



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, February 15, 2022 at 6:30 p.m. via remote participation, in accordance with Chapter 20 of the Acts of 2021.**

MEETING MINUTES

Bart Hoskins opens the meeting at 6:29 pm

I. ROLL CALL

Present: Tyler Glode, Judith Kohn, Bart Hoskins, Scott Sheehan (4)

Absent: Greg St. Louis, Dan Ricciarelli, Tom Campbell (3)

Also in attendance: Kate Kennedy, Hannah Martin (2)

II. OLD | NEW BUSINESS

A. Kernwood Country Club – DEP# 64-643 - Request for Certificate of Compliance

Scott Grover: Here requesting certificate of compliance for an order of conditions that was issued March 2018. That order authorized the removal of certain vegetation from the grounds of the club and approved a mitigation planting plan to compensate for the vegetation removal. The mitigation plantings have been completed and have matured.

James Emmanuel shares visual updates of the three identified areas.

Bart Hoskins: I recall some trees on riverbank being on removal wishlist. Was that put aside to be a separate project?

- Jame Emmanuel: I believe that was regarding the black locust. Many growing out at 45 degree angles which could harm the bank. Looking to get approval on this certificate and then get a more comprehensive stabilization of that area. Not something fully fleshed out yet but plan to come back later with this.

A motion to issue certificate of compliance is made by Sheehan, seconded by Glode, and passes 4-0.

B. Salem Sound Coastwatch - Report on Saltmarsh Restoration

Barbara Warren shares presentation, highlights include:

- Monitoring the salt marsh at Forest River Park, part of the repair project and process of building the seawall.
- Salt marsh was damaged and needed to be replanted.
- Photos highlighting the improvement of plantings between 2020 and 2021.
- 27% bare area with potential to grow grass.
- Will be monitoring for the next three years. More reports to come to keep the Commission updated throughout the process.

III. REGULAR AGENDA

- A. 9-11 Franklin Street – DEP# 64-729** - Public Hearing *Continuation* – Notice of Intent for Patrick Shea, 11 Franklin LLC, for the property located at 9 Franklin Street, Salem, MA. The purpose of the hearing is to discuss the proposed twelve (12) unit multi-family development and associated site work within an area subject to the Wetlands Protection Act MGL c131§40 and Salem’s Wetlands Protection & Conservation Ordinance. *REQUEST TO CONTINUE TO MARCH 15, 2022 meeting.

A motion to continue the public hearing to March 15, 2022 is made by Glode, seconded by Kohn, and passes 4-0.

- B. 14 & 16 Almeda Street – DEP# 64-736** – Public Hearing - Notice of Intent for Applewood Construction, 92 Middlesex Road, Tyngsboro, MA, for property located at 14-16 Almeda Street, Salem, MA. The purpose of this hearing is to discuss the proposed development of extending the paved portion of Almeda Street by approximately 80 feet and construction of two single-family residences, with associated driveways, utilities, and landscaping, within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

Bob Griffin:

- In 2016 the commission issued an order of conditions for this road extension. Planning Board additionally approved plan at this time.
- Portion of the work lies within the buffer zone, causing a neighbor to appeal the decision. Superior Court issued judgement in 2020.
- In the process of the appeal the Commission's order of conditions expired.
- Keeping all roadway improvements within the current right of way of Almeda Street. Pretty conventional roadway extension work.

Scott Sheehan: Is this notice of intent just for the roadway work?

- Bob Griffin: For both the roadway and the dwellings. Plots 14 and 16 lie within the buffer zone, which has all been detailed in plan.

Judith Kohn: Regarding turnaround, is that sufficient for a firetruck?

- Bob Griffin: Provided a hammerhead here, which is compliant with the Salem Planning Board regulations. Plans have also been presented to the Salem Fire Department as part of Planning Board

approval process. Another turnaround will be created further down the roadway.

- Judith Kohn: Understand the use of the boulders, but wondering if they will hinder snow plowing/snow storage and if they can be moved?.
- Bob Griffin: Yes, those can be moved.

Tyler Glode: Who would be maintaining the tree box filter? Is there a homeowners association?

- Bob Griffin: Yes, there is. The tree box filter would be maintained by the two homeowners.

Public comment:

Donald Harlow-Powell, 12 Alameda Street: This is a public way. Continues on the other side to Alameda West. One day will be a full complete road. Right now the city of Salem doesn't plow Alameda all the way to the end. Regarding the fire truck turnaround, the closest fire hydrant is over 600 ft away. All large trucks need to use the old turnaround to back in Alameda Street. Questions regarding the quarterly inspections, who is performing those and what are they doing?

- Bob Griffin: Would be inspected on a quarterly basis for the first year, then yearly bases after that. Done by a competent inspector. Up to the homeowners association to maintain that person.

Donald Harlow-Powell: Additionally wondering about wildlife. How well are they going to be protected in the pond? Have seen a large increase in turtle breeding the last few years.

- Bob Griffin: Site plan shows there is a long distance where wildlife could move around this developed area even after the houses are built. Don't think it would be any more difficult than it currently is for wildlife to migrate.
- Bart Hoskins: Retaining wall looks like the biggest impact to wetlands and wildlife in this project. Would it be problematic to leave a little space between boulders? Allowing more space for wildlife to pass through.
- Bob Griffin: I don't see a problem with leaving space between the boulders.

Bart Hoskins: Possibility of a condition around inspection for the first year? With a homeowners association of just two I can see this possibly slipping.

- Bob Griffin: Some municipalities are more organized than others. I think requiring a report to be provided to the commission makes a lot of sense.

Judith Kohn: Not sure I'm comfortable with this amount of tree removal within the buffer zone. Salem does not have many trees to begin with. Would like to keep as many as possible. There area is protected by the buffer zone

- Bob Griffin: We are recommending the removal of trees within a certain distance of the house just like we would with any other development. I'm happy to do a pre-construction site walk to see if there is any vegetation worth saving. The buffer zone is not a no disturbance zone. Some residential space around these residences is appropriate and will be a long distance away from any wetland resources.
- Bart Hoskins: Looks like there are not many trees out there. Possibly spotty vegetation.
- Judith Kohn: Could we ask to have some sort of distance from the rear property line not be cleared of trees because it is within the buffer zone.
- Bob Griffin: Think I would prefer to do an inspection at the time of construction. Alternatively, I would be happy to provide some shrubs along the property lines to provide some habitat.

- Tyler Glode: I would entertain either a site walk or plantings around property lines.
- Judith Kohn: Could we arrange a pre-construction site walk?
- Bob Griffin: Yes.

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

A motion to issue the order of condition subject to special conditions as mentioned is made by Glode, seconded by Kohn, and passes 4-0.

C. 419 & 419A Lafayette Street – DEP# 64-### – Public Hearing – Notice of Intent for Richard Brennan, 419 & 419A Lafayette Street, Salem, MA. The purpose of this hearing is to discuss the proposed construction of a building addition to a single-family residence; new gangway and floating dock, driveway modifications, and associated seawall and landscape improvements, within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

Bob Griffin: Proposed plan includes:

- Seawall, upper bank and salt marsh within this project.
- Proposing new floating dock, gangway and improvements to seawall.
- Lawn area between homes will become convenient parking area.
- Will now be lawn swooping down to the seawall.
- Improving access to lower parking from upper parking with stairs.
- Removing some existing overgrown vegetation and replanting with new.
- New second floor on 419A, including upper deck.
- New float is slightly larger than existing. Existing float to be removed.
- Replant salt marsh.

Judith Kohn: Would be nice to condition that construction should be happening from the landward side opposed to the seaward side.

- Bob Griffin: Yes. Really just the removal of the rails needs to be done beyond the seawall.
- Tyler Glode: A benefit in the long run, but will certainly cause some damage during construction.

Kate Kennedy: Regarding the small portion of land off of the side of the wall. Want to have the correct square footage for the permit. How many square feet need to be added?

- Bob Griffin: Can get you the numbers tomorrow to fill out your order of conditions.
- Tyler Glode: Is it going to be a one to one replacement.
- Bob Griffin: Roughly. In the plan we have plus/minus 20 square feet. Could be slightly more or slightly less. Happy to do whatever it takes to make this successful.

Judith Kohn: Kate, do you still get the green card after filing?

- Bob Griffin: I actually have the green card and am happy to scan and send to Kate if that would be helpful.

Public Comment:

(abutter): In support of what they are doing. They've been fine and don't expect anything they are doing will bring flood waters our way.

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

A motion to issue the order of condition subject to special conditions as mentioned is made by Glode, seconded by Kohn, and passes 4-0.

D. 57 Marlborough Road – DEP# 64-716 – Public Hearing – Request for amended Order of Conditions for Osborne Hills Realty Trust, P.O Box 780, Lynnfield, MA 01940. The purpose of this hearing is to discuss the proposed amendment to an existing Order of Conditions, DEP#064-716, Modification of Strongwater Crossing Subdivision, to incorporate final plans previously approved by the Salem Planning Board- project address 57 Marlborough Road, within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

Bill Manual: Originally presented to commission in December 2020. Planning Board finally approved in late 2021. Looking to have the Commission amend the order of conditions so that the plans approved by the Planning Board are identical to those approved by the Commission. Plan changes are minimal. A few features moved away from buffer zone. All affected wetlands have been delineated.

Bart Hoskins: Basin that was moved. Is that a drainage basin?

- Bill Manual: Yes. Just a place for water to go, not an infiltration basin or anything.

Tyler Glode: Remember when this originally came through the Commission. I appreciate this design much more as it pulls a lot away from the buffer zone.

- Scott Sheehan: Agree with Tyler. These proposed changes are beneficial over what we previously approved.

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

A motion to approve the amendments to the order of condition per the amendments discussed is made by Glode, seconded by Sheehan, and passes 4-0.

E. Strongwater Crossing Subdivision - lots 92-102 – Public Hearing – Notice of Intent for Osborne Hills Realty Trust, P.O Box 780, Lynnfield, MA 01940. The purpose of this hearing is to discuss the proposed construction of single-family homes, driveways, grading and utilities for lots 92-101, and grading on single-family lot 102 of Strongwater Drive, all lots included in the next phase of the Strongwater Crossing Subdivision, 57 Marlborough Road, within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance

Lot 92 DEP#64-### - Public Hearing - Notice of Intent for Osborne Hills Realty Trust, P.O Box 780, Lynnfield, MA 01940. The purpose of this hearing is to discuss the proposed construction of a single family dwelling, driveway, grading and utilities for lot 92, Strongwater Crossing Subdivision, 57 Marlborough Road, within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

Lot 93 DEP#64-### - Public Hearing - Notice of Intent for Osborne Hills Realty Trust, P.O Box 780, Lynnfield, MA 01940. The purpose of this hearing is to discuss the proposed construction of a single family dwelling, driveway, grading and utilities for lot 93, Strongwater Crossing Subdivision, 57 Marlborough Road, within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance

Lot 94 DEP#64-### - Public Hearing - Notice of Intent for Osborne Hills Realty Trust, P.O Box 780, Lynnfield, MA 01940. The purpose of this hearing is to discuss the proposed construction of a single family dwelling, driveway, grading and utilities for lot 94, Strongwater Crossing Subdivision, 57 Marlborough Road, within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance

Lot 95 DEP#64-### - Public Hearing - Notice of Intent for Osborne Hills Realty Trust, P.O Box 780, Lynnfield, MA 01940. The purpose of this hearing is to discuss the proposed construction of a single family dwelling, driveway, grading and utilities for lot 95, Strongwater Crossing Subdivision, 57 Marlborough Road, within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance

Lot 96 DEP#64-### - Public Hearing - Notice of Intent for Osborne Hills Realty Trust, P.O Box 780, Lynnfield, MA 01940. The purpose of this hearing is to discuss the proposed construction of a single family dwelling, driveway, grading and utilities for lot 96, Strongwater Crossing Subdivision, 57 Marlborough Road, within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance

Lot 97 DEP#64-### - Public Hearing - Notice of Intent for Osborne Hills Realty Trust, P.O Box 780, Lynnfield, MA 01940. The purpose of this hearing is to discuss the proposed construction of a single family dwelling, driveway, grading and utilities for lot 97 Strongwater Crossing Subdivision, 57 Marlborough Road, within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance

Lot 98 DEP#64-### - Public Hearing - Notice of Intent for Osborne Hills Realty Trust, P.O Box 780, Lynnfield, MA 01940. The purpose of this hearing is to discuss the proposed construction of a single family dwelling, driveway, grading and utilities for lot 98, Strongwater Crossing Subdivision, 57 Marlborough Road, within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance

Lot 99 DEP#64-### - Public Hearing - Notice of Intent for Osborne Hills Realty Trust, P.O Box 780, Lynnfield, MA 01940. The purpose of this hearing is to discuss the proposed construction of a single family dwelling, driveway, grading and utilities for lot 99, Strongwater Crossing Subdivision, 57 Marlborough Road, within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance

Lot 100 DEP#64-### - Public Hearing - Notice of Intent for Osborne Hills Realty Trust, P.O Box 780, Lynnfield, MA 01940. The purpose of this hearing is to discuss the proposed construction of a single family dwelling, driveway, grading and utilities for lot 100, Strongwater Crossing Subdivision, 57

Marlborough Road, within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

Lot 101 DEP#64-### - Public Hearing - Notice of Intent for Osborne Hills Realty Trust, P.O Box 780, Lynnfield, MA 01940. The purpose of this hearing is to discuss the proposed construction of a single family dwelling, driveway, grading and utilities for lot 101, Strongwater Crossing Subdivision, 57 Marlborough Road, within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

Lot 102 DEP#64-### - Public Hearing - Notice of Intent for Osborne Hills Realty Trust, P.O Box 780, Lynnfield, MA 01940. The purpose of this hearing is to discuss the proposed grading for lot 102, Strongwater Crossing Subdivision, 57 Marlborough Road, within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance

Lots 92-95:

Bill Manual: This is the new Strongwater Drive. 92-95, have to create a one to one riprap slope to have a usable backyard. Bring the transition down to existing grade. Going to have a lot of existing rock and this is a great way to put it to use. Erosion control barrier installed at the end of each lot.

Bart Hoskins: What is the current condition of these proposed backyards?

- Bill Manual: All of this is wooded right now.
- Bart Hoskins: So we are talking about a lot of clearing and a riprap that essentially meets the edge of the wetland. That's a lot of tree clearing in the buffer zone.
- Bill Manual: Yes. If you recall we actually increased open space by 26 acres from the original plan. A lot better than the original plan. Designated open space on the submitted plans.

Tyler Glode: Would like to condition that erosion control measures be extended to the entire machine place riprap. Along with shifting the recharge area for lot 95.

- Judith Kohn: Would also like to request that disturbance beyond the erosion control measures.
- Bart Hoskins: Can also request the back property lines placard noting the resource area.

Lots 96-101 & 102:

Bill Manual: Remaining lots have more forgiving topography. Conventional shaping of the land, three to one slopes that grade down and meet the topography before we run out of property. 96-101 have a portion of a structure in the buffer zone. 102 just has a small bit of grading in the buffer zone. Similarly to above have similar erosion control and happy to add signage like previously discussed.

A motion to continue the public hearing to March 15, 2022 is made by Glode, seconded by Kohn, and passes 4-0.

IV. OLD | NEW BUSINESS II

C. 14 & 16 Alameda Street – DEP#64-622 - Request for Certificate of Compliance

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

Taken after item B in the regular agenda.

A motion to issue certificate of compliance based on no work performed is made by Glode, seconded by Sheehan, and passes 4-0.

D. Buffer Zone Re-Vegetation Plan- DEP#64-581, #64-582, #64-585

Bill Manual: Orders of conditions issued back in 2014 or so. Some land clearing got ahead of itself for three lots. Required 20 shrubs (20 per lot, 60 total) to be placed within lots. Portion of a subdivision. Suggesting area for shrub placement and species to be placed. But a lot of vegetation has regrown since initial conditions. Looking to discuss the possibility of placing these new shrubs within the new build out instead. Ideally within the wetland buffer zone to further support.

Bart Hoskins: Wondering what the new growth looks like. What kinds of species?

- Bill Manual: Areas of seasonal goldenrod, norway maple trees, quaking aspen, staghorn sumac. What's really leaked here is the privet. Privet would have to be removed to install shrubs.
- Judith Kohn: Seems like a waste of energy to do that. Where exactly would the new shrub placement be?
- Bill Manual: Within the wetland replication area, likely on the upland edge. A little bit brushy right now, replaced with native species.
- Judith Kohn: Think this would provide a better habitat continuity.

E. Tree Removal Review

Kate Kennedy: Looking to the Commission for interest for some sort of administrative approval or tree removal within our jurisdiction. Mainly for smaller requests. Can get tricky and looking to streamline the process a little. Will pull together a few different examples of local communities for the next meeting.

F. FEMA Region I Coastal Erosion Hazard Areas Study

Kate Kennedy: FEMA presentation on the coastal erosion studies being held tomorrow, February 16. If you are able to attend, you definitely should. Will recirculate via email.

IV. APPROVAL of MINUTES

A. January 18, 2022 Meeting Minutes

A motion to approve January 18, 2022 minutes is made by Glode, seconded by Kohn, and passes 4-0.

V. ADJOURNMENT

A motion to adjourn is made by Sheehan, seconded by Kohn, and passes 4-0.

The meeting adjourned at 10:32 p.m.