

**Salem Conservation Commission
Minutes of Meeting**

Date and Time: Thursday, October 12, 2017, 6:30 p.m.
Meeting Location: Third Floor Conference Room, City Hall Annex, 120 Washington Street
Members Present: Chair Gregory St. Louis, Tom Campbell, Scott Sheehan, Bart Hoskins (arriving late), Dan Ricciarelli, Gail Kubik (6)
Members Absent: Tyler Glode (1)
Others Present: Ashley Green, Conservation Agent
Recorder: Stacy Kilb

1. Old/New Business

- **Geotechnical Boeings for Salem Lateral Project, DEP #64-553, Request for Certificate of Compliance.**
- **Weld Seam Survey for Salem Lateral Project, DEP #64-574, Request for Certificate of Compliance.**
- **Salem Lateral Project, DEP #64-578, Request for Certificate of Compliance.**

Rick Paquette, TRC Environmental, and Sabrina Hepburn, Enbridge, present. Activities and the timeline of work are described. Vegetation has come back; monitoring has been done and documented; a 2017 report has been done and submitted to the Agent, a site visit conducted with the Agent, and the wetland area is fully restored, revegetated and stabilized, thus back to preconstruction conditions. The bottom was returned to preconstruction grade, so there was no lasting impact to the sea floor.

Chair St. Louis has also conducted a site inspection mid project, and notes that everything appears to have run smoothly. As a FERP project there was a fulltime EI on site, so there was a lot of environmental oversight.

A motion to approve three Certificates of Compliance, for Salem Lateral Project, DEP #64-553 #64-574 and #64-578, is made by Sheehan, seconded by Campbell, and passes 6-0.

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

This item is heard first. Andrew Shapiro, Project Manager, requests a continuance. He thanks the Commission and Department for their assistance in helping navigate the process and move it along. They are currently working with the consulting engineers and subcontractors to address comments submitted by the DEP.

A motion to continue to the Nov. 16, 2017 meeting is made by Ricciarelli, seconded by Sheehan, and passes 6-0.

3. Swampscott Road at First Street Roundabout Construction—Public Hearing—Notice of Intent for the City of Salem, 120 Washington St, 4th Floor, Salem MA. The purpose of this hearing is to discuss proposed roadway and intersection improvements at the intersection of Swampscott Road and First Street including reconstructing the existing intersection into a roundabout within an area subject to protection under the Wetlands Protection Act MGL c131§40 and Salem Wetlands Protection &

Conservation Ordinance.

This item is heard second. Here for the Applicant is Andrew Johnson, LEC Environmental and David Knowlton, City Engineer. Knowlton explains that there was a neighborhood meeting in February; there are safety and vehicular access concerns for this intersection. It was agreed at this meeting that the roundabout was the best alternative. Dave Glenn from Stantec, Design Consultant and Andrew Johnson, from LEC Environmental will discuss environmental impacts. Mr. Knowlton notes for the public that another meeting will be scheduled soon to discuss the finalized plans in a general sense. He reminds the audience that issues with wetlands are being dealt with tonight, so comments tonight should be focused on environmental issues.

Andrew Johnson of LEC Environmental outlines the project area. The general concept is that construction will take place approximately 300' from the location in each direction of travel from the existing intersection. This is an infrastructure improvement project to an existing roadway.

Resources impacted include two water courses, the Forest River on the western side of the project and an intermittent stream that flows under Swampscott Rd. via a culvert and adds into a tributary to the Forest River. On both side of Swampscott road are two fringing Bordering Vegetated Wetlands (BVW) associated with the intermittent stream. There is a constructed headwall which transmits stormwater from the roads into the BVW. Impacts: 26,000 sq ft of temporary disturbance to the 100' buffer zone to the BVW and bank and 4,281 sq ft of permanent disturbance; 332 sq ft of temporary and 595 sq ft of permanent impacts within the 0-100 foot riverfront area; and 14,000 sq ft of temporary and 2,500 sq ft of permanent impacts within the 100-200 foot riverfront area. The permanent impacts correspond to the additional impervious surface proposed.

The project's scope enables them to classify this as a "limited project" under the Wetland Protection Act section 10.53(3)(f), which is specific to correcting substandard intersections. The project is limited to work in existing roadways, adding shoulders, improving inadequate drainage, and specific habitat of rare species will not be impacted.

Project specifics and design specifications are presented by Dave Glenn from Stantec. He reviews the existing storm drainage system and improvements. The flow of water and locations of existing drainage are described; it is currently a closed system with catch basins with outfall locations. All existing outfalls will be retained. For the closed system, existing catch basins will be replaced with deep sump basins with hoods. Additional catch basins will be added on Swampscott Rd. Overall there will be a slight increase in impervious area but this should not impact the discharge points.

Chair St. Louis asks about the intermittent stream location and Mr. Johnson clarifies. The perennial stream is only on the Western side of Swampscott Rd. They did also look at Federal and State priority habitat listings but there are none. There will be a few (two or three) trees removed, which are identified on the property. They will be removed to improve visibility. Most of the work is contained within the original Swampscott Rd. layout with the addition of a section of the driveway to the storage facility, which will be moved into the actual intersection. The existing driveway becomes a pedestrian walkway and is otherwise grass.

Sheehan asks about the Northern Longeared bat, but the applicant states that it is not within the area. Sheehan notes that all of MA is considered habitat and there are tree cutting restrictions from April – October, so this should be noted in case it requires follow up. Chair St. Louis notes he has received that comment before, relative to tree cutting so trees may need to be cut in the winter months. None of the work is encroaching into the BVW; all work is in buffer zone or riverfront areas only.

Chair asks about deep sump catch basins; new ones will be deep sump, but if an adjustment only is needed,

they will not be. Ricciarelli asks about granite curbing as it is currently bituminous; vertical granite is being considered.

Campbell and Kubik ask about the staging area. This will have to be discussed, but no location has presently been selected.

Chair St. Louis asks about the size of the roundabout and the reasoning is discussed. The space available in the right of way is limited. The use of the road by large trucks had a lot to do with the decision to go with a roundabout vs. a signal.

Bart Hoskins arrives at 7PM.

Larger trucks can use the brick area around the middle of the roundabout, but cars would stay on the pavement. Chair St. Louis notes that a 3" lip might be more audible than they plan. No additional infiltration will be added because of utilities and the limited right of way. This is considered a limited project because they are modifying an existing roadway by less than one full lane width.

The Chair ask the applicant to elaborate on the alternatives. David Knowlton states that they looked at no build, using stop signs and controlled signs, and that neither worked with traffic and backups. A fully signalized and roundabout was considered, and had positive s and negatives, but at the neighborhood meeting it was felt that due to noise, etc. and trucks as noted above, a regular roundabout was advisable.

Kubik asks about the parking lot expansion within the 100' buffer to bank. Mr. Johnson says that the entrance to the South will be removed and relocated, so that is what is being added, to make it easier to use those last two spaces, so it is just being widened to make those more accessible, a net increase of about 2,000 square feet.

Chair St Louis opens to public for comments, reminding visitors to address comments and questions to the chair, who will relay questions to the applicant.

- Bob Groban, Barnes Road
 - Concerned about runoff of winter road treatment chemicals; deep sumps are described, and salt rather than chemicals used for snow response
- Dave Linkoff, 18 Whalers Lane
 - Asks about possibility of a temporary design before permanent curbing is installed; Applicant responds that this is not possible but curbing will not be installed until engineers get a sense of traffic flow.
 - Concerned about the grade coming down to the roundabout and truck noise
- June DeRoin, 6 Sophia Rd
 - Concerned about how this will improve traffic flow
- Jim DeFilippi, 19 Patriot Lane
 - Wonders if the environmental impact of a signal would be less
- Ana Campos, 17 Orleans Avenue
 - Wonders why the center of the roundabout is impervious rather than pervious. Applicant states that it is actually landscaped. Only the truck apron is a hard surface; it cannot be porous because of the required loading

- Steve Burrell, 10 Britannia Circle
 - Asks about the culvert being replaced; this is not planned, but it will be assessed
- Nancy Gilberg, 15 Aurora Lane
 - Asks about drainage and the crosswalk; Applicant states that puddling will no longer happen as drainage is being improved, with catch basins in each low-lying area. There is no stream in the gully, water is only runoff. The crosswalk will be maintained.
- David Powell, Red Jacket Lane
 - Concerned about traffic flow and placement of heavy equipment during construction
 - Questions are not jurisdictional, but Mr. Knowlton states that though there will be temporary impacts, the project will have thought out staging
 - Chair St. Louis asks about stockpiling areas; they have not yet been identified and will need to be worked out with the contractor, but Mr. Knowlton feels they have enough space in the right of way
- Victor Mancini, 20 Celestial Way
 - Asks about the time frame and plowing/ snow storage; Mr. Knowlton elaborates
 - Design is not yet finalized, and another meeting with abutters is planned to provide more detail. Bidding should occur over the winter for a construction start date in spring
- Joanne Brazil, Aurora Lane
 - Asks about the right of way, concerned about safety and trucks. Mr. Knowlton outlines what the setup will be

The Applicant does not need to go before Planning Board for this project. The utility company needs to relocate a couple of poles, then they can go out to bid, but are now at the end of the construction season.

Sheehan asks about the limit of work, which is not shown. Would erosion control need to encroach on wetlands? None of wetlands are being touched, and the limit of work is shown but may not be obviously readable. Erosion controls are shown on the plan.

A motion to close the public hearing is made by Campbell, seconded by Kubik, and passes unanimously 6-0.

Conditions:

Stockpiling plans to be submitted to the Agent prior to start of construction

Deep sump hooded catch basins must replace or be used for all existing and current catch basins

A motion to issue an Order of Conditions with standard and the above special conditions is made by Ricciarelli, seconded by Hoskins, and passes 6-0.

4. Bakers Island Light Station Shed—Public Hearing—Request for Determination of Applicability for Essex National Heritage Commission Inc., 10 Federal St., Suite 12, Salem, MA. The purpose of this hearing is to discuss (after the fact) the construction of a shed at Bakers Island Light Station on Bakers Island within an area subject to protection under the Wetlands Protection Act MGL c131§40 and Salem Wetlands Protection & Conservation Ordinance.

Annie Harris of Essex Heritage presents. The shed is used for storage of a tractor and mowers. The new

shed stands on the location of a previous shed that was on the light station for many years, and while slightly taller, it has a smaller footprint. There used to be many outbuildings that changed over time, and got smaller. The history of the property is described. There are no comments from the Commission or the public.

Sheehan motions to close the public hearing, is seconded by Hoskins, and the motion passes 6-0.

A motion to issue a Negative 3 and Negative 6 Determination is made by Hoskins, seconded by Ricciarelli, and passes 6-0.

5. 3 Bridge Street Tank Removal and Replacement—Public Hearing—Notice of Intent for Kosta Prentakis, 9 Bridge St, Salem, MA. The purpose of this hearing is to discuss proposed removal of an underground storage tank, backfill of the hole, and installation of an aboveground storage tank on a concrete pad at 3 Bridge Street within an area subject to the Wetlands Protection Act MGL c131§40 and Salem Wetlands Protection & Conservation Ordinance.

William Baird, president of Webb Engineering, presents and Brenda Martov, owner of Raining Pets, is present. The current tank is less than 150 gallons, too small to meet Ms. Martov's needs. They will hand excavate the old tank, clean it and under supervision of the Fire Department and CommTank's own environmental representative, will test the soil around the tank. An LSP will notify the DEP and manage cleanup if need be. The tank to be installed is described as a double walled Roth Tank. All work will be completed in one day as far as removal of the old tank. If samples come back positive, the site will be dealt with. In the meantime the site will be covered with asphalt either way. The Commission notes that an above ground tank is an improvement for the site.

Sheehan asks if there are any issues related to placing an above-ground tank in a coastal zone, but it will be on a concrete pad, elevated outside of the flood plain, immediately adjacent to the building. This area is not in the flood zone. The tank will be fenced in. There will probably be an underground line that will have to be removed; a small vac truck will remove the remaining oil.

Mr. Baird is working for the owner of the building, not Ms. Martov. The Chair notes that if there are reportable conditions, Mr. Baird is to notify the Agent. Contaminated soil would have to be stored onsite until it can be removed. There is no history of contamination on this site.

Chair St. Louis opens to the public but there are no comments.

A motion to close the public hearing is made by Sheehan, seconded by Hoskins, and passes 6-0.

A motion to issue an Order of Conditions with standard conditions and the special condition that the Conservation Agent is notified of any reportable conditions, is made by Hoskins, seconded by Ricciarelli, and passes 6-0.

6. Palmer's Cove Yacht Club Amendment—Public Hearing—Request to Amend Order of Conditions (DEP #64-609) for Larry Robertie of Palmer's Cove Yacht Club Inc., 78 Leavitt St, Salem MA. The purpose of this hearing is to discuss the proposed amendment to the Order of Conditions (DEP #64-609) permitting the maintenance dredging and retention of previously unpermitted structures at Palmer's Cove Yacht Club at 78 Leavitt St within an area subject to the Wetlands Protection Act, MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance. The proposed changes include a reduction in the dredging footprint and 28 additional five-foot extensions to existing finger piers.

Bart Hoskins recuses himself. Here for the Applicant is Luke Fabbri of Geological Field Services. He describes the history of the project. They have been through ConCom, MEPA, permit application with the Army Corps of Engineers, and Ch. 91 at the DEP. The DEP requested notify the Commission regarding changes that have taken place in the plans subsequent to the issuance of the original OoC.

The proposed changes include:

- Reduction in dredge from 288,000 square feet to 219,400 square. The Dept. of Marine Fisheries (DMF) wanted the applicant to reduce the amount of intertidal area in the dredge footprint. All was maintenance dredging, but the area has silted in, so intertidal area was reduced by 823 square feet. The original dredge footprint was a rectangle, and one corner has been cut
- Structural changes: DMF would prefer that floats be on piles vs. anchored, so several of the 10A floats on which chains were proposed will now have piles.
- The new NOI summarizes existing structures; to that has been added a total of 359 square feet for the extension of 28 finger piers by 5 feet each.
- The Original Order of Conditions left the number of piles up to the permitting process, but now they have a final number of 19 to be added
- One more change is that they broke the permit into two parts for the other permits, one for dredging and one for structure. There has historically been overlap, but the Army Corps of Engineers took it as two separate licenses and the DEP also wanted it that way; this is merely a procedural change

Sheehan asks what is done with the dredging material. The Army Corps of Engineers has given verbal approval for it to be disposed of at sea, but the Applicant is awaiting confirmation in writing. They have been before MEPA and have received interagency comments.

The reduction in dredging is not due to either the need to preserve eel grass or because the DEP did not authorize the originally proposed amount. Rather, the Applicant simply did not want to lose the status of this as maintenance dredging, so had originally planned to dredge the full footprint of the original channel, though most of it had not actually silted in. A history of the channel is provided. After the original ConCom meeting, an eel grass survey was conducted and additional areas identified, so the dredge line was pulled back to the mouth of the basin. Funding for such projects is discussed. The Applicant will make a contribution to the DMF for shellfish seeding, rather than doing a shellfish count.

Finger piers are discussed briefly again, as is the dredging area. Not much has changed in the 37 years since it was last dredged, except at the mouth of the channel.

Chair St. Louis opens to the public but there are no comments.

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

A motion to issue an amended Order of Conditions as originally conditioned, with modifications as presented, is made by Ricciarelli, seconded by Kubik, and passes 5-0 with Hoskins recused.

- 7. 9 Harbor View Terrace Amendment—Public Hearing—Request to Amend Order of Conditions (DEP #64-619) for Scott Maxwell, 9 Harbor View Terrace, Salem MA. The purpose of this hearing is to discuss proposed amendment to the Order of Conditions (DEP #64-619) permitting the construction of a gangway and float at 9 Harbor View Terrace within an area subject to the Wetlands Protection Act, MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance. The proposed changes include installation of 2 additional piles, extension of an existing pier, and the usage of feet**

rather than float stops or skids.

Scott Maxwell presents. A history of the Order of Conditions from March 2016 is outlined. The location of the dock as originally proposed has changed, so now it will be parallel to the sea wall and thus not overlap property lines. Chapter 91 permit has been finalized. DMF has some suggestions and additional proposed changes are described.

This is a floating dock that must be kept 18” above the ground as per DMF requirements. Different options for doing this, including float stops, feet, and skids, are discussed. Feet were chosen because float stops have are a new technology and it is uncertain how long they will last, how they will hold up in the winter, etc. There will be six feet total and DMF has indicated that feet are acceptable.

The change in position of the floating dock is also discussed. Since it is now parallel to sea wall, it must be further out, so the dock must be extended further than originally proposed, and existing piles are insufficient, so two more must be added for stability. Currently nothing can be launched from the pier with an 8’-11’ tide.

Chair St. Louis asks about vegetation, but there is none in this area. It is muddy soil with rock. No rocks will be removed but methods should be clarified.

Ricciarelli would like to see a shop drawing of the feet; J & L will do one and he will send it. Feet should be placed on a base that is 12” by 12”.

Chair St. Louis opens to the public, but there are no comments.

Sheehan motions to close the public hearing, is seconded by Campbell, and the motion passes 6-0.

A motion to approve the Amended Order of Conditions as discussed with an additional condition (Applicant must maintain at least 18” of clearance between the float and mudflats at low tide utilizing skids, float stops, or feet. If feet are used, a base must be used of 12” x 12” at the bottom of each foot) is made by Ricciarelli, seconded by Kubik, and passes 6-0.

8. 14-16 Hodges Court Driveway Installation and Landscaping—Public Hearing—Request for Determination of Applicability for Salem Residential Properties c/o Mike Becker, 22 Hawthorne Blvd, Salem, MA. The purpose of the hearing is to discuss the removal of a tree (after the fact) and proposed construction of a driveway and steps, replacement of a tree, installation of a landscape border, and repair or replacement of an existing patio at 14-16 Hodges Court within an area subject to protection under the Salem Wetlands Protection & Conservation Ordinance.

Bill Manuel presents and notes that work is in the buffer zone to the 100 year flood zone, which is not subject to the Wetlands Protection Act, but is subject to the Salem Wetlands Protection & Conservation Ordinance. Narrative and photos as well as an overview have been submitted. The Applicant would like to create a brick paver parking area adjacent to existing grading. An insect damaged Norway Maple tree was already removed as part of this project. The Applicant was notified by the Agent that work must stop until the permitting process has been completed with the Conservation Commission. In response, the Applicant submitted this application.

The parking area will replace a grassy side yard. The year flood line is on Derby St. The applicant would like to continue work under a negative Determination. A landscape plan has been submitted and is described. Equipment will need access to the site, which would prevent them from installing permanent

erosion controls, but at night or when there is no work going on, they can put straw wattle across the opening, then remove it during the day.

Elevations are not known but FEMA maps show that the project area is not in the floodplain. It is noted that flood maps do change and move so homeowners should be aware of their specific situation. A curb cut has been applied for but not yet approved.

Chair St. Louis opens to the public but there are no comments.

A motion to close the public hearing is made by Sheehan, seconded by Hoskins, and passes 6-0.

A motion to issue a Negative 6 determination is made by Ricciarelli, seconded by Kubik, and passes 6-0.

9. 26 Belleau Road Deck Replacement—Public Hearing—Request for Determination of Applicability for Anne Marie St. Pierre, 26 Belleau Rd, Salem, MA. The purpose of this hearing is to discuss proposed removal and replacement of a deck and staircase at 26 Belleau Road within an area subject to protection under the Wetlands Protection Act MGL c131§40 and Salem Wetlands Protection & Conservation Ordinance.

This is a project funded through a program managed within the City's Department of Planning and Community Development. It is through a low to moderate income housing rehabilitation program. The Applicant is not mobile, so the person who will oversee work is a City contractor, but the Commission can impose conditions and the contractor will follow that. They are removing a current dilapidated deck, replacing in kind but with a straight design rather than curved. This is in the buffer to flood zone and buffer to tidal flat.

There are no comments from the commission.

A motion to close the public hearing is made by Ricciarelli, seconded by Hoskins, and passes 6-0.

A motion to issue a Negative 3 and a Negative 6 determination is made by Sheehan, seconded by Hoskins, and passes 6-0.

10. Old/New Business Cont.

- **Discussion of final North Shore Medical Center Wetland Replication Annual Monitoring Report, DEP #64-620**

Tabled until a future meeting.

- **Discussion of final North Shore Medical Center Dove Ave. Restoration Annual Monitoring Report**

All restoration areas have been restored after two full growing seasons; the area was seeded and the Applicant would like to "close this out." No vote is needed; there was no enforcement order. The Conservation Commission records that a note should be added to the file.

- **Canal Street Roadway Improvements, DEP #64-580, Request to Extend Order of Conditions.**

A motion to extend the Order of Conditions for three (3) years is made by Sheehan, seconded by Hoskins, and passes 6-0.

- **Request for funding for MACC Environmental Handbook Subscription.**

There is no physical handbook anymore; it is only electronic. No vote is needed to approve subscription for members.

- **Meeting minutes—August 24, 2017.**

Tabled until the next meeting.

A motion to adjourn is made by Ricciarelli, seconded by Sheehan, and passes 6-0.

The meeting ends at 8:48PM.

Respectfully submitted,
Stacy Kilb
Clerk, Salem Conservation Commission

Approved by the Conservation Commission on December 14, 2017.