

**Salem Conservation Commission
Minutes of Meeting**

Date and Time: Thursday, February 14, 2019, 6:30 p.m.
Meeting Location: Large Conference Room, City Hall Annex, 98 Washington Street
Members Present: Chair Gregory St. Louis (Only present for Regular Agenda Item B), Dan Ricciarelli, Scott Sheehan, Bart Hoskins, Tom Campbell (5)
Members Absent: Tyler Glode (1)
Others Present: Darya Mattes, Conservation Agent
Recorder: Stacy Kilb

Chair Gregory St. Louis calls the meeting to order at 6:35PM.

I. ROLL CALL

II. OLD/NEW BUSINESS

A. 1 and 6 Technology Way (DEP #64-630) – request for Certificate of Compliance

Vice Chair Bart Hoskins chairs the meeting from this point (6:50PM) on. The administrator was satisfied but a Hayes Engineering representative is present in case there are questions. Darya Mattes has visited the site and provided photos, and the letter requesting the Certificate does as well. Everything appears to be in order; several special conditions were all met. Ways the project differs from the plans are described in the letter.

The Cultec Chamber is discussed. Hoskins asks about the inspection ports; this is a small infiltration system and all were installed; inspection ports do not affect its functioning but may have been paved over.

A motion to issue the Certificate of Compliance is made by Dan Ricciarelli, seconded by Scott Sheehan, and passes 4-0.

Darya Mattes notes the ongoing perpetual Order of Conditions.

B. 5 Sophia Road (DEP #64-634) – request for Partial Certificate of Compliance

Jesse Blanchette of Griffin Engineering presents the request. He describes the project; the only deviation was the construction of a paver patio under the deck. Crushed stone was proposed, but there is no impact to stormwater. They requested a partial Certificate of Compliance as the Virginia Creeper could not yet be installed, and the lawn cannot be seeded, among a few other small incomplete items. A Partial Certificate may be acceptable for a mortgage closing, depending on the bank. Darya Mattes visited the site and found it as described. At least one call was received from a neighbor; they are eager to have the retaining wall covered with vines. It is in the back, but is a big hill.

A motion to issue the partial Certificate of Compliance is made by Dan Ricciarelli, seconded by Scott Sheehan, and passes 4-0.

III. REGULAR AGENDA

A. 9 Parallel Street (DEP #64-662) – Public Hearing -- Notice of Intent for Christopher Kinnon, 9 Parallel Street, Salem, MA 01970. Purpose of hearing is to discuss the proposed construction of a two-story addition to a single-family home, consisting of a garage on the first floor and a room on the second floor, at 9 Parallel Street (Map 23, Lot 0141) within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

Mr. Kinnon presents his project. An existing concrete pad exists where the garage would go, 50' from the wetlands delineation. Erosion controls will be provided during construction and there will be a dumpster onsite. He will go before the Planning Board next month for a special permit. Part of the lot is in the flood zone, but not the location of the addition. No grades will be changed. The dumpster will be in front of the house, and any staging necessary could be there too. The property to the right is described.

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

A motion to issue an Order of Conditions with standard conditions is made by Scott Sheehan, seconded by Tom Campbell, and passes 4-0.

B. 75 Wharf Street -- Public Hearing -- Request for Determination of Applicability for Pickering Wharf Complex LLC, 75 Wharf Street, Salem, MA 01970. Purpose of hearing is to discuss proposed demolition of the top two stories of a three-story building and construction of a new second, third, and fourth floor at 75 Wharf Street, Salem, MA 01970 (Map 34 Lot 0408) within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

This item is heard first so that there can be a quorum, as Dan Ricciarelli is recused from this item.

John Bobrick of Bobrick Engineering & Construction represents the Applicant. Upper floors will be demolished and reconstructed for residential uses. Existing slab on grade is at elevation 10.65; flood elevation is 10. The Commission's jurisdictional area and work in the flood zone are described. The project is described.

The cantilevered section is on top of existing sidewalk, for weather protection. Staging of materials will be in a container, as described by Stephanie Spencer, the property manager. Demolition will be selective out of necessity. There is an existing arcade and columns, which are not strong enough and will be replaced, as will the walkway. Parking is in front and those spots will be used as a staging area and for a dumpster.

Chair St. Louis wonders if the utilities as they exist are adequate; this does have residential use already, and no underground work is proposed. The entire area is currently hardscaped, so there would be little erosion in any case. Drainage is discussed. Downspouts currently go into pipes. Materials are described.

Chair St. Louis opens to the public and his son describes the family members present, noting that he "wants to go home." This appears to be a popular sentiment.

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

A motion to issue a Negative and a Negative 6 Determination is made by Scott Sheehan, seconded by Tom Campbell, and passes 4-0 with Ricciarelli recused.

Chair St. Louis departs after this item at approximately 6:50PM, as there is now a quorum without him.

C. 11 Ames Street – Public Hearing -- Request for Determination of Applicability for Stefano Basso, 7 Highland Terrace, Beverly, MA 01915. Purpose of hearing is to discuss proposed rehabilitation of an existing building, including a two-story addition and the relocation of an existing shed at 11 Ames Street, Salem, MA 01970 (Map 37 Lot 62) within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

Mr. Stefano Bass, owner, presents the project. The history of the site is described; it has been uninhabited since 1993. Originally a single family, it will be converted to a two-family home. The resource area, existing conditions, and work proposed are described. Four crushed stone parking spaces will be added; the addition will be on sonotubes. A deck will be added with crushed stone underneath. The yard is described.

Flood elevations are discussed. This property is partially in the flood zone and it is also riverfront.

The existing sheds are described. The neighborhood is tight with small lots; this has a triple lot, though it is still narrow. One shed will be kept; the other was a walk-in cooler and will be eliminated. They may wish to move the existing shed, but it is uncertain.

Currently the planned parking area is just grass. Rehabilitation of the house is discussed. The asbestos and asphalt shingle siding will be removed. All windows will be replaced. The Commission feels construction debris should be kept on the driveway side.

Though higher than the grade, the sea wall does not trap water. The Applicant discussed the site with the previous owner, who provided insight, as did the neighboring abutter who has lived there for 10 years. The next street over would flood, but not Ames St. The Applicant will appear before the Zoning Board next week.

There are no comments from the public.

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

How to work within the framework of the Determination of Applicability is discussed. Conditions may be attached to an RDA. The Applicant notes that the grounds on the site have been highly disturbed. Riverfront is considered a resource area. The Applicant is willing to accept any reasonable conditions. Based on the scope of work, they chose an RDA rather than an NOI. They expect work to commence in the next month or two. If they need to file an NOI, this could be done at the March meeting. There is some concern that if a Negative 2 Determination is issued, the DEP could object.

A plan after the Applicant has appeared before the ZBA and solidified it is desired.

A motion to issue a Negative 2 and Negative 6 Determination is made by Dan Ricciarelli, seconded by Tom Campbell, and passes 4-0.

Special Conditions:

Staging and dumpster for construction debris must be located on the driveway side

Submission to the Agent of approved ZBA footprint and plans

D. 331 Bridge Street – Public Hearing -- Request for Determination of Applicability for Castle Hill Group, LLC, 14 Story Street, Salem, MA 01970. Purpose of hearing is to discuss proposed demolition of an existing building and construction of four new residential units in two new buildings at 331-333 Bridge Street, Salem, MA 01970 (Map 22 Lot 0583) within an area subject to protection under the Salem Wetlands Protection & Conservation Ordinance.

Applicant is not present.

A motion to continue to the March 14, 2019 meeting is made by Scott Sheehan, seconded by Dan Ricciarelli, and passes 4-0.

IV. OLD/NEW BUSINESS, CONTINUED

A. Discussion of unpermitted tree clearing at 16 Derby Street

Brooke Newcomb Morrissey of 244 High St. Topsfield speaks. She is a partial owner of 16 Derby St. along with her brother.

Darya Mattes heard from a colleague who noticed several trees that had been cleared here; part of it is in the flood zone, and it abuts David Beatty Park, so is jurisdictional. Ms. Newcomb was contacted and Commission jurisdiction explained; photos of the trees removed have been provided. Ms. Newcomb had received a letter from the City of Salem about a large tree that had fallen, but between then and now, two other trees had been lost in storms, and one of the neighbors requested that she clean up. She was not aware that that part of the property was in Conservation Commission jurisdiction.

Some work was done in September over three weeks, but some larger trees had to be professionally removed. One tree would have been hazardous if it fell. The area is zoned for a two family, so the intent is to develop it so that the taxes are not burdensome. There are plans to landscape the area; Ms. Newcomb is a horticulturist. She will put together an RDA for the next meeting for that project. There were never plans to clear cut the area, but dead trees needed to be removed; she did not realize how many were dead or potentially hazardous. A lot of invasive bittersweet was also there; work stopped upon receipt of the Commission's letter, but she would like to continue once she has the Commission's approval.

Darya Mattes noted at least 6 stumps, but some were already uprooted. There is also a large piece of "driftwood." Sheehan asks if the area floods; it does not.

The Commission generally asks that trees removed be replaced, but as trees do not generally help with coastal storm flowage, replacement may not be necessary. Darya Mattes outlines the extent of the flood plain. The lot and location of the trees removed is outlined.

The Commission wonders if it is possible to retroactively issue a Negative Determination. The logistics of this are discussed. The Commission feels that the future RDA for the second house on the lot, that

Ms. Newcomb has planned, would be better as a Notice of Intent. She questions the activities subject to regulation. Darya Mattes points out that there are coastal and other resource areas; the proposed house would be in the wetland buffer zone. A notice of Intent would show that the area will not be impacted and would result in an Order of Conditions. It would save her time in the case that the RDA was not found to be negative. A survey should also be done to confirm which areas are jurisdictional.

Ms. Newcomb will return with an NOI at a future meeting. If future work is to be done, the Commission should be notified, but no action will be taken regarding the removal of the trees currently in question. It is recommended that she bring a sketch of the proposed project site plan to the Agent so that she can verify which areas are jurisdictional, before filing for an RDA or an NOI, informally before getting formal drawings made up.

B. Discussion of Winter Island Road diesel clean-up (Emergency Certification)

Darya Mattes provides an update. There was a diesel fuel spill of 50 gallons on Winter Island Rd., from a Waste Management truck. This was at the top of the hill, and the fuel ran down. The LSP, Joe Jamallo, called because it was near a wetland in addition to being on the water. A DEP tracking number had already been issued and the cleanup process was described; sand was applied than cleared up. The spill extended into the driveway of 30 Winter Island Road. Contaminated stone, brick and cobblestones were to be removed, the soil beneath replaced with clean fill, and the driveway replaced. An Emergency Certification was signed by Darya Mattes. Normally they have 30 days to do the work, but for a fuel spill they have 60 days. No action is needed by the Commission.

C. Approval of the 2019 meeting schedule

The proposed schedule is reviewed; meetings will remain on the second Thursday of each month. Special meetings can be scheduled as necessary.

A motion to approve the 2019 schedule is made by Scott Sheehan, seconded by Tom Campbell, and passes 4-0.

D. Reappointment of Bart Hoskins to the Community Preservation Committee

A motion to reappoint Bart Hoskins to the Community Preservation Committee is made by Tom Campbell, seconded by Scott Sheehan, and passes 4-0.

E. Discussion of strategies for filling the open Commissioner position

Darya Mattes comments that suggestions of potential candidates from Commissioners would be welcome, as would suggestions for ways to publicize the opening. Scott Sheehan may have someone in mind. No one has applied so far, but Darya Mattes is not sure how word gets out about open Commission and Board positions. Possible resources to tap for candidates are discussed. Timing of an appointment and Gail Kubik's end of term is described. The process for appointments and re-appointments is also described.

F. Discussion of possible revisions to local wetlands ordinance

This was not yet discussed with the City Solicitor so no additional details are available on the legal process. Hiring an expert to create a draft has been discussed in the past. Darya Mattes notes that she has a contact who has updated wetlands and other City ordinances with regards to climate change;

Mass Audubon could be a good resource for this. It is noted that many people aren't aware of the existence of the Ordinance; it only comes up when parties go before other Boards or departments requesting permits, and are then informed that they are in a resource area.

Issues are discussed; sometimes major changes are made to projects and must be addressed. Additional information can be brought to the next meeting.

V. APPROVAL OF MINUTES

A. Meeting minutes: 1/10/19

A motion to approve the minutes, with minor corrections, is made by Tom Campbell, seconded by Dan Ricciarelli, and passes unanimously.

ADJOURNMENT

A motion to adjourn is made by Dan Ricciarelli and passes unanimously.

The meeting ends at 8:10 PM.

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