

**Salem Conservation Commission  
Minutes of Meeting**

**Date and Time:** Thursday, January 11, 2018, 6:30 p.m.  
**Meeting Location:** Third Floor Conference Room, City Hall, 120 Washington Street  
**Members Present:** Vice Chair Bart Hoskins, Gail Kubik, Scott Sheehan, Tyler Glode  
**Members Absent:** Chair Gregory St. Louis, Tom Campbell, Dan Ricciarellil  
**Others Present:** Ashley Green, Conservation Agent  
**Recorder:** Stacy Kilb

Vice Chair Hoskins opens the meeting at 6:33PM.

**1. Old/New Business**

- **Thorndike Street Subdivision, DEP #64-538, Request for Certificate of Compliance.**

Mr. Patrick DeIulius is requesting the Certificate. Ashley Green describes the subdivision; a partial certificate on one of the three lots in Commission jurisdiction was issued in 2014. Mr. DeIulius notes that this was originally a brownfields site acquired in 2008, later remediated and permitted, and lots constructed upon in phases with some delays. He describes the logistics of the lots and street addresses.

Resource protections during the work and special conditions are discussed. The plantings are doing well; Agent Green has done an inspection of all three lots.

*A motion to issue the complete Certificate of Compliance is made by Glode, seconded by Sheehan, and passes 4-0.*

- 2. Bridge Street Reconstruction Project— Continuation of Public Hearing—Notice of Intent for the City of Salem, 120 Washington Street, 3<sup>rd</sup> Floor, Salem, MA. The purpose of this hearing is to discuss proposed roadway and intersections improvements along Bridge Street from Boston Street to Flint Street and along Goodhue Street within an area subject to protection under the Wetlands Protection Act MGL c131§40 and Salem Wetlands Protection & Conservation Ordinance.**

*Applicant requests to continue to the February 8, 2018 meeting*

*A motion to continue to the February 8, 2018 meeting is made by Sheehan, seconded by Glode, and passes 4-0.*

- 3. 441 Lafayette Street Dock and Float Repair—Continuation of Public Hearing—Notice of Intent for Mark Mazuzan, 441 Lafayette Street, Salem, MA. The purpose of this hearing is to discuss proposed repair and replacement of a dock, float, and mooring at 441 Lafayette Street within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.**

*Applicant requests to continue to the February 8, 2018 meeting*

*A motion to continue to the February 8, 2018 meeting is made by Sheehan, seconded by Kubik, and passes 4-0.*

4. **Kernwood Country Club Tree Removal, Brush Clearing and Vegetation Planting**—Continuation of **Public Hearing**—Notice of Intent for Kernwood Country Club, 1 Kernwood Street, Salem, MA. The purpose of this hearing is to discuss proposed removal of trees, brush clearing, and planting of vegetation at 1-9 Kernwood Street and 2 Kernwood Street within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

*Applicant requests to continue to the February 8, 2018 meeting*

The original site visit was cancelled due to weather; a new site visit is scheduled for Jan. 27 at 9AM.

*A motion to continue to the February 8, 2018 meeting is made by Kubik, seconded by Glode, and passes 4-0.*

5. **Old/New Business Cont.**

- **3 Bridge Street, DEP #64-640, Request for Certificate of Compliance.**

This was for the removal of an underground storage tank and installation of an above-ground one. Green presents on behalf of the applicant; the applicant can attend the February meeting if there are any questions. Discussion occurs regarding the installation of the asphalt where the old tank was; Glode notes that it does not look to be installed well as the surface is not smooth, but no base material was specified in the Order.

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

- **148 Marlborough Road, DEP #64-591, Request for Certificate of Compliance.**

There are many plantings required under this Order and an inspection cannot occur over the winter to verify these plantings so this request will need to be tabled until April or May.

- **Meeting minutes—November 16, 2017.**

Tabled until the next meeting.

- **Other:**

*Bart Hoskins' and Tyler Glode's tenures as Commissioners* expire in March; if they would like to continue to serve on the Commission, Green will send this request to the Mayor's office. Timing of the various Commissioners' appointments is discussed. Hoskins and Glode say they want to continue to serve.

*Shetland Park dumping snow into the ocean.* Green received a complaint with photos of snow from Shetland Park being dumped directly into the ocean. They have been fined before for this in 2008. Green would like to know how the Commission would like to proceed. In 2015, blanket permission was given to dump snow in the ocean, but it was only for that season. The Commission feels that Shetland Park should be held accountable and fined again. The person who reported this on "See Click Fix" says this has been going on for years.

Options would be to send a letter or an enforcement order and have them come before the Commission to discuss this and determine a solution. Sheehan notes there other problems there, such as trespassers dumping carpet cleaning solution into storm drains, however, Shetland Park would not help the Commission by giving it access to cameras to find out who it is.

The Commission would like an Enforcement Order to be issued as this is a problem that has already occurred once. Green will issue it.

***Commission designation of sidewalk replacement on Jefferson Ave as a Limited Project with the requirement of compensatory flood storage waived.*** The Commission received a request from Stantec on behalf of the City, who is replacing the sidewalk on Jefferson Ave. from Margin St. to Preston Rd. This is 6500 linear feet that they consider bordering land subject to flooding (BLSF), and want the Commission to approve it as a limited project and waive the requirement of compensatory flood storage, which is a performance standard for BLSF. The Commission has the power to waive this requirement if it is a limited project. Green quotes the definition of a limited project as the maintenance/improvement of existing roadway with no expansion. The resource area is BLSF and buffer zone to wetlands to BVW at a couple of spots. The City has requested a scope and budget from Stantec, and this determination will impact that. Glode notes that a limit of disturbance should be provided. Green describes the limited project parameters. This is just the sidewalk, which is typically considered roadway. If classified as a limited project they do not need to meet resource area standards if the Commission waives these standards, but the applicant must provide an alternatives analysis. If approved as limited, the Commission can still dictate which standards must be met. Glode is concerned that this is an area prone to flooding. He feels that drainage should be upgraded. The issues in question are further discussed. He is concerned that this would cede too much control – more than if they City came in for an RDA or full NOI. For example, if they replace sidewalk, but then it floods more often and they do not need to do compensatory storage, there will be an issue.

Some curbing is already 6” but some is 3”. The implications to flood storage of raising the curbing to the proper height is discussed; it is probably not feasible to provide a decent level of storage in any case. Hoskins asks if the City can repair the sidewalk but not comply fully with the WPA requirements. They probably feasibly cannot; Glode just wants to know that some thought went into this.

Stantec is doing the design for the City. Glode notes that the Engineering Department will be holding Stantec’s hand the whole time so he is less concerned.

The definition and implications of “limited” are again discussed. If this project does receive that designation, the Commission is not limited to holding the City only to what is written in these minutes; Stantec is only asking for an initial determination, but would still have to go through the formal process of filing an NOI and asking for the waiver of the compensatory flood storage requirement.

If the Commission thinks the project is limited, they would need to be prepared for DEP to overrule that determination. Stantec is aware of that risk, as this is same team that is working on the Bridge Street reconstruction project.

Green notes that Tom Devine’s other thought was that most projects in this area classified themselves as coastal.

The classification of the project with regards to compensatory flood storage is discussed. Hoskins comments that it appears that they plan to do surveying. Glode notes that flood storage calculations will be required in any case, however, if the Commission approves the project as limited, the Applicant does not need to submit them; if not, they do. They are just trying to find out how the board is inclined to vote. Chair St. Louis has not yet been consulted and Glode feels he should be.

The Commissioners want to see calculations as the Commission is concerned with flood elevations and this is a good opportunity to gain more knowledge. Commissioners feel that flood storage numbers should be known, even if it is not possible to provide compensatory flood storage; they are not yet ready to commit on waiving compensatory flood storage without that information.

*A motion to adjourn is made by Sheehan, seconded by Glode, and passes 4-0 with all in favor.*

The meeting ends at 7:31PM.

Respectfully submitted,  
Stacy Kilb  
Clerk, Salem Conservation Commission

Approved by the Conservation Commission on March 8, 2018.