encroachment.

- Greg St. Louis: There is a lot of open space associated with this subdivision. I think this is one of the original subdivisions that met cluster development guidelines. There are substantial wetlands that are now protected in perpetuity.

- Chanelle Dibiase: We actually just gave back a significant amount more than the original plan, keeping pretty much the whole open area by the trail open. Originally, we had a bridge and roadway connecting, but we have eliminated that.
- Greg St. Louis: I don't know if everyone was on the commission then. They did a modification and fell under the guidelines for cluster to reduce the roadway and brought everything together
- Chanelle Dibiase: Yes, we were able to get a variance for the next section of development since it is in a different zoning area where the next section had to have the lots be larger, so we were able to get a variance to make the lots smaller to get the lots smaller to keep with the aesthetic, which is how we got the lots transitioned over.

Judith Kohn: I understand how deviations happen, especially with these larger subdivisions over time, but we had talked about identifying buffer zones or no build areas in subdivisions, would it be possible to agree for these conditions that people don't encroach into the wetlands in the future, as it seems like that would keep happening.

- Greg St. Louis: That would be more if they were to dump lawn clippings over their fence or something of that nature, we would have an enforcement, but we cannot condition a certificate of compliance like that.
- Judith Kohn: Is that something the applicant could strengthen in your association?
- Chanelle Dibiase: We have recently done that. There has been a lot of construction over the last 15 years and with some new second homeowners. We are trying to communicate guidelines and what to do when it comes to improving lots. I haven't received any recent reforms for conservation lots, but I have made a point to be more strict and actually ask for permits or permissions now prior to giving approval for what they had asked. Prior we were just telling them to go in front of the proper agencies for the proper permit in hopes that they would be honest, but we have learned that does not happen and we have changed that in the office to ensure people are complying in the right way and keeping more comprehensive documents in their files and what not.
- Judith Kohn: I think we know there are going to be deviations but knowing you are being more stringent is helpful.

Dan Ricciarelli: I think the increase of 1,000 square feet between the two of them, that recharge area is servicing both of them, we should probably check out that system to make sure it is adequate. What increased as far as impervious?

- Chanelle Dibiase: With 9 it was the actual model home, once we blasted and what not, the model chosen was more conducive to the lot. It is a 1 level ranch vs the 2 story houses. And Chanelle Circle is all complete as of last August and these two homes were fully established in 2020, I believe in the summer of 2020

Greg St. Louis: In larger subdivisions like this, usually the drainage is done holistically, and I guess I would make the request that the next lots reduce the impervious by the difference since I think you have the opportunity with 30 house lots coming before us that you can make up 1,000 square feet. I would say do it in the next three homes so that we don't lose sight of it.

Judith Kohn: I think we won't be quite as understanding if these keep coming in with increased impacts.

- Greg St. Louis: To Judith's point the fence should probably be relocated so that they don't get in trouble for all the things just discussed.
- Chanelle Dibiase: Would you like the homeowners to adjust the fence?
- Greg St. Louis: Yes, aside from our jurisdiction there are other property owners involved as well.
- Dan Ricciarelli: Is it shared property for the fence?

- Greg St. Louis: No, it is alternative ownership.

Deandrea Dibiasse, of Osborne Hill Realty Trust: I wanted to answer Greg's question. We are donating back 90 acres of open space and we understand and will take into 1,000 square feet that we need to make up with the next 3 lots.

A motion to issue a Certificate of Compliance for 7 and 9 Channele Circle is made by Judith Kohn, seconded by Dan Ricciarelli, and passed 5-0.

B. Extension Request Order of Conditions – 417 Lafayette Street – DEP# 64-683

Kate Kennedy: there is not here anyone tonight for this request. They are looking for a one-year extension. They have not done work at this time. I have not yet seen the site.

A motion to grant a one-year extension is made by Dan Ricciarelli, seconded by Judith Kohn, and passed 5-0.

IV. APPROVAL of MINUTES

A. July 19, 2022, Meeting Minutes

Kate Kennedy: I do not yet have them ready.

- Greg St. Louis: They will be tabled until next meeting

V. OTHER UPDATES

A. FHOD – Flood Hazard Overlay District Ordinance Amendment

Kate Kennedy: There is a public input site where they are posting the agendas and is the best place for the most updated material. The Open Space and Recreation Plan and Advisory Group has recently posted a meeting agenda, which also has a public input site and Tom Philben is our liaison for this. The Preservation and Climate is in person.

Judith Kohn: Greg, can you tell us what is happening with the committee that is reviewing the flood hazard overlay district?

- Greg St. Louis: Yes, they are certainly building upon some of the conversations we already had as part of the wetland regulations that have recently been updated I think a big focus though is looking at how we encourage that the next developments keep their first floors out of the flood zone. We talked a bit about parking garages and flood plains and encouraged the team to look at some of the team to look at projects in Beverly, Massachusetts and how the FEMA funding was going on a number of tide gates that were designed for the Cumming Center there, so I think they are looking at what the goals are and trying to have them match from a zoning perspective and incentivize different climate oriented metrics.
- Judith Kohn: Are they looking at resiliency? The activity and land subject to coastal storm flowage are a big concern for a lot of people and if we continue as business as usual it will be a problem. Are they tackling any other issues or just floor elevation?
- Greg St. Louis: I think that floor elevation is the biggest. They are looking at other climate change type goals, but it is the second meeting of probably a year worth.

Judith Kohn: Do you know when the next public information session will be?

- Kate Kennedy: The most recent one was August 10th, so they are most likely wrapping up the public presentation of that.
- Greg St. Louis: I think it is still in the working format instead of the public format.

Judith Kohn: Do you think this will go through the same scrutiny that our regulations went through or is it more of a quick turnaround?

- Greg St. Louis: I think it will go through more because one of the ways to get people to build higher is relief for vertical zoning, so that gets a lot more concern about the height of buildings and there will be a lot more discussion regarding those types of geometric conditions.
- Dan Ricciarelli: I do know Gloucester gives relief for height if you have to raise the structure unreasonably.
- Greg St. Louis: You see a lot a number of projects in various areas that develop a way to raise the street plan up and have a common area that is raised up and continue from that exterior.

VI. ADJOURNMENT

A motion to adjourn is made by Dan Ricciarelli, seconded by Bart Hoskins, and passes 5-0.

The meeting adjourned at 7:42 pm.