



CITY OF SALEM CONSERVATION COMMISSION

NOTICE OF MEETING

Notice is hereby given that a meeting of the Salem Conservation Commission will be held on June 20, 2023, at 6:30 p.m. via remote participation in accordance with Chapter 107 of the Act of 2022.

Gregory St. Louis, PE, Chair

MEETING MINUTES

Bart Hoskins opens the meeting a 6:33 pm

I. ROLL CALL

In attendance: William Jacob, Bart Hoskins, Tom Campbell, Tyler Glode, Greg St. Louis (5)

Absent: Dan Ricciarelli, Judith Kohn (2)

City Staff: Kate Kennedy (1)

Minute Clerk: Chelsea Titchenell (1)

II. REGULAR AGENDA

NOIS

- A. 50, 52 Circle Hill Road – DEP# 64-764, DEP# 64-765** – Public Hearing – Two Notices of Intent of Patrick Delulis, Pasquanna Developers, Inc. for proposed construction of two single-family homes, associated driveways, utilities, grading, and landscaping located at 50 and 52 Circle Hill Road, subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

Kate Kennedy: This item has been continued a few times. There are some items we have asked them to come back with so this will be tabled the July 18th or until further notice.

A motion to continue the public hearing to July 18, 2023, is made by Greg St. Louis, seconded by Tom Campbell, and passes 5-0.

- B. 67 Derby Street – Salem Wind Portal Terminal – DEP# 64-772 – Continuance - Public Hearing – Notice of Intent-** by Crowley Wind Services at 67 Derby Street, for the construction of an offshore wind marshalling facility to assemble and deploy turbine components. The work includes construction of a Loadout Wharf and a Delivery Pier Trestle: filling and stabilization of the upland; installation of utilities; and dredging. The project is located within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

Kate Kennedy: This is under peer review, and they have asked for a continuance to July 18th, when we will have the first round of peer review comments.

A motion to continue the public hearing to July 18, 2023, is made by Greg St. Louis, seconded by Tom Campbell, and passes 5-0.

- C. 266 Canal Street – DEP# 64-775 – Continuance– Public Hearing – Notice of Intent-** by Canal Street Station, LLC, for the construction of a 250-unit apartment neighborhood consisting of five apartment buildings, two access drives, parking areas, utilities, and associated infrastructure, located at 266, 282, 282R, and 286 Canal Street, and 2 Kimball Road, located within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

Rich Kirby, LEC Environmental Consultants speaks. Highlights include:

- Opened hearing on March 21
- Conservation Commission retained a peer review with a letter that has been received
- Revised plans sent out to Planning Board, Conservation Commission, and DEP

Scott Cameron, Civil Engineer representing the Moran Cameron Group and on behalf of the applicant, shares a presentation. Highlights include:

- Going through Planning Board review and other boards leading to positive changes
- NECC's Bill Ross has been doing review through Planning Board
- Some building changes for layout
- Engineered a water quality swale along Kimball Road and sheet flow before going into rain guard to treat and manage water runoff for site and neighborhood at large
- Added sidewalk with landscaping
- Pulled solid waste and recycling further from wetlands
- Parking reduced to add woodland park to help replace trees that get removed through the project and restoring to natural condition
 - Stone dust path
 - Small sitting area
 - Useable to public
- All the area has been lowered below the floodplain
- Park by Building B has more hardscaping and lowered below floodplain
- Main spine of roadway does not go lower than elevation 10
- Between Building C and B, it is more pedestrian friendly, added trees, and encouraging more pedestrian friendly streetscape per Planning Board request
- Building C and E has garage eliminated and replaced with amenity pool with pool deck at elevation 9

- Building slabs at 13.2
- Stone dust path extended on edge of Building D with minimal impact to trees
- Helps stabilize the bank and maintained in the future
- 150 sq feet of bank and 150 sq feet of land under water, so relatively small footprint in comparison to previous site plan with no filling of wetland and all focused on restoration
- Underneath buildings will have concrete galleys
- Generate more flood capacity through this project than what currently exists
- Eliminated most of closed drainage by draining underneath buildings to stone lined level spreaders
- Single outfall from rear parking area
- Bill Ross currently reviewing and awaiting response

Rich Kerby continues the presentation. Highlights include:

- Sent revised plans to analyst
 - Biggest comment was about alteration of BBW to accommodate buildings and have since eliminated that
 - BBW alteration for stormwater outfall was also revised
- Open to special condition for preconstruction meeting to discuss what trees can be preserved
- Rail trail solution helps address concerns of Conservation Commission and provide the access the Planning Board asked for:
 - Two trees would be removed
 - Stream crossing currently has tracks elevated
- Committed to monitoring and managing the common reed after two-year period when restoration has been installed to give wetland replication a head start
- We feel we have made this as climate resilient as possible, specifically with floor storage beneath the buildings

Tyler Glode: What is the dewatering time for the tanks underneath the buildings?

- Scott Cameron: They are required to be open and flat, so they will be graded level at the bottom with stone underneath with a geogrid underneath. Access holes will be in the garage as well. Most trash and debris are protected from getting in there
- Tyler Glode: So is it basically that system and then level spread out to the back.
- Scott Cameron: You got it. It will find its natural low pass with some trickling out over time but there is the meadow there.
- Tyler Glode: Did you perform calculations for volume or were you maximizing?
- Scott Cameron: We did have calculations. We had to find and create it by adding under the parking area and so forth. This isn't a pre and post stormwater, but purely a function of compensatory flood storage. There is a reduction in impervious area for this, so we didn't have any volume mitigation requirement, but we still have a high clay and highwater table condition that would make it difficult anyway. It will be better of accepting the water to the ground than what it can do now.

Tyler Glode: In the stream crossing it is a limited section. Did you do calculations or are you anticipating you throw a big area on that?

- Scott Cameron: We made conservative assumptions based on prior crossings. The key thing is that the length is short, so it isn't a tunnel. On sheet W-2 we did a typical cross section. We go for the four sided for constructability and we have had good success with this approach.

- Tyler Glode: That is not designed for vehicular crossing?
- Scott Cameron: It is 14 feet with a fence on either side. Maybe you could get an over it for maintenance but no.
- Tyler Glode: So, you can get one out there if you need to?
- Scott Cameron: Yes, if you need to back a pump truck you can do that. It would be no issue.

Amy Ball, Senior Associate of Horsley Witten Group: I thought Rich did a good job of addressing our comments as presented. We wanted our letter to be as succinct as possible and we have discussed the overview and changes. We really are trying to speak to the most recent design. Our comment first is preservation of as many native plants. The access points both have a stream crossing. Richard, it sounds like you don't have any bordering actual vegetative wetland, but we can point out to the Commission to include the finding that the proposed mitigation is wetland restoration is above and beyond for mitigating the tiny amount of bank and land underwater and add to the projects ability to address climate resilience. Recommending special conditions and findings to keep your records straight. One thing not touched upon is a waiver under your local ordinance and I think that may be something that the Commission wants to discuss and if you do accept the waiver include that as a finding. I understand that the applicant will be responding with a letter, and we will also take a look at that when it comes in but most of our comments were benign.

Greg St. Louis: This applicant responded to the comments issued by the Commission very effectively and I think the original design was responding to the land subject to coastal storm flowage and the idea of the wall was an excellent application to the Commission, but as we went into the process and realized there was another bordering land issue at play, they took it to heart. I am happy to see this application.

Bart Hoskins: Do I understand that we are planning to continue to the next meeting to wrap up any peer review comments?

- Rich Kerby: Yes, I think we want to provide a bit of narrative, the modified plans, and just square away the record for the Commission. The goal would be, if the Commission is ready, to vote in July.

Public Comment:

John Hayes, Chair of the City Sustainability Committee: I did hear that the planning was for a 100-year event producing coastal flooding, was that correct?

- Scott Cameron: We are working with the regulations in place, which is the 100 year storm as FEMA dictates it, but we also look at the future look out. That is what led to the raise the building up.
- John Hayes: I live in Salem, so I have seen the site and I realize it is challenging for any real estate development. You have faced a challenge and I am glad to hear about the concrete galleys and below ground storage. I am aware of the storm water handbook from 2008 and there is an advisory committee that has met to revise the handbook and one of the key things is handling stormwater and I just wish it was finished, but I want to alert the ConCom as it is a worry. What I worry about is that we have had extreme events with the high tide.
 - Bart Hoskins: Is there a timeline for that new handbook?
 - John Hayes: The committee is meeting and has revisions, but I don't see a timeline. They began meeting in February 2020, but it isn't out yet.
 - Scott Cameron: I do want to point out that in addition to the flood resiliency that the project is also engineered for the NRCC adjusted extreme precipitation. This is engineered closer to a 9" storm and using the current rates. We are thinking about this and applying it on our projects even in cities that have not adopted these.

A motion to continue the public hearing to July 18, 2023, is made by Greg St. Louis, seconded by Tyler Glode, and passes 5-0.

D. 37 Winter Island Road – Plummer Youth Promise – DEP# 64-### – Public Hearing - Notice of Intent- by Griffin Engineering Group, LLC, on behalf of Plummer Youth Promise, for the proposed construction of a new residential facility, existing building renovations, associated walkways, paved driveway and parking, gravel service road, pedestrian stone dust walkway, landscaping, stormwater management system and utility installations. The project is located within a subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance

Bob Griffin of Griffin Engineering shares a presentation. Highlights include:

- Property about 18.5 acres
- Existing building was built in 1860 and referred to as building number 2
- Planning Board and Engineering review are both ongoing.
- BVW inside the property that have drainage that goes out to Winter Island Road
- VE Elevation 17 along coastline and AE elevation 16 that drops to 11 by the wetlands
- Grades at top of bank go as high as 22
- Coastal bank with grades going up to 22 at the top of the bank
- Most of site is covered with flood zones
- Proposed elevation for new building is at 24
- Residential and admin areas are all high and dry
- Coming off Winter Island Road goes to 16 with parking that goes there, but cars can be moved to other areas if necessary
- New parking spaces being proposed will be well above the flood elevation
- Building 1 is 13,00 sq ft in size
- Walkway along coastline while respecting 25' no disturbance zone
- Widening driveway for safer traffic flow and going from 16 to 20 feet
- Retaining wall along back of building is about 6 feet in height and 230 feet long
- Transformer to bring power into buildings
- Parking expansion from 12 to 24 off Winter Island Road
- Southern part of site will have future application for a different facility
- Ballfield will have geothermal wells installed
- Making as close to net zero as possible
- Roof drainage from front being brought towards coastline
- Rain garden in middle of turnaround triggering minor work in 25' no disturbance zone, but waiver has been submitted
- New electric service will need to be brought in
- Moving hydrant water lines for protection of building
- Existing gas line will continue to be used for kitchen, but most other heating will be electric

Nicholas Betts of Meridian Associates continues the presentation. Highlights include:

- Site has wooded area, grassland, coastline with lower vegetation, and sumac and maple mix
- Maintain as much of a native plant palette as possible
- sassafras, white oak, red oak

- Loop will have seed mix of lower items that can tolerate heat. Also, native shrubs to not block view of water
- Loop around community garden is being cleanup with stone dust
- South side left with existing vegetation and allowed for future tie ins for future proposed work
- Proposed meadow planting to replace the current turf grass
- Seated areas along the path for 4 to 6 people with native plants around that
- Larger shade trees on lawn requested by Planning Board and now proposing white oak
- Left some areas open for guidance so that plants from list can be selected
- Basketball court will be a paver to get court effect and anticipate movable furniture in this area
- Patio is highest point looking over harbor and wanted resting point and gathering space

William Jacob: I have a question about the kitchen size. Is it commercial or warming? If commercial, what about grease traps?

- Bob Griffin: The kitchen will get bigger in size and there is an outdoor grease trap located just outside the kitchen area that will be pumped out as needed.

Bart Hoskins: There was a mention of a meadow area. The average landscaper doesn't understand it should not be mowed down to stubble and I am curious to know where that has been done and how are you maintaining it?

- Nicholas Betts: The meadow needs maintenance and someone who has knowledge to be able to identify the species that should or should not be there. The more effort you put in the sooner you can reduce your maintenance. It is a commitment but in the long run it pays off. The mowing isn't recommended, but once or twice a year leave it 6 to 8 inches tall, and it should come back healthier.

Kate Kennedy: Are there still things being worked out with Engineering?

- Bob Griffin: We are waiting for comments from Engineering. I think we would like to be closed out at the July 18th at the latest. I know they have a construction manager hired, but if you want to continue to July 18th, we don't take any issue to that, we just ask you submit questions.

Nicholas Betts: The DEP file number did come through 064-780.

A motion to continue the public hearing to July 18, 2023, is made by Tom Campbell, seconded by Tyler Glode, and passes 5-0.

- E. Fort Avenue, Columbus Square, Winter Island Road Intersection – DEP# 64-### – Public Hearing - Notice of Intent-** by McMahon, a Bowman Company, on behalf of the City of Salem, to consider pedestrian and drainage improvements in public roadway intersection; work extends 1,600 linear feet, 1.2 acres of mill and overlay pavement restoration, and enlargement of landscaped medians. The project is located within a subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

Stephanie McDonald, on behalf of McMahon, a Bowman Company, and representing the City, shares a presentation. Highlights include:

- DEP-64-779
- Located above the project just heard

- Providing safety improvements at the intersections through pedestrian accommodations and reducing pavement width
- Modifying the existing pedestrian walkways to accommodate more users and raise crosswalks
- Small impacts between mitigation and buffer zones
- Small area in flood zone at elevation 11 proposing new drainage
- Total project has net increase of pervious area, with just under 1400 sq feet of pervious increase
- Roadway slopes from south to north with area hindered by raised crosswalk and catch basins to catch stormwater and go into the existing system was best solution
- Existing system bring turned into a manhole
- No pretreatment currently provided, so four proposed catch basins will now provide some
- Perforated pipe for about 150 feet between manholes for groundwater recharge
- 4 out of 6 test pits had refusal hits
- Eastern side now will be collected into existing system instead of going down Winter Road causing slight increase in drainage calculations
- Small area where existing sidewalk will be connected to other side of connectivity and is in floodplain
- Adding parking
- Curb reveal minimized to 3 inches and reduced height and width of sidewalk
- Salt marsh is identified but not professionally delineated
- Permanent disturbance is under 200 sq ft in buffer for changing from pavement to grass

William Jacob: This area speaks to me. I live on the Collins Cove Memorial Drive side, so I am well aware of the traffic and have had run ins with cars. The softening of some corners is a great idea, so it is nice to see some safety measures being put in place.

A motion to close the public hearing is made by Tyler Glode, seconded by Tom Campbell, and passes 5-0.

A motion to issue an Order of Conditions, subject to standard conditions, is made by Tyler Glode, seconded by Tom Campbell, and passes 5-0.

- F. 200 Fort Avenue - Salem Willows Park – DEP# 64-### – Public Hearing - Notice of Intent –** by Jason Bobowski, Hatch Associates Consultants, Inc, on behalf of the City of Salem, for proposed Salem Willows Park site improvements including pathway construction, stormwater green infrastructure BMP facilities, restoration plantings, and relocation of underground electric utilities. The project is located at 200 Fort Avenue, Map 45, Parcel 89, within a subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

Matthew Pilis, representing Hatch Associates Consultants, Inc., shares a presentation. Highlights include:

- Hatch worked on the Phase 1 project
- Most of site within 100 foot buffer and small area in coastal storm flowage zone
- Lies within 3 coastal resource areas: beach, bank and rocky intertidal shore
- Existing lawn and paving in poor condition today
- Inaccessible pathways and picnic areas with uncontrolled stormwater runoff
- Goal is to restore the site
- Majority of paving area remains in front of retail area
- Picnic tables relocated to new accessible area

- Concrete walk ways make primary circulation and asphalt or flexible porous pavement make up secondary walkways
- Impervious surface being reduced by over 10,00 sq ft, which is about a 33% reduction

Rob Kenneally, representing Hatch Associates Consultants, Inc. continues the presentation. Highlights include:

- Existing conditions have 4 catch basins that will be modified into manholes with incorporation with 3 bioretention basins
- Area drains on oval connected to basin number 2
- Capturing as much of impervious surface into bioretention basins
- Future fishing pier interface is still in works with basin going through scuppers in new seawall
- Coordination still going on and how interface will happen
- Each catch basin can handle a two year storm event
- Sections of flexible porous pavement leading up to beach access road
- Bioretention has surface storage that is 9 inches deep with 6 inches of free board, but overflow is a vertical HDPE pipe and pipe going to manhole
- 3 discharge points with the majority going through drain 1
- Ariel drain is the only subservice drainage
- Each discharge point has a reduction in impervious service, with point one having the largest
- Contractor will have to excavate urban fill of black silty sand and back filled with clean suitable sand material if needed
- Recharge in water quality meet MS4
- Meet in all 10 standards for the project
- Basin 2 in 100 foot buffer zone for land subject to coastal storm flowage

Matthew Pilis continues the presentation. Highlights include:

- Planting continued from phase 1 with restorative planting
- Limited to coastal areas for stabilization and climate change resilience
- Select species that are native and adaptive
- Parks and rec hearing in July
- Complete design and construction documents in Fall 2023
- Send out to bid in 2024 and construction from 2024 to 2025

Tom Campbell: You mentioned you will be removing some urban fill material – will that be taken off site and how much were you anticipating?

- Rob Kenneally: I anticipate it being localized to the basin. There is material that will be filling on top of it. The question of how deep we go below is something we will have to look at but when we are closer. The test pitting was just done a couple weeks ago, but it will be localized because of the requirements, so there will be a fair amount that will have to be removed. We are on the edge of it on basin one, but the oval will encompass a lot of it, but we will have to look at it closer.
- Tom Campbell: And that material goes off site?
- Rob Kenneally: Correct. There will have to an appropriate facility for disposal and can potentially be impacted material.

Bart Hoskins: Are we early enough in the process that we are not yet giving an order of conditions?

- Rob Kenneally: We are close. The pier work that is going on right now, given the nature, means that doing it from the landslide or barge is still subject to play. It is the best interest of the town to hold off on any of this work for piles to be laid down. Given the grant money associated with the improvement, we may be able to project this further out and that is what Jason is looking at. With the dynamics, I believe the grant should be extended, but that would be why construction is pushed out.
- Bart Hoskins: Is tonight's presentation informational or is there an action item?
- Rob Kenneally: The intent was to present, and I assume there will be a follow up after you have the chance to digest it more and close it in the next meeting, but I leave that to your review.
- Tom Campbell: Do you anticipate any major changes from the Park and Rec hearing to this design?
- Matthew Pilis: At this moment we do not anticipate any major changes unless there are strong opinions or directives otherwise.

A motion to close the public hearing is made by Tom Campbell, seconded by Greg St. Louis, and passes 5-0.

A motion to issue an Order of Conditions, subject to standard conditions and with the understanding that any major changes in the plan will need to come back for modification, is made by Tom Campbell, seconded by Tyler Glode, and passes 5-0.

RDA

- G. YMCA – Continuance - Request for Determination of Applicability** - Forest River Park – For temporary structures, wood chip pathways, and active use of the YMCA summer camp, located within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

Kate Kennedy: We have been in conversation and requested the applicant onboard a professional surveyor. I recommended to continue this or seeing if it will be a withdraw and refile. For now, it will be heard at a future time.

- Bart Hoskins: Will that be a month by month continuance until we know?
- Kate Kennedy: For now, yes.

A motion to continue the public hearing to July 18, 2023, is made by Greg St. Louis, seconded by Tom Campbell, and passes 5-0.

III. OLD | NEW BUSINESS

A. 60 Bay View Avenue– Request for Certificate of Compliance – DEP#64-760 IV.

Scott Mountain: The homeowner is here, but the survey folks aren't here. All the work is completed, we submitted the rest of the information. Kate had some questions which we came back to and answered. I apologize, I did not know the meeting was today until later this afternoon and the surveyors could not hold on for as long as the meeting went.

Kate Kennedy: This was revetment work to a single-family house. I had questions about the hightide line that they were using, and low water, and looking for as built grades to what they were from the original approved plans.

- Scott Mountain: Which we responded to. We were building under the same plan that had been approved for the Chapter 91 License.

- Kate Kennedy: The Chapter 91 License was more thorough than the as built plan, so I appreciate you sending that over.

Greg St. Louis: Kate, everything looks good in person?

- Kate Kennedy: Yes.

A motion to issue a Certificate of Compliance is made by Tom Campbell, seconded by Greg St. Louis, and passes 5-0.

IV. APPROVAL of MINUTES

May 30, 2023 Draft Meeting Minutes

A motion to approve the May 30, 2023 Minutes is made by Greg St. Louis, seconded by Tyler Glode, and passes 5-0.

V. OTHER UPDATES

Kate Kennedy: We do have someone with their hand raised.

- Christopher Patzke: I wanted to speak on the YMCA issue. I think it is a significant concern. It is the second time they are coming after the fact and it violates their lease with the City. It is problematic. As part of the issue the City used the 1.2 million public funds grant to reconstruct the seawall by pioneer village, which is 18" lower than the previous seawall. After that seawall was built the City then claimed the inundation for the ocean was for destroying two cultural landscapes and then moved the YMCA into the cultural village landscape. The changes they have done without proper procedure is pretty extensive. There has been no documentation for the coastal bank, the wetland, the setbacks from any of the resources. You are saying you are continuing it, but camp starts next week. They have been incredibly disrespectful by the destruction of the shared cultural resources. What are you expecting to get from them and when will that happen? How many times will they come after the fact and not do properly what they should be doing according to their lease agreement? I am assuming you aren't answering that since you aren't taking it up today, but I will be back to protest the continuance of this nonsense. They shouldn't be allowed to have a lease on a historical cultural landscape if they will disrespect it in the manner that they are.
- Bart Hoskins: I do believe we are seeking some of that information at this time.
- Kate Kennedy: They are actively looking to onboard an engineer to represent them for Commission review. If not before the next meeting, if there is anything additional that requires enforcement then that would be the step taken. As of now we found the appropriate action would be to hire a professional engineer and surveyor.

Second Open Space and Recreation Plan Public Forum & Comment Period

Kate Kennedy: Second public comment period is open through June 27th at publicinput.com/salemosrp, and they are providing presentation to the Park and Rec Commission this evening.

- Bart Hoskins: Will the recorded meeting be available on Salem's website?
- Kate Kennedy: Yes, If they record. If not, the presentation will be available.

VI. ADJOURNMENT

A motion to adjourn is made by Greg St. Louis, seconded by Tyler Glode, and passes 5-0.

Meeting adjourns at 8:15 pm.