



# CITY OF SALEM CONSERVATION COMMISSION

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## NOTICE OF MEETING

Notice is hereby given that a meeting of the Salem Conservation Commission will be held on May 30, 2023, at 6:30 p.m. via remote participation in accordance with Chapter 2 of the Act of 2023.

*Gregory St. Louis, PE, Chair*

## DRAFT MEETING MINUTES

**Greg St. Louis opens the meeting at 6:31 pm.**

### **I. ROLL CALL**

*In attendance:* Greg St. Louis, Judith Kohn, Dan Ricciarelli, Tyler Glode, Bart Hoskins (5)

*Absent:* Tom Campbell (1)

*City Staff:* Kate Kennedy (1)

*Minute Clerk:* Chelsea Titchenell (1)

### **II. REGULAR AGENDA**

#### **NOIs**

- A. 50, 52 Circle Hill Road – DEP# 64-764, DEP# 64-765 – *Request to Continue to June 20*** 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, 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 June 20, 2023, is made by Dan Ricciarelli, seconded by Bart Hoskins, and passes 5-0.*

- B. 67 Derby Street - Salem Wind Port Terminal – DEP# 64-772 – Request to Continue to June 20** Public Hearing - Notice of Intent of Crowley Wind Services at 67 Derby Street, for the construction of an offshore wind marshalling facility to assemble and deploy turbine components. The work includes construction of a Loadout Wharf and a Delivery Pier Trestle: filling and stabilization of the upland; installation of utilities; and dredging. The project 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 June 20, 2023, is made by Bart Hoskins, seconded by Judith Kohn, and passes 5-0.*

- C. 266 Canal Street – DEP# 64-775 – Request to Continue to June 20** Public Hearing – Notice of Intent for Canal Street Station, LLC, for the construction of a 250-unit apartment neighborhood consisting of five apartment buildings, two access drives, parking areas, utilities, and associated infrastructure, located at 266, 282, 282R, and 286 Canal Street, and 2 Kimball Road, 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 June 20, 2023, is made by Dan Ricciarelli, seconded by Bart Hoskins, and passes 5-0.*

- D. Palmer Cove Park – DEP# 64-700** Public Hearing – Amendment to Order of Conditions for Palmer Cove Park Renovations; Modifications to the originally approved plan including new coastal plantings, tide gate installation, retention of existing parking area at Congress & Leavitt Streets, and reconfiguration of internal paths, located within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

Dan Ricciarelli: I am going to recuse myself from this project. There is still enough for a quorum.

- Greg St. Louis: Yes, thank you.

Tom Devine, Senior Planner for the City of Salem, speaks. Highlights include:

- Project is a large park renovation being done in phases due to cost. Phase 1 was done in 2022 and now gearing up for final phase.
- Community outreach and development of Master Plan goes back to 2018.
- Requesting to extend this order of conditions later in the meeting.

Naomi Cottrell, Landscape Architect for the City of Salem, shares a presentation. Highlights include:

- Appeared before the Commission for the first phase of construction and had shown the overall Master Plan. Some items have changed from that.
- Palmer Cove Park is in the inner harbor between downtown and toward Marblehead.
- Subject to flooding currently, but also looking at sea level rise and flood layers for the park and

neighborhood.

- Several lines where AE line is lower than VE line.
- Started with 11% impervious, including old basketball and tennis courts.
- Community garden moved to higher ground in Phase 1.
- Phase 2 has planned renovation to sports field.
- Original master plan had adding in second basketball court and having on point building offline with push for a more garden like setting, but some of the area has changed.
- Community gardens moved up on Salem Street
- Added parking
- Did path work
- Expanded waterfront walkway
- Path network has changed and added in more trees with more resilient coastal plantings
- Proposing no changes to parking lot at the on-point building. Taking out of consideration
- VE zone is right at the waterfront
- Within the 100-foot buffer and land subject to storm coastal flowage
- Impervious surface area has increased and the overall is 18.6% imperviousness for the site
- Went from 41 to 74 new trees
- Increased native planting to replace lawn from 3,000 sf to 18, 500 sf.
- Second court is by Congress Street and a play area with pervious play surfacing that drains from within
- Court is graded to keep all runoff onsite
- Area with elevation 8 and 7 will have coastal grasses, several native trees that are more water loving to help deal with potential flooding at the low point
- Worked with the City and added tide gate in with large drainage pipe going through and it is an ongoing project
- Planning coastal grasses along water edge to serve as buffer
- Plants include Canada Wild Rye, Purple Lovegrass, Switch Grass as majority and Pink Tickseed and Indian Grass as accent grass
- Demo plan will take up turf, demolishing the backstop and supportive accessories to the baseball and clay diamond
- Relocating bleachers and amenities added around the on point building
- Grading will work with what is onsite now. Highpoint of 10 and low point of 7 with drainage structure to collect water and bring it to the storm drain.

Greg St. Louis: I have two comments, one is that the northwestern corner of the park where the new walkway comes in – there is a number of trees in that zone and there is a colonnade with nothing between it. It ends up being a spot full of refuse. Is that all being cleaned up?

- Naomi Cottrell: We are going to be putting a path in that area, but we are not taking these trees out. The maintenance would be on DPW.
  - Greg St. Louis: The couple times I have walked in that area it has been a bit of a hidden away spot.
  - Naomi Cottrell: There are some trees right next to the dugout, is that where you are thinking of?

- Greg St. Louis: If it will be grass and mowed then that will all be fine.

Greg St. Louis: I see that you talked about adding parking back in by the school side of the park.

- Naomi Cottrell: Those are there now actually.
- Greg St. Louis: My question is still could we look at signing those spaces so that during the extreme weather events and to address climate change we can restrict those spaces to low-income housing during storm warnings. I know there was recently a low-income development across the street from the park and they will have nowhere to put their car so it would be nice to have this to say.
- Judith Kohn: Is that outside the floodplain?
- Naomi Cottrell: It was lifted, so it changed to 10, so we are a bit higher than that, but it is the line.
- Greg St. Louis: The property by the basketball court and playground are at grid parking in the flood zone
- Naomi Cottrell: As the City's landscape architect I can't say whether or not they can assign things.
- Tom Devine: The authority for that would fall to the Parks and Rec department. It is a request I can submit to them. And just to be clear you are suggesting just for the new building?
- Greg St. Louis: That would be my initial proposal, but open to amendment. That low-income housing is adjacent to the park, so it would be nice if we could acknowledge the synergy of this neighborhood.

Judith Kohn: Assuming that this land belongs to the City and understanding that climate change will cause the hundred-year flood elevation to be even higher than it is today, and FEMA maps are essentially outdated now, did you consider raising that area to look at future use and protect some properties to the west? I think it is a nice design, but we should be looking to the future and not to the present and looking to potentially raise structures above future flood plain elevations.

- Naomi Cottrell: We have been studying, along with other consultants, and specifically looking at this for the park and neighborhood. It came down to really looking at strategies of what can happen around the seawall itself, rather than inland. If we can't close the loop where stormwater comes up in other elevations, it won't really help. So, part of what we are bringing to you is to finish out and amend the original NOI that showed this work. When we came in 2020 with this work and wanted to raise the grid, we were told we couldn't because we were filling in a land subject to coastal flowage.
- Judith Kohn: That is permitted under regulations.
- Naomi Cottrell: When we came to this Commission, we were told we couldn't for some areas we had raised. There is, however, a study underway that will be coming in front of you all soon about work along the waterfront and raising the seawall.
- Judith Kohn: I just think it is a huge investment of City resources to improve an area that is then subject to impact by flooding. I don't know who said you can't fill it but that isn't correct.
- Naomi Cottrell: Another part is it was a yearlong process in 2018 and we were working with the community that really wanted to keep active sports here, so that is the limiting factor. If we fill, it does limit how we can play on the field, since it won't be flat, and we will also change the

ability for us to have accessible path networks that come from the streets to get into these areas. So, accessibility and usability does become an issue. We are looking at filling up along the quadrant along the water, creating berms here that will connect to the seawall condition with other parts of the city. It will allow these areas to still be on grade with the neighborhood, provide the active recreation opportunities that the community wanted to keep. While yes, in some ways, the plan is reflecting the 2018 and 2020 goals, we are still looking at what you are asking for but doing it in an area that would not impact the use of areas most closely connected to the neighborhood, on foot and elevation wise.

- Judith Kohn: How would that be accomplished?
- Naomi Cottrell: We are currently looking at a study of the raising of the seawall. Again, this has not been brought in front of you tonight, but it is what is being studied, but the seawall would go into the landform area, It would allow for the waterfront terrace to act as a landing or shelf on the seaward side, and a large berm that would then tie into another seawall.
- Tom Divine: Phase 1 was designed and built before doing any broader consideration of neighborhood resiliency at the level we are doing now. The study Naomi described has begun and we are getting clarity on what the alternatives will be to use the public land and connect to the form of some kind of front barrier that would be resilient for 2070. It would go through housing authority property and connect to the flood barrier at the Shetland park redevelopment. There are a couple of private properties there, but that is something we are willing to take on. The design for Phase 2 has been revisited and looked at with full awareness of what the options are and what is feasible for some kind of flood barrier. I feel comfortable that whatever we do in the future will be compatible with what we built here with minimal changes. We may need to tweak a path or move a tree, but we won't have to tear up the whole park.
- Judith Kohn: That is helpful that you have been thinking about the future. The projects that come in front of us are frequently not forward thinking so thank you.

Tyler Glode: You mentioned you are increasing impervious. Is that from existing conditions or from the previous approval?

- Naomi Cottrell: From previous approval as well as from the original. It was originally 11% before the previous percent. The Master Plan was 17.7% to 18.6% now.
- Tyler Glode: Are you accommodating that in your stormwater management system?
- Naomi Cottrell: We do have a revised stormwater management plan. Some of what we are looking at is creating an area that is the low point of the site, the majority will drain there, and we are doing the plantings as a way to allow the area to absorb a lot more water with the Don Redwoods and the grasses.
- Tyler Glode: Are there opportunities for tree wells?
- Naomi Cottrell: In discussing this with City's Engineering Department they were reluctant to do that since the majority of the increase of impervious has a distance to percolate through lawn before sitting anywhere. They wanted us to do it as simply as possible and allow for percolation in the lawn instead of structures they would have to take care of.
- Tyler Glode: Understood. I was thinking more of a flush scenario since you are close to the coast anyway. Just thinking storage in general might be beneficial but it does appear you have a few

lawn areas and rain gardens. If maintenance is a concern though, I understand.

- Naomi Cottrell: This area acts in that way. It is a pretty large scale and acts like that right now. It isn't the same grass type as the rest of the park, and it can be wet. We are acknowledging that, making it larger, and planting it appropriately.

Greg St. Louis: The stormwater report doesn't look like it has any modeling of infiltration across the park. Do we know what the soil is out here?

- Naomi Cottrell: I do not have soil information. It has never been problematic except in the low area in heavy rain can stay wet and then percolates.
- Greg St. Louis: Are underdrains proposed under the new play field?
- Naomi Cottrell: No, there is not and there never has been in the ballfield

Bart Hoskins: Can you go through the change from the original plan to the current plan for the northeast corner?

- Naomi Cottrell: So, in the Master Plan that we showed in 2020 we were proposing a very small access drive to the garage and taking the rest of the pavement away and making it an alley of trees and entry zone to the park that would align with the crosswalk and sidewalk along Congress Street. What is here now are parking lanes, driving lanes, and garage lanes. It is an asphalt landing pad here. Part of the reason is that there is a change in use for the building and they want to bring it online to serve the community more, so the parking felt like a necessary piece. There is also a new housing project that is opening across the street, so the limit of work for what we are doing is right at the sidewalk and renovating from sidewalk in.
- Bart Hoskins: And the parking is available for park users?
- Naomi Cottrell: They are currently not monitored or signed in anyway and there are no restrictions on those.
- Bart Hoskins: But it doesn't belong to the garage?
- Naomi Cottrell: It does not.

Bart Hoskins: Can you tell us about the tide gate. Is it something internal?

- Naomi Cottrell: Currently we have a drain that connects to a manhole and a tide gate has been added to it. If I understand correctly, they have prepared for the tide gate in the repair they are doing in the drainage system, but it is not installed yet.
- Bart Hoskins: I know they can be prone to getting stuck open to debris and so forth.
- Naomi Cottrell: It will have its own manhole and will be separate from the one that is there now.

Greg St. Louis: I would ask the Planning Department to look into potential restrictions of marking spaces outside the floodplain as discussed. I don't think there are any other special conditions for an amended order.

Public Comment:

Chris Burke, address not provided: I have a few questions about the trees that you are planting here at

the Pioneer end of the park. I am wondering if you accounted for the Emerald Ash, which are really active in Salem. They can be inoculated at a price of about \$300 a piece. Ash trees are the most resilient native trees we have against salt water, so it should be considered whether they should be inoculated or not. The second thing I wanted to bring up is the choice of dogwood. We have native dogwood, flowering dogwood, but we have others that are native and can be planted. The third is- the Don Redwoods are a great ornamental tree, they are non-native, but they could block the view of the ocean. But if you are thinking of a large tree, why did you pick the Don Redwood here?

- Naomi Cottrell: I think I heard everything, but Chris you were cutting in and out. My understanding is that there are three, if not four, existing ash trees in the area Chris was referencing. We do not have a plan in Phase 2 to start to do the treatment to those. I don't know if we want to get the tree warden on this, but we do not have this within our park renovation budget. Since it is not a one-time thing, I think Parks and Rec or the tree warden would need to sign off on that since the renovation would not go back to the one year. For the dogwoods- we already have three and we're adding three more as pairs, which is the reason for the selection. That is a selection that was made previously, and we want to make it consistent. As far as the Don Redwood is concerned it is just in one area. For the views to the water, we did think about that. We are not lining them up along the water. This area is one that already does not have long views across here and it actually gives more privacy. But views as you walk down the paths will not be obscured.
- Chris Burke: Thank you, I understand a little better why you are choosing. I do hope people start taking a chance on the native flowering dogwoods.
- Naomi: We are planting four new ones at the Common.

Jace LeBlanc, 28 Levitt Street: I wanted to piggyback off of the previous comment on the views with the trees. If you can clarify the vertical row of trees on the northwest side. Do we have an expected height or growth for how high they will grow and the impact on the view of the water.

- Naomi Cottrell: They are canopy trees and at maturity will be a good 40 to 50 feet tall. They are beautiful natives that have a fantastic fall color and are a really great way to give an edge to the courts for screening and privacy.
- Judith Kohn: I did have a comment on the sweet gum. They do get quite large, and you want to think of something more columnar if they are that close together.
- Naomi Cottrell: We do think they are underplanted here. They aren't great for streets but they are great for parks since it will not be directly over parking or pavement. I will check in on the numbers and spacing.
- Judith Kohn: The scale is closer to the larger trees you have. I think it is just a matter of reducing the number if you check the scale.

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

A motion to amend the order as discussed and as presented, with the special condition of the Planning Department to discuss potential restriction of the parking spaces for storm and flood relocation during extreme climate change events is made by Judith Kohn, seconded by Bart Hoskins, and passes 4-0.

### **RDAs**

- E. YMCA** – Request for Determination of Applicability- Forest River Park – For temporary structures, wood chip pathways, and active use of the YMCA summer camp, 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 June 20, 2023, is made by Tyler Glode, seconded by Dan Ricciarelli, and passes 5-0.*

### **III. OLD | NEW BUSINESS**

#### **COCs**

- F. Request for Certificate of Compliance** - National Grid, Waite and Planters Street- DEP# 64-520

Billy-Jo Gauley, speaking on behalf of National Grid, shares a presentation, Highlights include:

- Requesting certificate of compliance for beach cleaning that was conducted on the small beach.
- Started in 2012 and 8 beach cleaning events happened between 2012-2017.
- Targeted removing miscellaneous fill that included ash, brick, metal and it was then transported offsite for disposal.
- Did annual reporting of these events to the Commission at the end of each year with an overview of how much was removed with pre and post surveys.
- Following 2017 the volume of material that was accumulating was not sufficient to require beach cleaning events, so we did not perform additional cleanings and are requesting closure for the order of conditions.

Greg St. Louis: Was there a set number of cleanings or until visible observation of no findings?

- Billy-Jo Gauley: In the permitting application we originally proposed 10 years and we did see a decrease of the amount of debris that was present from 2012 to current day. Whether there will never be any debris likely won't happen, as there is a lot of material in the Collin Coves area itself, but the intent was to remove a relatively significant volume through the beach cleaning events.

Greg St. Louis: Kate have you been to the site?

- Kate Kennedy: I have. It looks good. There still are some remnants. Billy walked through some of the different materials found. I know Barbara from Salem Sound Coast Watch does a lot of work in this area and she vetted the improvements she has seen over the years from this cleanup.
- Billy-Jo Gauley: In the open areas where there was no vegetation, we used a rockhound and it would remove debris over a half an inch to a couple inches in diameter and that would get transported to the stockpile area. We would screen the material to screen out the sand and then the debris would then be placed in roll off containers and transported off site. In the



vegetated areas it was done by hand to not cause damage. You can see the natural progression from 2012 to 2020 with how the beach changes with the vegetation. It has increased overtime and currently it has quite a bit more vegetation than when we started. It isn't because of the activities being conducted, but the natural change in the beach overtime.

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

**F. Extension Request - The Gateway Center – 44 Boston Street - DEP# 64-498**

William R. Bergeron from Haze Engineering and representing the High Rock Bridge Street, LLC:

- Multiphase project
  - Phase 1 was for the cleanup of hazardous from prior uses and was done prior to construction.
  - Phase 2 included the construction of the community center, which is in active use. It included a need to get Chapter 91 License for the filled tidelands and MEPA review.
  - Phase 2 also included structural improvement for the entire site, connection to Bridge Street and Washington Street
- Due to soils onsite surcharging where the building would be required and has been completed and certified by GZA and is now ready for construction
- Partial certificate of compliance when completing work for the senior center
- Improvements and reconstruction on Bridge Street began with the traffic improvement project and was completed
- Site is in a stable condition and is crushed stone or close to it with no visible signs of surface runoffs or conditions that would cause issues to Bridge Street, abutters, or structures for the community center
- Construction is anticipated to begin in 2024 and completed in 2025
- Project was started during COVID period, so availability of materials and contractors, in addition to cost, led to decision to wait for beginning of this project
- Been using it as staging area for the Bridge Street construction, also leading to delay
- Mindful of climate change conditions and have exceed the amount of floodplain elevations for the community center and for building code
- Site grading has not changed nor has the construction on the plan

Greg St. Louis: I find it interesting that this must be the one project in the City along the North River where land subject to coastal storm flowage is established on the site and DEP did not appeal.

- William R. Bergeron: That is correct. I did go to DEP and showed them that the actual floodplain coming in from the ocean exceeds where the tide gates are and where the train station is. I showed them that it is coastal storm flowage, not land subject to flooding.
- Greg St. Louis: We agree with you.
- William R. Bergeron: They were trying to make us do it that way, but I showed them the information and data.

Judith Kohn: When does the order expire?

- William R. Bergeron: I believe July.
- Judith Kohn: Does it include all the building construction plans?
- William R. Bergeron: All the footprints of the plan, the architectural plan was not included. But as far as the site grading, there are no changes to what is on the plans now.
- Judith Kohn: But does the order include the final building construction for the project?
- William R. Bergeron: Yes.

Dan Ricciarelli: There have been a number of changes in our ordinance since then. Have you caught up on that?

- William R. Bergeron: I did see that. This project was reviewed through the MEPA process, and it was addressed in that, such as degeneration of the heating systems. We exceed all the requirements at the time for the project.
- Dan Ricciarelli: And that is future projection for elevation?
- William R. Bergeron: It is at 10 now and the proposed elevation we have is 11.13.
- Greg St. Louis: I have it on the plans as 12.11, so I assume the floodplain is projected as 11.11.
- William R. Bergeron: Yes, we are about 65 years out if it keeps going the way it is.

Judith Kohn: What percentage of complete are you in the project?

- William R. Bergeron: The community center took about half of the site since there is combined parking between the two. All of the infrastructure has also been done for the second project, we just didn't want to put pavement down until we were ready.
- Judith Kohn: I know there has been controversy and questions about whether or not this project would go forward and how. Understanding that, I would like to ask we conduct a site visit before we extend the order to see what has been done there.
- William R. Bergeron: You aren't going to see anymore there than what the photos show. It is a flat area, a few jersey barriers, but it looks like the pictures submitted.
- Judith Kohn: In terms of stormwater improvement and other things mentioned, isn't that something we can see?
- William R. Bergeron: That was part of the partial compliance. All of that was already installed and functioning.
- Judith Kohn: When was that issued?
  - William R. Bergeron: March of 2017.
  - Judith Kohn: So, it has been 5 years. Did you get another extension of the order?
  - William R. Bergeron: COVID extended the permitting time for the order of conditions.
  - Judith Kohn: So, when was the original order of conditions?
  - William R. Bergeron: We had an amended order of conditions on June 6, 2020.
  - Judith Kohn: What was included in the amended order?
  - Kate Kennedy: It looks like the amended order was 2016 and was extended in June of 2020 for COVID to July 2023.
  - William R. Bergeron: We were requested to modify the unconstructed building, and also the community center was originally going to be a part of that big building, but it was decided to be split apart, which is what the major change was when we were going

through in 2016. We got the extension in 2020 to the current date.

- Judith Kohn: Since I haven't been here for the whole time, I do think this is a large project with a number of amendments and extensions, I request that we could have a site visit before we agree to extend the order and go over the plans, but I will defer to the rest of the Commission.
- Greg St. Louis: Most of the work has already been approved by the Commission. I do agree that we have had enough regulation changes. I have no idea what the MEPA comments are from 13 years ago, but the wetlands here are the channelized the North River, so that hasn't changed except for the designation of the floodplain. I guess we are extending but I would want to look at a one-year extension with someone talking about how the project is meeting our goals and if any changes need to occur to do the sustainable thing when being built.
- Judith Kohn: I think that would also be helpful if we could have a site visit when the grading is completed. A year extension would also give us an opportunity to observe. It has looked the same for a long time, so to think it will be completed soon is a stretch.
- Dan Ricciarelli: Can we just get a narrative for next meeting?
- Greg St. Louis: It is more like manhole covers that weren't in the floodplain now are and need to be watertight. Hopefully the architect can confirm the first-floor elevation is still accurate. So, I think there are some things that the design engineers will want to triple check.
- Judith Kohn: But if we extend the order, doesn't that allow them to work under the old regulations? That is part of why I am reluctant.
- Greg St Louis: Any question we are going to ask is pushing us to July. I would rather have them working towards a preconstruction site walk and they would have adjusted whatever their plan sets are.
- Dan Ricciarelli: Isn't a narrative part of that, or a waiver request?
- William R. Bergeron: The MEPA review was in 2016 when the new maps were in place.
- Greg St. Louis: I think a one-year extension allows for the professional consultants to review our regulations and what has changed in 7 years. A year from now we can still rescind the order, so it would behoove the applicant to provide additional information.
- Judith Kohn: Can we ask for notification prior to any work starting on the site and then a preconstruction notification?
- William R. Bergeron: Yes. As I believe the Chair said, the only thing we had between our site and the river is pavement. We have decreased the amount of impervious area prior to the new design, but I understand the concern and we can certainly accommodate that with a narrative and if we need to address anything on the site that would be the time, we would go in.

A motion to extend the Order of Conditions one year, subject to the applicant reviewing revised regulations and regulated areas and updating the Commission in how the design meets or exceeds those guidelines in any minor modifications that may further enhance the project in a resilient manner, and pre-activity and preconstruction notification is made by Tyle Glode, seconded by Bart Hoskins, and passes 5-0.

**G. Extension Request - Beverly Regional Transmission Project (N-192 Cable Relocation) - DEP# 64-694**

Robert Tyler of the BSC Group: There were delays on the installation of the new cable so we cannot start the removal of the old cable. We cannot remove the old cable until the new cable is in without compromising service to the people of Salem.

Greg St. Louis: Did you previously have the extension or is this the first one?

- Robert Tyler: This is the first one.
- Greg St. Louis: Do you believe you need more than a year or two?
- Robert Tyler: We are requesting an additional 36 months.

A motion to extend the current Order of Conditions is made by Dan Ricciarelli, seconded by Judith Kohn, and passes 5-0.

**I. Extension Request – Gallows Hill Park Renovations – DEP#64-677**

Tom Devine, Senior Planner for the City of Salem’s Planning Department: This project is substantially complete with an expanded baseball field and reconstructed skatepark. We had some problems with the fields drainage which has largely been corrected, but we need to do a little more work to address some low spots in the field and improve the rain garden soils so they drain correctly. My understanding is that this order expires in September, but the work could happen. I am asking for the max of 3 years, but probably don’t need it.

Dan Ricciarelli: What park was this?

- Tom Devine: Gallows Hill Park.

A motion to extend by Judith, seconded by Dan, passed by all.

**E. Extension Request - Palmer Cove Park Renovations, 30 Leavitt Street – DEP#64-700**

Dan Ricciarelli: I will recuse myself again.

Tom Devine: You heard earlier that the order of conditions is from 2020 and is with the permit extension from the pandemic. It is said to expire December in 2023. I hope to complete the project by the end of the calendar year in 2024, but I know how things can be, so I am requesting an extension for 3 years.

Judith Kohn: What work is remaining:

- Tom Devine: All of the Phase 2 work that you were shown earlier.

A motion to issue an extension to the existing Order of Conditions for three years is made by Bart Hoskins, seconded by Judith Kohn and passes 4-0.

**IV. APPROVAL of MINUTES**

April 18, 202, Meeting Minutes

*A motion to approve the April 18, 2023 Minutes is made by Bart Hoskins, seconded by Judith Kohn, and passes 5-0.*

## **V. OTHER UPDATES**

### Open Space and Recreation Plan Update & Conservation Restrictions

Tom Devine: I am here with Chris Burke, and we want to speak specifically on some properties that are top of mind for the Open Space and Rec Plan. We are updating our 2015 plan and the state requires that we update it every 7 years. It guides the City's investments and programs. It has been led by the Metropolitan City Planning Council with City Staff. I recognize that Tom Philbin was the Commission person but is no longer part of the Commission or Advisory Plan. The update will have an updated action plan and open space inventory. There is a public page [publicinput.com/salomosrp](http://publicinput.com/salomosrp) that has video and slides from a public forum, other outreach, online survey. The final public step will be a presentation of the draft plan to the Park and Recreation Commission on June 20<sup>th</sup>. That will be right in the middle of a public two-week comment period. I welcome you all to look at the plan and attend the meeting or watch the video.

Chris Burke: We discovered 70 acres that is under conservation restriction back in the 1980's. The conservation restriction was over 80 acres. It is in the headwaters of forest river. The parcels being discussed are 1102 and 6-0012. Parcel 6-0012 is a particularly rich parcel with few invasives in it. It adjoins the Swampscott Herald King Forest. According to the deed, the Commission has control over it. The public has been granted an easement to pass for purposes of hiking, fishing, winter sports, etc. It is a great resource and the conservation restriction has been adhered to. On the other side of Swampscott Road is the driving range, which was grandfathered in, as well as two concrete storage units in the back of the property. There should be a plan on maintaining the good forest in that area by Woodland Terrace. There is no woods like that. I understand that right now you don't have the resources, but you should be asking in the budgets for these resources to do the job that is being put in your lap.

Greg St. Louis: Thank you. I am always in favor of the ConCom having more leverage if we can get funds to perform projects or get land to further connect this land to other access points.

- Dan Ricciarelli: I think this was an issue brought up about a year and a half ago about this property.
- Greg St. Louis: I will confirm that. If we need to put in an Enforcement Order and ask DPW to put in some barriers, we will do that.
- Chris Burke: The deed does talk about the right to inspect. I have these documents and you can use them. The City has to do a bit of investigation to make their case.
- Judith Kohn: Should we arrange a site visit and put together our list of concerns? Is there something the City can do to help with this?
- Tom Devine: Chris is helping us make sure we document all the land accurately. The 7 year action plan can have priorities as; the City should be enforcing conservation restrictions, putting up signage, maintaining trails. It can suggest funding for legal research of deeds. It is just a plan, there are no funds attached. ConCom through your authority have some power to enforce conservation restrictions that are out there or further investigate if there is issues. You have a

range of options for properties you have legal access to or control over.

- Chris Burke: I don't think it can be any clearer. The Conservation Commission can walk down the dirt road and at least put the owner on notice that people are paying attention.
- Judith Kohn: it would be helpful to see what the conservation restriction says. Also, to see if they are in violation of the Wetland Act.
- Kate Kennedy: I can set up a site visit with any interested Commission members and then have the property owner or the use of the other adjacent space to the Commission to a public meeting and discuss some of the potential issues here. It also shows on the preliminary FEMA Flood Maps that there might be an extended flood zone.
- Greg St. Louis: I thought we had the owner on before and I thought actions were being taken. Is that not true?
- Kate Kennedy: We had them on before. Forest River and Thompson Meadow run through this. It was back in or after November 23, 2021, for discussion of phragmites clearing. We did have the owners come in to discuss that. There was a discussion at that point of their viewpoints of the conservation restriction.
- Greg St. Louis: I thought things were being removed in a friendly manner, but if they haven't been it has been going on long enough. We will follow up with the site as discussed.

## **ADJOURNMENT**

A motion to adjourn is made by Dan Ricciarelli, seconded by Judith Kohn, pass, and passes 5-0.

Meeting adjourned at 8:41 pm.