

## **Salem Conservation Commission Minutes of Meeting**

**Date and Time:** Thursday, October 10, 2019, 6:30 p.m.  
**Meeting Location:** Large Conference Room, City Hall Annex, 98 Washington Street  
**Members Present:** Acting Chair Tyler Glode, Tom Campbell, Scott Sheehan, Malissa Vieira, Dan Ricciarelli (5)  
**Members Absent:** Bart Hoskins, Chair Gregory St. Louis (2)  
**Others Present:** Seth Lattrell, Conservation Agent  
**Recorder:** Stacy Kilb

Acting Chair Tyler Glode calls the meeting to order at 6:30PM.

### **I. ROLL CALL**

### **II. OLD/NEW BUSINESS**

#### **A. Review/Approval of Revised Conservation Restriction for 15 Ward Street**

Jane Guy, Assistant Community Development Director for the City of Salem, notes that this project was originally approved in April. The state had some revisions so the finalized version must be re-approved and re-accepted.

Changes made were minor and included a clarification of the names of the agencies involved, removal of some paragraph, clarification of exhibit C.

*A motion to approve the Revised Conservation Restriction is made by Scott Sheehan, seconded by Tom Campbell, and passes 5-0.*

#### **B. 140 Bayview Ave, DEP # 64-661, Request for Certificate of Compliance**

Luke Fabbri of Geological Field Services outlines the Notice of Intent. This was to repair damage done to a seawall during winter storm Riley; work done is described. The area was re-loamed and seeded; seeds have taken hold. Two changes made were to the kneewall; this was made to be level all the way across. A concrete handicapped ramp was also to be installed, but was replaced instead by a wide step. The Agent has taken photos during a site visit and he notes that the area appears stable.

*A motion to issue the Certificate of Compliance for DEP #64-661 is made by Malissa Vieira, seconded by Tom Campbell, and passes 5-0.*

#### **C. 92 Orne Street, DEP # 64-503, Request for Certificate of Compliance**

Luke Fabbri of Geological Field Services also presents this item. This is for a dredging project completed in 2012; work is described. There was a delay in the hydrographic survey; its results are included. Dredge depths are supposed to go to 3.5 feet, but in the middle of the channel it goes to 4.4'. Otherwise it is the same as proposed, but is developing a hook shape. The Certificate of Compliance and Chapter 91 license must be closed. There was no site visit; a 1' overdredge is allowed.

*A motion to issue the Certificate of Compliance for DEP #64-503 is made by Dan Ricciarelli, seconded by Scott Sheehan, and passes 5-0.*

## **D. 20 Lincoln Street, DEP # 64-0444 Request for Certificate of Compliance**

Barbara Warren of Salem Sound Coast Watch describes the project at Pickman Park. This is a very old Order of Conditions from 2007, working with Salem State University students to determine the best way to get rid of phragmites. Three areas of phragmites are described; a ditch had been built. Three methods were used in this experiment:

1. Cut and spray phragmites with the herbicide Burnout
2. Connect the ditch to allow saltwater in
3. A contractor dug and removed phragmites in the third area
4. Reference site was located across from the Park

Work was completed in 2008; Seth Lattrell did a site visit and has photographs. The Burnout did not work in the area that is rarely flooded. Some remains at the back, but is further behind the ditch and much shorter, where the phragmites was dug out. One mistake occurred; the contractor dug out his area and stacked phragmites, but Salem State did not let him in to remove the material, so it is still there. The SSCW webpage has information on phragmites along with the results of the study; the most difference occurred where it was ditched further back and saltwater was allowed to come in, reinforcing what was known.

Seth Lattrell conducted a site visit, and notes that as a pilot project, the purpose was educational rather than result-driven, so project success is not being evaluated.

*A motion to issue the Certificate of Compliance for DEP #64-0444 is made by Tom Cambell, seconded by Dan Ricciarelli, and passes 5-0.*

## **III. REGULAR AGENDA**

**A. 46 Columbus Avenue Sand Relocation – 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.**

This item was intentionally not opened at the last meeting; Tyler Glode introduces but does not open the item at this meeting. Seth Lattrell outlines the current situation. The City needs to meet with the DEP and CZM to evaluate the Plans and determine whether or not the project is even permit-able. The meeting is scheduled for the week of Oct. 13. The Commission cannot vote as it does not have a file number.

*Note: Meeting anticipated to be continued pending additional coordination with CZM/DEP.*

*A motion to continue to the November 14, 2019 meeting is made by, seconded by, and passes 5-0.*

**B. Osborne Hill Drive – DEP # TBD – Public Hearing – Abbreviated Notice of Resource Area Delineation under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance for Paul DiBiase, Osborne Hills Realty Trust, P.O. Box 780, Lynnfield MA, 01940. 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 Rear Osborne Hill Drive, Map 9, Parcel 1 (Strongwater Crossing).**

Presenting for the Applicant is Chris Mello of Eastern Land Survey. This subdivision was first before the Commission in 2003; a brief history of the project is presented. The project is currently in phases 4 and 5. Three

wetland areas are being delineated; flagging was installed by William Emanuel of Wetlands Management, Inc. These areas are described. Resource Area Delineations are being requested because the original permit for the Order of Conditions was to cross the wetlands/power lines (this is described) but they want to come before this Board, the Planning Board, and the Zoning Board of appeals and obtain permission to enter through the cul-du-sac instead. The changes to the connection are described. The impact will be much smaller. Additionally, all original flagging has expired and additional flagging has been done.

The original vs. updated delineation is clarified. The subdivision itself will change as a result; it is in a split zone, R1 and C, with different lot sizes and square footages; they will request smaller lots in zone C so there will be more open space per lot, with less impact to the resources and the general woodlands.

Seth Lattrell notes that the DEP has not yet issued a file number for this project, but the Applicant is willing for the Commission to vote pending a DEP number. Tyler Glode notes that the delineation is valid for three years. There has been virtually no change since 2003; the wetland is stable, but the delineation had expired and needed to be done again.

*A motion to continue to approve the Abbreviated Notice of Resource Area Delineation flagging as shown, pending receipt of a DEP number and no comments from the DEP, is made by Tom Cambell, seconded by Scott Sheehan, and passes 5-0.*

**C. Szetela Lane Bike Path – DEP # TBD – Public Hearing – Notice of Intent for the City of Salem.**  
**Purpose of the hearing is to discuss a proposed Shared Use Path stretching from Derby Street to Szetela Lane and north along Collins Cove to the Bentley Academy Charter School 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 is Jay Carroll, P.E., Roadway Project Manager with the City of Salem Engineering Department. He describes the proposed path and its general route. Gene Crouch, Senior Environmental Scientist with VHB, presents additional details on the route of the path

The Collins Cove part of the project is described. Restoration work being done at the Power Plant will not be impacted. The shoreline is described. The work area is above the slope. The overall plan is outlined. Collins Cove, the buffer zone, and the 100 year floodplain are shown. Almost the entire project is within LSCSF and also in the buffer zone. 26,000 square feet of impervious area will be added. DEP does consider impacts to coastal flood plain and loss of flood storage; there is currently no standard but that may change. They will try to avoid loss of flood storage, and only 1.1 cubic yard will be lost.

The Derby St. section of the park is outlined. Parts of the project are within the flood plain and buffer zone. The path will be 10' wide and is about 2,000' in length, designed according to typical, accepted state shared use path standards. The increase in impervious surface is due to the new pavement being added; there is only grass there now. Stormwater is typically not collected off of such paved paths; as it is in the coastal zone, the increase in the rate of runoff is not an issue. Trish Domigan, Principal/Director of Municipal Services at VHB, describes the pitch. It will sheet away from the houses, and be pitched toward the ocean. The new path will be aligned with an existing paved path from the Derby St. parking lot, and the path is ADA compliant. There is no way to connect a hairpin turn along Sztela Ln.; this may be changed to accommodate the straight desire line. The bike path will be plowed. The whole thing is asphalt. Because they are trying not to impact the floodplain, some subsurface material will be removed to put in sub base for pavement.

Ricciarelli asks how they will prevent material from washing out from beneath the asphalt. There will be grassed shoulders and anything tying into the existing grass will be loamed and seeded. The sub base should prevent some washout but the path may not survive a 100-year storm. Erosion protections are discussed;

perhaps the path should be angled along the cove as this has not been considered. They may put in a revetment along one edge. They would like to start construction this fall.

Vice Chair Glode opens to the public.

Barbara Warren of Salem Sound Coastwatch asks which houses they will go behind and if homeowners will be informed; one part of the path is already there but will be repaved. Another area on Webb St. is discussed. Homeowners have not yet been informed but the Applicant would have been notified as part of the NOI. Barbara Warren is concerned that parts of the path may be in what people consider their backyards.

Ms. Warren feels the sharp corner should be eliminated. That area is already packed down and is fairly flat. Treatment of that area is discussed. She comments that this is all filled tidelands but it is eroding, and will continue to erode, so she is concerned that the path is too close to the water's edge. The location of the current walking path is outlined. The path should be as far from the ocean's edge as possible. One crosswalk which is not ADA compliant will be removed and the other will be made ADA compliant.

A motion to close the public hearing is made by Scott Sheehan, seconded by Dan Ricciarelli, and the motion passes 5-0.

A motion to issue an Order of Conditions with standard conditions is made by Dan Ricciarelli, seconded by Malissa Vieira, and the motion passes 5-0.

**D. 4 Franklin Street (HMA Car Care) – Public Hearing – Request for Determination of Applicability for Dennis Cataldo, CAS Salem LLC, 137 Washington Street, Somerville, MA 02143. Purpose of the hearing is to discuss the proposed demolition of the existing single story buildings fronting on North Street, side on Franklin Street, and rear on the North River, within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.**

Seth Lattrell adds that the Building Commissioner did submit a letter of support for this project; the existing structures are hazardous from the City's perspective, and there is a crime issue there. However, there is no confirmation of filing with the DEP yet.

Steve Agannis of Agannis Construction outlines the work to be done. Silt socks and filter fabric will be used to prevent erosion during demolition. There are several buildings, including some old wood sheds. Whether or not foundations will remain depends on what shape they are in and if they are usable. Sheds have no foundations and other buildings are slab on grade. The Agent points out that the site is within the 100 year floodplain so from a soil stability standpoint, it may make sense to leave the slabs in place until there is a long term plan (currently there is not).

Some form of DEP approval may be needed but it is uncertain at what level; letters of support for the project have been shared. Staging areas are outlined but it will all be contained on the property. This is for demolition only; any future work would come under a Notice of Intent. Silt socks are preferred over hay bales. There are no storage tanks; one above ground oil tank was removed.

A motion to issue negative 2 and negative 6 Determination is made by Dan Ricciarelli, seconded by Tom Campbell, and the motion passes 4-0 with Scott Sheehan abstaining due to having recused himself.

**E. 79 Columbus Avenue Home Reconstruction – 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.**

*Note: Meeting anticipated to be continued pending receipt of site plan from Proponent and issuance of file number from DEP.*

Seth Lattrell notes that there is also a separate agenda item for the Enforcement Notice at this address and comments that it may be best to consider both items at once. Options for hearing this item are discussed. It will be a continuation, regardless. This was presented once in June, then has been continued since. The item is not opened at this meeting.

A motion to continue to the Nov. 14, 2019 meeting is made by Dan Ricciarelli, seconded by Tom Campbell, and the motion passes 5-0.

## **IV. OLD/NEW BUSINESS, cont'd**

### **A. 79 Columbus Avenue Home Reconstruction – Enforcement Notice**

The content of the Enforcement Notice was that the ConCom requested an update on the site due to many continuations, and also the cleanup of the site; we asked Mr. Cormier to attend this meeting.

Mr. Cormier mowed and weed whacked, mowed barrels, fixed fencing, and did rubbish removal. Floor joists for a future build remain. A current photo of the area is shown, from today's site visit. This is in the floodplain. Dan Ricciarelli explains that trash around the site could have been washed away, plus the neighbors were unhappy with the general appearance. Mr. Cormier is happy to stabilize the site however the Conservation Commission requests. He thought construction was going to begin months ago, but it did not happen, and he apologizes for not properly taking care of the site. The Commission still needs to know about existing grades and a plan of what is proposed. It is suggested that Mr. Cormier come back to the Commission with a site plan to get it out of the way, so he can move forward with the project.

Drawings will be sent to the ZBA for a special permit (nonconforming use). He is not sure he will be able to build the house as planned. No grades will be changed and he is working with the existing foundation. Mr. Cormier now understands that he is before the Commission because steps must be taken to protect the wetlands; he was originally unaware of this due to ill advice from his architect.

The Agent will follow up with Mr. Cormier regarding silt socks, etc. The basement is being raised a bit due to the height of the water table. Sheehan asks if filling in an existing basement counts as loss of storage; but as LSCSF there is no need for compensatory storage. Mr. Cormier notes that the new construction will replicate the historic bungalow that was there. He cites some zoning issues regarding heights at the Willows.

### **B. Use of Conservation Commission funding for Greenscapes – Presentation by Barbara Warren, Salem Sound Coast Watch**

Ms. Warren notes that the program was started in 2007 and shows the new Greenscapes Guide; she has 500 for the City. She describes the role of Greenscapings, which works on water conservation and stormwater and works with 23 communities that purchase memberships, on the North Shore. Membership is \$2500 and typically the Engineering or Water Dept. would contribute half of that, and the Conservation Commission would give the other half. An invoice was sent to the City but an additional copy is provided to the Agent. She is requesting \$1250 from the Conservation Commission. Deliverables to be provided are listed. Greenscapes is also involved in the local schools. Visit [www.greenscapes.org](http://www.greenscapes.org) for more information. <https://greenscapes.org/lid-toolkit/> highlights the rain garden at Winter Island.

A motion to fund Greenscapes in the amount of \$1250 is made by Dan Ricciarelli, seconded by Malissa Vieira, and passes 5-0.

Other efficiency projects are discussed. The need to get the message out is also discussed, as many developers are wary of water conservation measures.

### **C. Use of Conservation Commission funding for Collins Cove Irrigation**

Seth Lattrell was approached by the Salem Engineering Dept. who told him that the Conservation Commission picks up the water bill for the Collins Cove marsh restoration project. The cost is approximately \$600. This is an appropriate use of Commission funds. \$80,000 was spent of the design and permitting process, followed by \$217,000 for implementation. CZM paid for most of it, not counting volunteer time (120 people over 6-7 days) and 15-20,000 seedlings were planted. See

<https://sscw.maps.arcgis.com/apps/MapJournal/index.html?appid=496d9bad740341de801197303a5eaa66> for additional information.

The permitting process is discussed; MEPA claimed they were changing a beach into a marsh. They did prove that it was previously marsh with a map from 1850 or 1870 showing salt marsh all around the cove. It has been a beach since 1880, having been filled because of the railroad; Chapter 91 came into play in 1886. The colonial ordinance goes back to 1670 or so.

The Commercial St. rain garden was lost completely as it was planted directly before a drought with no irrigation system. The current irrigation system at Collins Cove is being removed, as it is owned by SumCo EcoContractor but there is no funding to put it back in. The fence belongs to the City and was supposed to come down before winter. The posts may be left as they are hard to remove. Signage will also be installed. Post-construction monitoring was written into the grant, as well as that SSCW would work with the Conservation Commission to do semi-annual field observations for the first 3 years. SSCW has also agreed to remove invasives and cut all the seed heads of phragmites next to the project. Fifth graders from Carlton Innovation School removed about half of them.

The Conservation Commission agreed to pay SSCW \$1000 for the monitoring for the year; Ms. Warren will provide an invoice by June 2020. Her largest concern is the core log, which holds all the sediment that was added. It is held by metal. Some stakes were loosened by summer storms and need to be replaced before winter storms arrive. Wilkinson Ecological designed this, and it was a known problem.

A motion to pay Salem Sound Coastwatch \$600 for irrigation is made by Scott Sheehan, seconded by Dan Ricciarelli, and the motion carries.

Barbara Warren notes that residents are now very protective of the area.

### **D. FY20 Community Preservation Plan – Request for Comment/Input**

A connecting trail between Marblehead and Salem was previously discussed; Commissioners are in favor. Bart Hoskins has said he would reach out to the CPA. Bart Hoskins has not yet provided an update. The proposed trail connection between Salem, Marblehead and Swampscott is discussed.

Barbara Warren notes that they do many school programs in that salt marsh, and the volunteer bridge is getting worse. To do repairs, the bridge must be upgraded to ADA compliance, which is astronomically expensive (\$160,000). Ms. Warren's staff is nervous about taking kids across that bridge so she wanted to mention it. The issues of the bridge are discussed. Ms. Warren suggests removing the bridge and relocating the trail upstream where the stream is very narrow. The Conservation Commission owns the land but even demolition comes at a

cost. The possibility of condemning and removing the structure is further discussed.

Seth Lattrell notes that there will be a half hour MAPC presentation on updates to the Hazard Mitigation Plan at the next meeting. Also, the Chair asked if these meetings could be moved until Tuesdays as he has an ongoing family commitment on Thursdays for the foreseeable future. The Agent will reach out to Bart Hoskins who is not present; the rest of the Commissioners are amenable to changing the day. The availability of meeting space will be explored.

**V. APPROVAL OF MINUTES:** September 12, 2019

This item is tabled until the next meeting.

**ADJOURNMENT**

*A motion to adjourn is made by Dan Ricciarelli, seconded by Scott Sheehan, and passes unanimously.*

The meeting ends at 8:27PM.

*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