



# 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, January 18, 2022 at 6:30 p.m. via remote participation, in accordance with Chapter 20 of the Acts of 2021.**

## MEETING MINUTES

***Chair Greg St. Louis opens the meeting at 6:37 pm***

### I. ROLL CALL

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

*Absent:* Scott Sheehan, Tom Campbell (2)

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

### II. REGULAR AGENDA

#### \*ENFORCEMENT ORDER\*

Item taken first.

Susan St. Pierre: Not permitted work started on retaining wall in backyard. Home owner, Justin Mattera, was unaware of permits being needed. Work has since been stopped and plastic removed from the area. Letter has been prepared and submitted to the commission. Working to get the proper permits together. Happy to put up construction fencing by the end of the week.

Working on filing a notice of intent. May take a couple months to have plans in order. Area would likely need some protection if we wait for a plan and notice of intent. Could install waddles or similar devices to stop erosion.

Kate Kennedy: For some background, an abutter called Thursday (1/13/22) to notify of work and machinery being used on sea wall. I went over while they were wrapping up for the day to let him know permits were needed for this kind of work. Additionally alerted him to concerns around the stability of the sea wall. Not realistic to file a notice of intent in this time, will need to stabilize the bank in the meantime. Looking to the commission for conditions to stabilize the site.

Greg St. Louis: Hoping we can implement what we discuss tonight by February 1, 2022. Agree that some sort of matting/natural fabric should be installed over disturbed area. Recommend something like a straw wattle at the top part of the cut and weighing down the bottom part of the cut. Erosion control fabric should have a finer knit to it.

Judith Kohn: Can you provide a written description once we get the erosion control materials? Possibly a map to show where it is being placed? Would be helpful. Also wondering what permits are needed here and the purpose of the work?

Susan St. Pierre: Have not had time to look further into permits needed yet. Will share with the commission when providing additional information requested. The homeowner wanted to replace the wall with better materials. Planning to do an addition and other work to the home in the future but that is not the purpose of intent for this permit.

Greg St. Louis: Work to be done by February 1. Giving roughly two weeks to get erosion control fabric down. Vote to certify order?

Roll call vote to ratify the enforcement order passes 4-0.

- A. 9 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.

Item taken second. Dan Ricciarelli recuses himself.

A motion to continue the public hearing to February 15, 2022 is made by Hoskins, seconded by Kohn, and passes 5-0.

- B. 2 Bridge Street – DEP# 64- ###** - Public Hearing – Notice of Intent for 2 Bridge, LLC, 38R Ocean Avenue, Salem, MA. The purpose of the hearing is to discuss proposed site improvements including replacing an existing shed and gravel with vegetation; replacing wood plank with crushed stone steps and walk; installing salt tolerant grasses along proposed public access walkway and installing wooden support legs on an existing pier - within an area subject to the Wetlands Protection Act MGL c131§40 and Salem’s Wetlands Protection & Conservation Ordinance.

Items taken third.

Bob Griffin details the project. Highlights include:

- Chapter 91 requirement.
- Planning a non water dependent use.
- Site is in a flood zone. Most of the rear patio is in a flood zone.
- Minor work items: re-stripe the lot, proposed ramp for parking area, adding vegetation in front of building, removal of old shed, removal of brick patio, adding support legs to seasonal float.
- 900 sq ft of building will be used for cannabis sales, use of additional space is undetermined.

Judith Kohn: The property owner for 1 Bridge Street is listed as the city of Salem. Are they a co-applicant or is there some sort of easement? Can you explain why that property is included in the notice of intent?

- Bob Griffin: Very thin strip of land, roughly 2 feet wide, along the shore line. Not clear how that was derived after looking through deeds and plans. Understanding that the city was going to sign the application but did not get around to it. They agreed to plantings in the area, which is the only change

being made there. Don't anticipate any problems based on previous conversations, but have not gotten a signature as far as the application yet.

- Judith Kohn: Could you get some sort of letter from them saying they accept the order?
- Bob Griffin: We should be able to. If the city does not agree we will withhold work/plantings from the area.
- Judith Kohn: I think it is more of a legal issue with the city. They may not want to have an order recorded on their property if they have not signed the application.

Public comment:

Barbara Warren, 12 Federal Street: Is this going to be a restaurant or is there a change of uses?

- Bob Griffin: Main area will be used for cannabis sales. Additional space has an undetermined use.

Barbara Warren: Hard to tell from photos, does the public access reach over to the park? Would people be able to walk all the way around here?

- Bart Hoskins: Only access I can imagine anyone wanting to use would be coming from the park, intending to walk over the 1A bridge. Can envision a scenario where you might want to walk along the water behind the restaurant. But don't think there is a feasible way to connect those elevations. This is more so to satisfy the intent of Chapter 91. Not much else you could do. What is the plan for the public accessing the dock? Assuming it would be restricted.
  - Bob Griffin: Chapter 91 doesn't require you to make ramps and piers public access. Just to maintain public access along the shore line.

Barbara Warren: Regarding the plantings on the shore edge. Looks like a very inhospitable area. Thinking the planned plantings won't take. Sounds good on paper but is it really going to be planted properly?

- Greg St. Louis: Suggesting conditioning the care and maintenance of the plantings. Similar salt tolerant grass has taken well further down the area.

Greg St. Louis: Recommending a motion to issue an order conditions for Bridge Street with conditions that include special conditions for care and maintenance for are abutting public access way including the public access way whether on city land or private land.

- Judith Kohn: Think this is still a procedural issue. Applicant needs to show notice/verification from the city before submitting an order of intent. Commission can issue the order but should be including some sort of notice or something within from the city. Worth including for legal protection.
- Tyler Glode: Comfortable with an affidavit.
- Andy Varela, Conservation Commission liaison: Applicant is looking to improve site. Would hate to see a delay on going forward with the applicant because of this. Believe the city will honor what is in its best interest. Looking to propose plantings would be reasonable.

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

A motion to issue order of conditions, subject to special conditions including care maintenance and plantings on land abutting public access way and continued maintenance of public access way, on the understanding that it is contingent with the city, is made by Hoskins, seconded by Glode, and passes 4-0.

### III. OLD | NEW BUSINESS

**A. 16 Nurse Way – DEP# 64- 613 - Certificate of Compliance**

Still wrapping up last measures. Continue to spring and conduct site visit. Commission votes unanimously to continue to March 15, 2022 meeting.

**B. Salem Sound Coastwatch – Forest River Conservation Area – Bridge Improvements**

Approved for CPA funds – right now writing application. Asking Conservation Commission – be willing to go out and assess the bridge/property. Would love to involve volunteers in some way.

Greg: would advocate to go to Beverly along western side of Bass River. Private construction company worked with eagle scouts – all materials were hauled out by the football team. Project was in a much more tidal zone than what would be in Forest River area.

Barbara: Wondering if someone would be interested would it be a joint application or come from the conservation commission. Would need a letter of consent from the conservation commission.

Bart: Structure proposal into identifiable pieces. Will need to identify budget.

**C. Letter of Support – Fort Lee, Salem Willows**

Tyler Gode: Definitely in support. Have seen a few restored forts in Maine. Restoration creates a cool historical feature.

Bat Hoskins: Would like to add that I believe there was previously some kind of CPC funding for some bandaid work. Also a lot of invasive species in the area. From that standpoint, I think this deserves the commission's support. I'm all for it.

Greg St. Louis: Will review the letter. Do we need to take a vote to support?

Kate Kennedy: No vote needed. Just want to share for discussion.

**D. Salem & Peabody - Resilient North River - Public Forum January 25**

**E. Resilient Together – El Punto, Junto - Public Forum January 26**

**III. APPROVAL of MINUTES**

**A. November 16, 2021 Meeting Minutes**

**B. December 21, 2021 Meeting Minutes**

A motion to approve November 16, 2021 minutes and December 21, 2021 minutes is made by Glode, seconded by Kohn, and passes 4-0.

**V. ADJOURNMENT**

A motion to adjourn is made by Glode, seconded by Hoskins, and passes 4-0.

**The meeting adjourned at 8:18 p.m.**