

Salem Conservation Commission Minutes of Meeting

Date and Time: Thursday, July 11, 2019, 6:30 p.m.
Meeting Location: Large Conference Room, City Hall Annex, 98 Washington Street
Members Present: Chair Gregory St. Louis, Tom Campbell, Dan Ricciarelli, Vice Chair Bart Hoskins
Members Absent: Scott Sheehan, Tyler Glode
Others Present: Darya Mattes, Conservation Agent
Recorder: Stacy Kilb

Chair St. Louis calls the meeting to order at 6:45PM.

I. ROLL CALL

II. REGULAR AGENDA

- A. 17 Linden Avenue – DEP # 64-680** – Continuation of Public Hearing -- Notice of Intent for Roger Boucher, 17 Linden Avenue, Salem MA. Purpose of hearing is to discuss proposed replacement of an 8'x12' dock at 17 Linden Avenue within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

Roger Boucher of 16 Linden Ave presents. The DEP did not provide comments; they were waiting on a plot plan at the previous meeting, but the Commission has since received a file number from them. No special conditions were discussed and there are no public comments.

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

A motion to issue an Order of Conditions with standard conditions is made by Hoskins, seconded by Ricciarelli, and passes 4-0.

- B. 46 Columbus Avenue and the beach at Juniper Avenue and Beach Street – DEP # TBD** – Continuation of Public Hearing – Notice of Intent for the City of Salem, 98 Washington Street, Salem, MA. Purpose of hearing is to discuss proposed removal of approximately 15 cubic yards of beach sand from the northeast corner of the beach at 46 Columbus Avenue, and relocation of the sand to the ocean side of the seawall at Juniper Ave and Beach Street, within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

No DEP file number has been issued yet; Darya Mattes presents. David Knowlton, City Engineer presented neighborhood flooding concerns and proposed a short term solution of removing sand. However, the project could not be permitted and there were also concerns that would not be effective. The next step was to reach out to the DEP and ask for advice; DEP referred the City to Coastal Zone Management (CZM). Options discussed:

- David Knowlton is submitting a grant application to repair and improve the seawall as a long term, effective solution
- Removing sand, b/c of how ocean flooding works, would not help and would worsen flooding b/c sand slows waves, causing them to break earlier, plus it is not permissible
- The neighborhood group met with Salem Sound Coast Watch (SSCW), who will hold a second meeting in July to discuss solutions
- Small short term solutions: City blocks access stairs every winter

- Next Step: have an additional community meeting

Chair St. Louis agrees with CZM's comments; redistributing sand from one beach to another is generally not allowed due to its specific composition on each beach.

Cynthia Jerzylo of 17 Bay View Ave comments that the built up sand acts as a ramp for water going up the wall during high tides, so the seawall is not acting as a barrier. Velocity zone & wave action is the issue, rather than sea level rise. Chair St. Louis comments that, if the sand was further away from wall, it would cause the wave action to break earlier and not run over the wall. Neighbors want to regrade sand to the middle of the beach. This is not just a property issue, but a safety one as it limits access for emergency vehicles. Neighbors are frustrated as no help seems forthcoming; they just want sand removed from the corners. The Chair notes that the City is committed to looking at all these endeavors, but wants them to revise the application and resubmit so it does not get appealed by those higher up at the state level who are not familiar with the area. Sand will be kept on the same beach and not removed. A revised proposal would pull the sand back and this would help with the velocity zone issue.

Chris Cantone of 10 Vista Ave. reiterates that sand in the corners exacerbates flooding and asks if sand can be raked from different directions. The Chair is hoping that such Operation and Maintenance (O&M) can be included in the resubmission; if approved as is, the DEP would overturn as it not permittable, but if revised and within permittable limits as ongoing maintenance, then the Commission can pass it with less chance of DEP overriding. The City will re-file as they are interested in continuing the conversation with neighbors and CZM regarding maintenance and major seawall projects.

A motion to continue the hearing to the August 8 meeting is made by Hoskins, seconded by Ricciarelli, and passes 4-0.

- C. 79 Columbus Avenue – DEP # TBD** – Continuation of Public Hearing – Notice of Intent for Eric Cormier, 20 Cutter Street, Waltham, MA. Purpose of hearing is to discuss proposed reconstruction of a single-family home at 79 Columbus Avenue, within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

No one is present for this item.

A motion to continue to the August 8 meeting is made by Ricciarelli, seconded by Hoskins, and passes 4-0.

Another resident notes that the work actually completed at this point does not match what was approved on the permits.

- D. 435 Highland Avenue (Life Storage) – DEP #64-678** – Public Hearing – Notice of Intent for Tim MacVittie, Life Storage LP, 6467 Main Street, Williamsville, NY 14221. Purpose of hearing is to discuss the proposed razing of on-site buildings and construction of a single, 3-story self-storage facility with associated parking, utilities, stormwater improvements, curbing, dumpster pad, site lighting, and landscaping at 435 Highland Avenue (Map 3, Lot 127) within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance,

Presenting for the Applicant are Carlton Quinn, Senior Project Manager and Dave Robinson, Project Engineer with Allen & Major Associates.

Project History:

Flooding has been an issue with the first floors of both buildings being flooded 8 times in the past.

Following legal advice, spaces on those floors have not been rented out since flooding began. The facility is

at a low point in the road which has only one catch basin, and water comes down from both sides of the road. The onsite drainage cannot handle the capacity from the DOT road (Route 107).

The Catch Basin was TV'd and the area studied. A 24x30" culvert collects all Highland Ave. and Walmart runoff, 48 acres total, probably doubled if runoff is included from the other side. The TV showed that the culvert has collapsed in a catastrophic failure, possibly 10-15 years ago, so once that lifeline is cut, water pops out of the catch basin, so water that should be managed by the DOT is discharging into the Storage site. Police will shut down this part of street during a flood.

The issue has been brought to the attention of the DOT and City, who are "looking into it," but the Applicant cannot afford to wait for an unknown timeline. The site is built on organic matter, and has had differential settlement, so they decided the best solution is to raze site and start from scratch. The finish floor will be raised 2' and they will remove organic matter, and put in pier system to avoid settling. There is no FEMA flood plain on the site.

Dave Robinson outlines the site proposal

- Project considered redevelopment
- Decreasing impervious surface by ¼ acre
- (2) 15,000 square foot buildings will be replaced with one 30,000 square foot building with a vegetated perimeter
- Applicant is decreasing pervious area in the 100' buffer to wetlands, and keeping all trees onsite
- To address flooding, they will
 - Raise site by 18"
 - Curb two entrances to Route 107 to prevent water from running from roadway into site
 - No actual detention of stormwater is proposed onsite, but they are proposing (2) 36" perforated HDPE pipes surrounded by crushed stone w/impermeable membrane for additional capacity, which could detain a 25 year storm (system is described)

The concrete headwall and pipe upstream will remain, and there will be no wetland disturbance/

Chair St. Louis asks about the existing survey information; currently, catch basins onsite all discharge to the existing headwall at the bottom left corner. The drain line at the rear of the site is not for detention; gray lines represent an existing drain line under parking spaces.

The DOT did a project for a collapsed drain line nearby; the Applicant should continue to push them.

There is a drainage ditch of 0.075 square miles = 48 acres; less than ½ square mile.

Campbell asks about the amount of material being brought in; it is uncertain but probably 1' across the whole site. Organics will not be removed as they are 12'-15' deep; geopiers more than likely will be used. Ricciarelli notes a swale at the back will be provided; this is to prevent water from coming into the building. Proprietary separators are built into the drainage system and are outlined on C-103; drainage in general is described. It is an all-interior routed roof drainage system.

Existing utility connections into Route 107 (sewer/water) is a mix - some will be maintained, some come off. Clark St. and new sewer and electrical will be run to Highland Ave. Water and gas come from Clark St; electric, telephone, cable, and sewer are in Highland Ave. the existing connection will be abandoned.

The Applicant is not recharging or infiltrating because the groundwater is too high, so the system must be wrapped in an impermeable membrane.

Elevations are described; boring logs do support high groundwater and information will be provided. The outlet pipe currently there is full of water year round. There is a vast, flat wetland area to the South but no pond.

Chair St. Louis opens to the public.

Dennis Colbert of 37 Clark St. notes that the site was a junkyard years ago and has an Activity and Use Limitation, or AUL. He wonders how to address this as the site must be covered at all times except during maintenance, and that the hot top is not supposed to be disturbed.

The Applicant notes that the AUL was out of scope but can be explored. Chair St. Louis notes that it might affect the use of HDPE pipe and other materials. Tom Campbell asks about dust control, but this would be required regardless. Chair St. Louis comments that the Mass. Contingency Plan requires a Licensed Site Professional (LSP) to be employed and that the Applicant manage all materials in accordance with the LSP's direction; this is state law.

The Chair asks about volumetric vs. rate discharge; if impervious surface is being decreased will there be a corresponding decrease in volume? Peak rates are provided, and this assumes a decrease in volume but that is not calculated. 32 parking spaces are required and 39 provided. Chair St. Louis would rather see green spaces if allowed. The Applicant obtained some variances but has not been seen for Site Plan Review. Parking is of low usage. If a cap is needed because of the AUL, it can be done in ways other than with asphalt, depending upon the contamination. However the AUL was not considered during the design. The Commission can state the obvious of the Applicant's compliance with state laws, so they will need to hire an LSP. They will also need a Release Abatement Measure (RAM) plan for construction, and the LSP should CC the Conservation Commission on the filing.

The Chair requests that tracking pads be increased to 50' in length. Darya Mattes has looked up the 1997 AUL on the site.

Chair St. Louis asks about the possibility of a green roof, but this has not been considered as the Applicant is under height requirements, and unsure it could be facilitated. There should be plenty of snow storage, as they have extra parking, and could push it onto the Clark St. parking area, plus remove offsite any additional snow. Drive aisles are wide to facilitate in and out.

Lisa Peterson, Ward 3 City Councilor asks about the state pipe that is problematic; would a different plan have been developed if State had been more responsive? If there was no flooding issue, changes would not be proposed. Once they realized storms are repeated and clientele were moving out, they cannot legally lease out spaces so had to start over. To get the DOT out there to even look at the issue took 4 months. The DOT will probably replace the pipe, but half the building is unrentable so it is unfeasible for them to wait. The DOT has not said they will definitely do it as of yet.

Chair St. Louis asks about the detention pond construction detail; 32" inside vs. 42" outside diameter. This is the double wall thickness. It will be surrounded by 6" wide $\frac{3}{4}$ " crushed stone, but this does not agree with the hydraulic model, which should be 18" on either side of pipe. It is noted that including above and below would equal the thickness listed; this is broken down on the detail. There is also an underdrain below.

Asst. City Engineer Deborah Duhamel asks if the elevation on site will be changed to 18" and notes that, if more than 2' at any par, this triggers another process. There may be a spot going up 2' but the Applicant is unsure; they should check City Ordinances re alteration of drainage as they would need an alteration of drainage permit through the Engineering Department. The Applicant asks when in the process this should be done. If a permit was required to connect/disconnect sewer, it would have been triggered upon site plan

review, but Ms. Duhamel was here tonight so learned about the project. The processes used to be concurrent but under MS4 cities are now required to issue drainage permits, comments Chair St. Louis.

The Chair thinks that the project may trigger a “new construction” threshold, or the Commission can condition Engineering or the Chair’s review and approval, or can continue the item. The Applicant is willing to accept infiltration condition if it turns out that infiltration is possible. They have been approved for a height variance, and have submitted for NOI and Site Plan Approval, scheduled for the Planning Board on July 25th.

Conditions:

- AUL and whether or not infiltration can be provided – confirm, review, submit AUL documentation and ability to infiltrate stormwater according to Best Management Practices for Agent/Chair review
- 50’ tracking pad

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

A motion to issue an Order of Conditions with standard and the above special conditions is made by Ricciarelli, seconded by Hoskins, and passes 4-0.

- E. Derby Wharf Stage Removal** – Public Hearing -- Request for Determination of Applicability for Salem Maritime National Historic Site, 160 Derby Street, Salem, MA. Purpose of hearing is to discuss proposed removal of the top 6-10” of 13 cement sonotube foundations and filling the resulting holes with gravel, crushed stone, and soil to grade on the lawn at Derby Wharf on Derby Street in Salem within the bounds of Salem Maritime National Historic Site, within an area subject to protection under the Wetlands Protection Act, MGL c131§40 and Salem Wetlands Protection and Conservation Ordinance

Presenting for the Applicant is Mr. Bill Fuchs, Biologist for Salem Maritime and Saugus Ironworks National Historic Sites NPS. A stage onsite, which was on sonotubes, was removed. The worksite is on a lawn area within a buffer zone to the ocean and beach, subject to coastal flooding during extreme weather and tide events. It is graded 50’ from mean high tide and 30’ from the beach itself. The Applicant wants to remove the sonotube and fill as described; an exemption is available, as this is conversion of impervious to vegetated area. The total area of the sonotubes is 11 square feet, and the disturbance may be 20 square feet total. Sonotubes are deep and wider at the bottom than at the top, so cannot be removed without excavation and significant disturbance.

Chair St. Louis asks if they will be filing with National Historic people who will ask if they are in an area of previous disturbance; they are and will have an archaeologist onsite during this work.

There are no public comments.

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

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

- F. 379 and 383 Highland Avenue, 14 and 16 Barnes Road, and 9, 12, 14, 15, 16, and 18 Cedar Road – DEP #64-679** -- Public Hearing -- Abbreviated Notice of Resource Area Delineation under the Wetlands Protection Act, Mass. General Laws c.131§40 and Salem Wetlands Protection and Conservation Ordinance for Peter Lutts, Overlook Acres LLC, 5 Briscoe Street, Beverly, MA 01915. The purpose of the hearing is to discuss the proposed delineation of wetland resource area boundaries and their associated buffer zones for

the properties located at 379 and 383 Highland Avenue, 14 and 16 Barnes Road, and 9, 12, 14, 15, 16, and 18 Cedar Road.

Ricciarelli recuses himself from this item, thus it cannot be heard at this time as there is no quorum. Ministerial actions may be taken so the public hearing is opened and a site walk will be scheduled. The date will be communicated by email, and posted. It will be public, and this item will be heard at the next meeting in August.

A motion to hold a site walk approx 17 days from now is made by Hoskins, seconded by Campbell, and passes 3-0 with Ricciarelli abstaining.

A motion to continue to the August 8, 2019 meeting is made by Hoskins, seconded by Campbell, and passes 3-0 with Ricciarelli abstaining.

F. Rosie's Pond Flood Mitigation – DEP #64-601 – Public Hearing – Request to Amend Order of Conditions for the City of Salem, 98 Washington St, Salem MA. Purpose of hearing is to discuss proposed amendment to Order of Conditions (DEP #64-601) permitting flood mitigation measures at Rosies Pond within an area subject to protection under the Wetlands Protection Act MGL c131§40 and Salem Wetlands Protection & Conservation Ordinance. Proposed activities are located on approximately 33 parcels along the South River and include the outlet of Rosies Pond, an area between the MBTA railroad and Lawrence St, an area between Wheatland and Brooks Streets, and an area west of Jefferson Ave between Dove Ave and Laurent St. Work is also proposed on several public roadways, including Lawrence Ave, Brooks St, Jefferson Ave, and Dove Ave. Proposed changes include modifying wall sections, drainage infrastructure, and grading in some areas.

Ken Mavrogeorge, project manager for Woodard & Curran, presents. The ongoing flood mitigation project is described. 2000 linear feet of walls and berms are being installed to mitigate floods and sea level rise. Originally permitted in 2015, the Order of Conditions was extended in 2018, and put to bid in June 2018. Comments from residents on Brooks St. have been received; this is a City owned parcel that is maintained by residents, but a berm proposed in that area would have too great an impact on said landscaping, so the City shelved the project. Alternative designs to the Brooks St. berm have been run, and other minor modifications to the Plans have been made, so they are seeking to amend the Order of Conditions. Alternate plan 201-A is shown.

Ms. Deb Duhamel, Assistant City Engineer, presents.

Revisions made:

- Drainage infrastructure
- Intent of design is same, sheet pile walls and earthen berms, mostly reconfigured within the same footprint as approved, but with revised wall in one area to avoid impacting a sewer line, closer to the Brooks. This wall also moves down the bank to provide more buffer between the building and wall
- In some locations on Jefferson Ave., walls have been eliminated, trying to reduce amount of walls
- Largest change is on Brooks St; earthen berm in combination with sheetpile wall will allow park area to be maintained

The DEP should have been cc'd on the filing, but the Applicant will verify. Comments are not posted on the regular site when there is an amendment. DEP comments were made on the original project.

Neighbors on Brooks St. are on board with changes; several options were presented in a meeting in May of 2019 and the currently proposed alternative was agreed upon. Chair St. Louis comments that moving the wall 5' will not affect the freeboard. This is not anticipated.

He asks if the Order was recorded at the registry of deeds against the 31 properties in question; this is uncertain, and the Applicant would need to amend all of them if so. This will be explored.

Chair St. Louis opens to public comment.

A resident who identifies himself as having lived in the neighborhood since the 1970s, but does not state his name or address, is against the project. Chair St. Louis notes that the project has already been permitted and that this is an amendment, so discussion must be limited to the filing of the amendment, not the original filing. A discussion of FEMA flood maps ensues. The area is in the FEMA flood zone but the wall will not be to the elevation of a 100 year flood, so can't change the maps. There is documented evidence that flood control is needed. This is seen at the federal level, even if this resident is not seeing it at his particular property. Outfall locations to add tideflex valves should be examined.

Lisa Peterson Ward 3 City Council, gives context: This is a varied opinion set depending upon the locations of individual houses, and the City is hoping to find a solution to suit everyone. Mary Pelletier wants to show photos of landscaping by neighbors. Also a petition will be read regarding flooding.

Mary Pelletier, of 7 Brooks St., shows photos of landscaping done by neighbors. She is concerned that the flower garden and birch will be removed, along with a memorial bench. She notes turtle breeding activity in the area. There is also a rare butterfly. She is concerned about the removal of "all trees."

Kristin Armstrong of 31 Lawrence St. thanks the Pelletiers for the beautiful park, but comments that she has had 3' of flooding and raw sewage from the City flow into basement, so while she does want to save nature, she cannot continue to go through that sort of flooding. If the project gets delayed, she cannot keep her children in an unhealthy and unsafe situation, so she wants the project to move forward. Chair St. Louis again notes that this is an amendment, and that the City has worked with neighbors to make a less impactful proposal. He asks if they will lose funding if the project is not complete this year. The City has a FEMA grant, and is working with MEMA to get extension through the end of the project. Ms. Duhamel is unsure which funding pool it's out of.

Chris Cantone of 10 Vista Ave. owns 1 Wheatland St., has had communication issues with City, and asks about changes. Jefferson Ave. and Wheatland St. had a wall proposed, but now it will be shifted to provide more access and to avoid tearing out a tree. Wall heights will not be changed from what was previously proposed. The berm on Brooks St. would be half replaced with a wall outside of the existing vegetation, and tied into the berm, moving it closer to brooks.

Mr. Cantone is concerned about aesthetics of the wall and pushing water to the other side of the street. Chair St. Louis suggests that a site walk is desirable due to neighborhood issues, and also if City needs easements that are not yet granted, as this is an issue. Some residents have signed, but some not ready to make the decision, and there can be alternates in those cases.

Ms. Duhamel explains that the flooding, noting that Mr. Cantone is viewing the area as a tub, but really elevation is an issue. Regular flow has a different impact than severe storms. Elevation of the water won't get higher; if it reaches a certain elevation, it will overtop the wall, so this is not about where the wall is, relative to the brooks. Mr. Cantone disagrees. The Chair asks about the effect on freeboard.

<https://www.aboutcivil.org/freeboard-definition-types-determination-uses.html>

Definition: **Freeboard** is the vertical distance between the crest of the embankment and the reservoir water surface.) Across acres of area, there would only be 1/10" effect, but Mr. Cantone is still concerned. Chair St. Louis asks the Agent to consult with Engineering to schedule a site walk before the next meeting, and to confirm DEP comments.

Several letters are read into the record

A petition in favor of the simplified version of project is submitted. It includes the signatures of 40 residents in the Jefferson/Lawrence/Ocean/Wheatland/Emerald neighborhood, in support of the project.

A 2006 letter from Mr. Fred Vota, submitted by Doreen Dradeb, also supporting the flood mitigation project, is enclosed as well.

Site walk will be scheduled and posted. Chair St. Louis reiterates that the Commission is currently discussing an amendment, not the entire application, so if the amendment can include modifications that benefit the public, that is where they City will focus. Otherwise, the Commission could deny the amendment and City could build the project as permitted. Nothing will "undo" the project. As he has never seen the State issue comments on an amendment, Darya Mattes will reach out. She will also look up original comments from the State in 2015 and share those documents.

A Motion to continue to the August meeting, and to schedule a site walk for the same date as the one for DEP #64-679 is made by Ricciarelli, seconded by Hoskins, and passes 4-0.

III. OLD/NEW BUSINESS

A. 24 Fort Ave (Footprint Power Plant) – DEP #64-552 – Request to Extend Order of Conditions

A motion to extend the Order of Conditions by three years is made by Campbell, seconded Hoskins and passes 4-0.

IV. APPROVAL OF MINUTES: June 13, 2019

A motion to approve the minutes is made by Hoskins, seconded by Campbell, and passes 4-0.

II. ADJOURNMENT

A motion to adjourn is made by Ricciarelli seconded by Hoskins, and passes unanimously.

The meeting ends at 8:30PM.

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