



CITY OF SALEM CONSERVATION COMMISSION

NOTICE OF MEETING

Notice is hereby given that a meeting of the Salem Conservation Commission will be held on **Tuesday, November 15, 2022 at 6:30 p.m.** in-person at City Hall Annex, 98 Washington Street on the first floor Large Conference Room, and via remote participation in accordance with Chapter 40A of the Massachusetts General Laws and Chapter 107 of the Act of 2022.

REVISED DRAFT MEETING MINUTES

Greg St. Louis opens the meeting at 6:35 pm

I. ROLL CALL

In attendance: Greg St. Louis, Judith Kohn, Tom Campbell, Tyler Glode (4)

Absent: Dan Ricciarelli, Bart Hoskins, Tom Philbin (3)

Commission Staff: Kate Kennedy (1)

Minute Clerk: Chelsea Titchenell (1)

II. REGULAR AGENDA

- A. **1 and 2 Lee Fort Terrace – DEP# 64-756 – (Continuance)** - Public Hearing- Notice of Intent of BC Lee Fort Terrace LLC, 2 Center Plaza, Boston MA for proposed replacement of 50 apartments with 124 apartments, associated garage, surface parking, outdoor community space and new public open space at the property located at 1 and 2 Lee Fort Terrace, Map 41, Lots 242 and 249, Salem MA. The proposed work is located within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

Ann Marton, from LLC Environmental, speaks. Highlights include:

- Last time appeared was July 19th
- Reviewed by Zoning Board, Bobrick has done an extensive peer review, plan revisions done with the ZBA, and plan revisions done with them

- ZBA has issued a comprehensive permit for the project.
- GZA has been retained for peer review and the review has been submitted to the Conservation Commission
- A few items changed that are relevant to the Conservation Commission
- Stormwater changes and the elevation was raised from 10 ½ to 11. The finished floor of the garage is one foot above the FEMA elevation.

Stephen Martorano, of Bohler, shares a presentation. Highlights include:

- Some comments during peer review, relative to storm water that wanted to see if there was a way to capture all the roof runoff and parking lot to run through infiltration systems and maximize sought to maximize this
- Building lifted by 6 inches
- General concept stays the same
- Surface basins are rain gardens and wanted to maximize the volume and capacity of these
- Mound in the garden on the right side has an existing tree being preserved. Originally the left side replicated this with plans to add another tree, however, this has been altered so that the left can have the capacity to take all roof runoff
- Keeping the bioretention for the left side with more treatment and capture
- The right basin will have a long-perforated pipe and is dedicated to taking runoff from the front parking lot
- Amount of capture, infiltration, and quality is enhanced by the design changes
- Minor adjustments to grading and landscape as well
- This appears to be the best long-term opportunity since they are surface basins, they can maximize the longevity for future conditions by being above ground, lowering the impact of the sea level rise

Greg St. Louis: You mentioned that the garage floor was raised one foot above the floodplains. Can you discuss that and the ramifications of it please?

- Stephen Martorano: The current floodplain is 10, and the garage floor was at 10 ½. The garage floor is now at elevation 11. It also increased the lobby and fitness center, which were at 14 and are now at 14 ½, which matches the 2070 projection for the Massachusetts Coast Flood Rate Model. It is also above the RMAT, which is more consistent for what Boston looks at and is more conservative. We pushed it up to 11 to get the free board in the garage, 14 ¼ for the lobby, and the residents. This increase helps us better match the 2070 production. It is above the RMAT, which is what Boston looks at. We are designing to the most conservative model and pushing the garage to 11, the lobby to 14 ½, and the residents are at 21 ½.
- Courtney Kaslow, of Beacon: It is actually at 23 ½ above sea level.
- Stephen Martorano: Yes, so the residents are at a high level of protection, which is the standard of care to keep them out of the 2070 flooding. Typically, the lobbies aren't that high, but we were able to do that, so it becomes a very resilient project.

Greg St. Louis: As you enter the garage, is there any other raised section before you enter the garage?

- Stephen Martorano: The garage entrance is 11. The road is at 10 and we are coming up to 11 through a gentle slope because of the road from Fort Lane.
- Greg St. Louis: Is there a tide gate or wetproofing?
- Stephen Martorano: We talked about putting a gate in the garage so that the floor drains can be shut off so that if ocean water would flood the garage and flood back out and not end up in the floor drains. To protect the garage, it would be deployable flood barriers as well. But we thought the valves would be easier to deploy quickly.
- Greg St. Louis: And where are the barriers being stored?
- Stephen Martorano: We do not have a deployable flood barrier room.
- Courtney Kaslow: We do have a maintenance office and storage right off the garage, so we can find a place for it there
- Greg St. Louis: Are those devices that are gravity based or just shot into the concrete floor? How is it being deployed?
- Stephen Martorano: We are currently talking about gravity based and we are also thinking that there might be better products before we face any flooding at this garage. In the short term, gravity based and in the long term we could do something more robust if needed. We set this up so we don't need them, but I think the deployable gravity based is appropriate given the conditions.
- Greg St. Louis: But it is premeditated and premade?
- Stephen Martorano: Yes, correct.

Judith Kohn: I appreciate all the work you have done on the stormwater system and including the basins and the parking in the garage. On the other hand, this is a huge change and there are some beautiful mature trees that will be lost. You mentioned you lost one new tree when changing the mound area, can you find space for at least one more place to put a shade tree? Or have you looked at places for more trees?

- Monique Hall, BSC Group: In the latest design we didn't lose any existing trees. There are some trees being removed due to their location due to the footprint of the building. There is an existing evergreen that is leaning, and it is towards the end of its life. But we are saving all the trees that are worth saving as was presented back in July and that has not changed. The mound on the left side was actually for potential future art. There was never a tree in that area. The tree that does exist, we are preserving the grades around it. And for the large infiltration area we are removing some of the underdrains. As a response to that the soil types will be moist for longer periods, we increased plantings as a result with an additional 7 or 8 shade trees and added shrub material. The bioretention areas are all 18 to 20 inches, so more like swales, and they were previously seeded as a response to the increased infiltration. We added shrubs and shade trees to ensure we have successful planting.
- Judith Kohn: I was not at the July meeting, and I am surprised to hear that you are maintaining many of the trees on site. The layout of the property now seems as though you aren't saving a lot of trees. I am happy to hear you are saving the existing mature trees on site. All of the planting looks like new plantings, so it is hard to tell what is new and what is old on the plans we were shown.

- Monique Hall: There is a study that shows the existing trees and what will be removed. Within the open space that has three of the largest saved in that area, two between the lane and the building. We are taking advantage of the shade from those trees and providing seating areas, hammocks, and picnic tables. There will be stone dust paving. There is also two large trees within the building side and the road goes around those roots to minimize disturbance. The existing trees elsewhere are within the building footprint or subject to severe grading change. For the number of trees we are not saving though we are planting significantly more. There are ornamental flowering fruiting trees, shade canopy trees, and 6 or 7 trees have been added in the public area. Along Fort Ave there are two existing trees and there are more ornamental and shade trees being provided. For both areas, we are removing 24 trees, preserving six, and providing 123 new trees. It is pretty balanced for what we are removing and what is being added in 5 to 10 years, which will be significantly greater.

Greg St. Louis: Is there a way to access the site during a flood event?

- Stephen Martorano: The access is just Fort Avenue, which is generally right at the flood elevation. It is 10 at the entrance and stays about 10. It may dip to the high nines or up over 11. Currently, that is the accessible route and that is why we chose it as the route. As you come in from Fort Avenue, the site has increased grade until you hit the lobby. The building itself is resilient, the roadways are at the floodplain or just out of it. We feel the route is there today. If climate change goes to the rate that is currently projected for some models, the only option would be for the City to look at raising roadways. The road is at 10 for Fort Avenue and that is why we have designed access from the high point and there is no opportunity currently for a higher point of access than what is proposed today.

Kim Degutis, of GZA, shares a presentation. Highlights include:

- Contracted peer reviewer for this project
- Recommend having submission of signed elicit discharge compliance statement be submitted prior to issuance of order or a special condition before work can begin
- Add detailed notes for the truck wash area, emphasizing that cleaning cannot include detergents, soap, or solvents, managed for potential erosion, sediment discharges, and any wash out of concrete or other construction material should be contained to prevent infiltration of discharge
- Application was in compliance with the Wetland Protection Act, Climate Resiliency and codes.

Greg St. Louis: Under the background documents, I see that you reviewed materials from October 11. I don't know if those include the changes we discussed today.

- Stephen Martorano: Those do. We provided the GZA copies of the current plans at the conclusion of the Zoning Board of Appeals review. So those are the same plans being presented here tonight that GZA reviewed.
- Kim Degutis: Yes, it was.
- Stephen Martorano: On those two conditions we are also good on those conditions as suggested.

Public Comment:

Richard Stafford of 30 Boardman Street, submitted via letter and read by Kate Kennedy: He asked if we could address these questions to the Commission on their behalf. First, at the July meeting the Chair suggested the peer review could look at whether additional pervious material could be included on the project in lieu of the impervious material and they did not see any reference to that in the report. They were wondering if this was addressed.

- Kim Degutis: That was in the recommendations memo that was received this evening. The recommendation that the concrete walkways in the space become the pervious material, but it was unclear if concrete was being used for ADA purposes.
- Stephen Martorano: The goal of that would be to increase capture and infiltration the stormwater. The walkways are sloping to the infiltration areas, it is a small amount of impervious. Concrete is the premier for maintaining ADA. We think we countered that with the infiltration being directed to the basins, which go over landscape area before it even gets there. We think we get the high amount of capture while still having the accessibility there and keeping it more durable. That would be the reason for staying with the materials as proposed
- Monique Hall: We did choose concrete for ADA and maintenance. The fire lane in the public open space has had the edges reduced with 6 feet of grass pave on either side. About half of the pathway is stone dust and the other half is concrete, again for aesthetics and maintain ADA. We considered permeable pavers but decided it wasn't the right solution for this project, but did give it some thought
- Kate Kennedy: There are two other questions. One was in reference to the letter from the Office of Special Zone Management and the letter to MEPA dated September 20th and it identifies discrepancies to the direct impacts of land subject coastal storm flowage, as a result of the alteration of the site from the proposed project. This letter addressed a few concerns in regard to the impact of this site. They were also wondering if this has been addressed to date?
- Stephen Martorano: We have had a meeting with GZM to further understand their concerns and see what we can do to further tidy those items. We do have a response from them coming but we have talked through. They asked us to look at the RMA tool and that we looked at those same resiliency levels that showed a flood elevation for 2070 of 13 ½, which we are above. We expand the study beyond the site to see what is happening here. The project doesn't change the flooding occurring and where it is coming from Collins Cove, but the expanded study does not change the project. But that will be part of the MEPA process and response to the GZM comments.

Margaret Van Deusen, 391 Essex Street: Is there a loss of flood storage on this site from the grading and filling, and if not, can you walk us through why not?

- Stephen Martorano: The Wetland Protection Act spells out the performance of work in floodplain areas. You look at the volume of flood storage when looking at riverine flooding. The performance standards for coastal does not have a requirement for compensatory storage since projects of this scale will not impact flood elevations or the projections in Collins Cove or the ocean based on the volume of impact. The Wetland Protection Act does spell out that there is not a specific standard, so effectively the volume is insignificant. We did provide volume per

the request of CZM, but I do not have the number off hand. But when you are dealing with coastal flooding it is an evaluation of whether you are changing patterns, where it is coming and going, is it moving to an area that otherwise wouldn't have seen it or are you causing unattended erosion. Those are the elements that we talked about with CZM, and they will have the opportunity to review and respond, but we feel we have shown that at this point. It will also be part of the MEPA response and there is no change for limits of flooding.

- Margaret Van Deusen: When you say insignificant volume, are you saying that flood storage isn't relevant because it isn't in the performance standards?
- Stephen Martorano: Yes, because it is ocean flooding.
- Margaret Van Deusen: But don't we want to have flood storage from sea level rise?
- Greg St. Louis: I think the applicant is stating that, compared to the size of the ocean, the impact is negligible and there is no increase to the ocean based on this development. There are a lot of areas that are not specifically coastal and those we do look for compensatory flood storage and we do look for the impacts in areas like that.
- Kate Kennedy: For folks listening, in our regulations it gives examples of different land subject to coastal storm flowage and some of the performance standards that we might find significant and better explain why compensatory storage might not be needed for certain projects.

Greg St. Louis: Can you throw up the garage with the elevation again? We have been debating a lot in the community about how garage spaces are restricted architecturally and that a certain number of openings are required for people to escape. Does this garage have window openings outside of the garage door entrance?

- Stephen Martorano: I do know there are some open-air components and portions of the garage that are below grade.
- Courtney Kaslow: The garage is open. There will be access for the water to come in and out.
- Greg St. Louis: Since we discussed tide gates as an item to be deployed. If we formalized it and said the top of the tide gate should be to the top of the elevation of 13.5, are there other openings below that?
- Courtney Kaslow: I cannot say for sure. We do not have the architect here unfortunately.
- Stephen Martorano: I do believe some areas are intended to be open air that will need additional protections in the future, such as flood barriers.
- Greg St. Louis: Right, I just don't want a condition that says to protect the doorways and then there are other areas that negate that.
- Courtney Kaslow: Can you describe what you are thinking for the condition?
- Greg St. Louis: I would say a deployable tide gate to be readily available for the staff to deploy that would encompass the elevation of the garage floor at elevation 11 to the anticipated 2070 flood elevation at 14.5, meaning someone would be dropping the 3 ½ deployable wall plus manways. But if you had windows and such it would defeat the purpose.
- Stephen Martorano: I think the condition could be for us to provide flood protection for anything below 13.5 prior to issuance of the building permit for Commission review. I think the building design is not as advance as the site design and some level of openness will be needed for air flow, but we hear the comment about wanting protections and deployables but there are probably different solutions that are appropriate for the other openings.

- Courtney Kaslow: Since we are building this a foot above the current floodplain, we have intended to have the barriers at the time they are needed with the technology of that time. The garage is designed to take on water, so we have requested conditions that will be relevant with when sea level rise is impacted, because they will just sit around now and there will be things of better use later
- Greg St. Louis: Counter point is, do we know what a category 4 hurricane does in this location? There are other climate change issues outside of seas level rise
- Courtney Kaslow: We thought of it as flooding. I don't think we specifically thought about a category 4 storm.
- Greg St. Louis: Kate, do we have set elevations for 2030, 2050 and 2070?
- Kate Kennedy: Yes
- Greg St. Louis: One option would be a tide gate immediately deployable for a future condition, but rubber does dry out, so I understand that comment.

It was later clarified to applicant 2030,2050,2070 projections are not specifically written in the ordinance but are common projection benchmarks used for Climate Change at the time the commission updated the Ordinance

Tyler Glode: When we are anticipating for floodplain, I know we set a precedent for a certain time in the future. Is that something we can incorporate into this? This is something we are trying to prevent in the future and to look forward to that date would be a benefit?

- Greg St. Louis: I would say something to the extent of tide gates to be designed, prior to the issuance of a building permit, to meet the 2030, 2050, 2070 design standards using the best available technology or immediately available gravity systems to be deployed on site and include annual training for staff as is appropriate.
- Ann Marton: You are saying in the regulations it refers to addressing deployable barriers in the new regulations?
- Greg St. Louis: Our regulations have climate change built into them. I am trying to word a condition that highlights your team is trying to have barriers in place to address the design those criteria as they arise
- Courtney Kaslow: So, we would design it and then put it in place later. They are not required now.
- Greg St. Louis: Things like rubber become brittle, which is why I am wording like that now
- Ann Marton: Our preference would be that when the time comes, we want the best technology of that time, then what is available now. I think we will end up with a better product
- Greg St. Louis: The only thing we have to figure out is who is holding that cost. Is it an escrow, are you paying it in the future? How does that happen in 2030 to be sure there are funds available to purchase it.\
- Courtney Kaslow: Let us chat about this while we continue on. I think maybe a bond or have a line item in our operating budget for reserves to cover this
- Greg St. Louis: There is a way to do it, but want to highlight that

Judith Kohn: You haven't designed the garage elevations yet? In an open-air garage with fencing or non-structural material, it is a moot point if it is not a structural response to the openings. We just

need to establish, is there a flood barrier around the garage? Flood gates aren't useful if the garage is open.

- Ben Phillips, of Beacon Communities: The garage is primarily underground, and we have built up the land around the garage. There are some places where it is lower and other places that are higher. We just don't have someone on the call who can speak with authority on exactly where the sills are on the perimeter.
- Judith Kohn: Yes, but that is an important issue to Greg's point. If you are designing a garage should be protected on all sides up to a certain elevation so the tide gates can be useful. We are solving one problem without solving the other.
- Greg St. Louis: I will change the language in the condition to say floodproofing including and/or tide gates, which addresses the garage.
- Ben Phillips: That is the design for the walls, we just don't want to jump in and say with authority without the architect present

Greg St. Louis: I would include in the conditions; watertight utilities within anticipated flood and climate change areas, typically in the sewers as they leave the sight, a gate valve for garage floor drains to prevent floodwater from entering the already surcharged sewer system, condition the CZM letter as appropriate for reference. We have also been adding signage to the garage for site access and driveways are in the FEMA flood zone so that it is clear.

- Courtney Kaslow: I think those are all agreeable.
- Stephen Martorano: The gate valve is already included. The signage is tricky because it isn't in the floodplain today, but we can work on the language.
- Ann Marton: We can say periodic flooding or something along those lines to address the concern.

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

A motion to issue an Order of Conditions, subject to standard conditions and special conditions as discussed, including signage in the parking garage, watertight utilities, a valve gate for garage floor drains, conditioning review letters from CZM, and floodproofing the garage, including tide gates as is appropriate, having readily available deployable barriers at openings subject to flood waters, excluding sandbags, and including annual training for staff to deploy said measures and that the measures are in working order is made by Tyler Glode, seconded by Judith Kohn, and passes 4-0.

- B. **252 Bridge Street – DEP# 64-769 – (Continuance)** - Public Hearing- Notice of Intent of Ramie Schneider, WinnDevelopment Companies, LLC. for proposed construction of a mixed-use redevelopment on a .97-acre site, associated commercial space, landscaping, and parking, located at 252 Bridge Street, within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

Eric Olsen, of VHB, shares a presentation. Highlights include:

- In the tidally influenced area of the North River
- Have had a site walkthrough with Commission

- NOI updated as a result and changes include:
 - Crosswalk with accessible curb ramp across MBTA driveway. Results in 70 sq feet of impacts
 - Included additional work area to expand the landscape areas and widening of sidewalk along Bridge Street, resulting in reduction of impervious area
 - Updated seed mix to contain fewer allergens
 - Added a 25' no disturb zone and 50' mitigation zone to plan
 - Local performance standards added to NOI narrative and does meet the standards
 - Updated project climate change adaptation and mitigation narrative to include information from MEPA filing
- Resource area impacts:
 - Land subject to coastal storm flowage has 35,507 temporary and 3,544 of permanent damage
 - Riverfront Area has 19, 118 sq feet of temporary impact and 2,963 of permanent impact
 - Overall reduction of impervious with the RFA of 220 square feet
- New landscape area will have four new trees
- Temporary work in the 50-foot mitigation zone for an accessible curb ramp, but it is existing pavement
- Project fully complies with applicable performance standards for the WPA and LSSWF
- Comply with stormwater management standards

Stephanie Krueel, of VHB, continues the presentation. Highlights include:

- Part of City's RFP with mixed income housing
- Provide parking for residents
- Strengthen connection of Bridge Street and the North River
- Activate and enhance public realm
- In 1% annual floodplain according to FEMA and increasingly impacted
- Within Chapter 91 restrictions
- Zoning places restriction on height
- Considered flood insurance since it covers building and contents but not vehicles
- Proposed building section
 - Added current and future water elevations
 - FEMA base at 10
 - FEMA design at 11
 - 2070, 2% is at 13.3
- Proofing Requirements:
 - Option to dry proof or wet proof
- Dry Flood Proofing Assessment:
 - Impermeable wall that doesn't protect above elevation 11
 - Will require human intervention
 - Potential vehicular damage
 - Deflect floodwaters
- Option of raising Parking Lot to elevation 11

- Steep ramp
- Deflecting floodwater
- Ceiling of the parking area would be raised, creating cascading impacts
- Residual risk still exists
- Wet Flood Proofing:
 - Engineered flood openings
 - Flood damage resistant materials
 - Developing emergency operations, inspection, and preparedness plans
- Building currently designed to be wet flood proofed due to it being more resilient, protects people and building, avoids deflection of flood water, and can lower flood insurance premiums

Rich Whitehouse, of VHB, continues the presentation. Highlights include:

- Planning Board requested widening of the sidewalk by 16 inches
- Adjusted curb lines in the drop off area and this increased the landscape in the relevant area
- New crosswalk being proposed as was suggested by the Planning Board
- Existing conditions have the parking lot pitched to the left and stormwater enters the closed drainage system with no catch basin or water quality treatment or stormwater management.
- Tide gate and water quality unit on MBTA property
- Retaining wall will become the front of the project building
- Proposing 120 residential units and 11,000 sf of public mixed-use area, outdoor amenity spaces and landscape enhancements, 60 parking spaces at the MBTA driveway level
- Stormwater management will have maintained connection to the MBTA structure
- Proposing to relay pipe for elevation reasons, but connection is maintained
- Providing infiltration and structural water quality unit
- Decreasing impervious area along Bridge Street through implementation of landscape pockets
- Parking, pedestrian, and bike access
- Bridge Street contains publicly accessibly mixed-use space

Greg St. Louis: So, water goes into the parking garage, how does it get out?

- Stephanie Krue: It exists through the flood openings that are in compliance to the building code
- Greg St. Louis: So, the garage floor is pitched toward land that is lower than the garage elevation?
- Rich Whitehouse: My understanding is that it will all be pitched towards floor drains. In the flooding condition we have set the elevation higher than the MBTA driveway, so the majority of the drainage would flow out through the perimeter of the parking level and what can't flow out will be minimal and essentially be the same floor drains that function on a day-to-day basis
- Greg St. Louis: So, you have a catch basin grate and has an elevation of 7.36 and your building is how long across the garage?
- Rich Whitehouse: About 380 feet
- Greg St. Louis: So, at 380 at a 1% slope towards the exit is what? That sounds like to me it is a 3.8 grade change

- Rich Whitehouse: I can't speak too much for the architectural design, but it will be a series of multiple drains throughout
- Stephanie Kruel: Along the face that is parallel to the river there are openings. It isn't just one opening to the garage
- Raime Schneider: It is open air on that side that is not enclosed
- Greg St. Louis: So, the elevation on that side is 9 or 10 in that area, which is about a foot above your garage floor elevation
- Rich Whitehouse: We can look to manipulate and provide additional relief, but there will be areas so that all the water to go through areas other than the entrance
- Greg St. Louis: Well, it is not my intention to have floodwater go into the sanitary sewer system as opposed to incidental floor drain from daily activities
- Rich Whitehouse: So that is something that will be worked out through plumbing design. To some extent I think that is happening through the manhole, but I am trying to shed light on what is happening in the building, but the project team will work together to make sure that the plumbing design is compliant.
- Greg St. Louis: Unfortunately, the plumbing code often doesn't mesh well

Greg St. Louis: The intent is not to dry proof any of the garage?

- Stephanie Kruel: That is correct. It would be wet flood proofed; it does include dry proofing for things like the elevator mechanics.
- Raime Schneider: Right, we have fire protection and the elevator machine room on the river level. All our other mechanical rooms are located above the floodplain on the Bridge Street level. We are dry proofing those few rooms, but everything else would be wet flood proofed.
- Greg St. Louis: This is not the design I was hoping for, but I will leave it to other members to discuss.

Tyler Glode: The elevator, trash, and those areas, are what you are saying will be dry proofed for flood protection? So, when I see, it looks like you have columns, is that area all open for flood waters to travel in and then down?

- Raime Schneider: On the river level, you can see the shrub and on the garage level there is openings throughout
- Tyler Glode: Yes, so is this in the velocity?
- Stephanie Kruel: It is not, it is at elevation 10.
- Judith Kohn: But the sidewalk area is below 10?
- Stephanie Kruel: Yes, elevation 10 is the highest point of the proposed landscaping. Everything is at elevation 10 or lower, down to 8.2 at the MBTA driveway level.

Greg St. Louis: When you brought up the proposed building section, can you discuss the Chapter 91 height restrictions?

- Stephanie Kruel: Sure, they are based on the distance from mean highwater and within the first 100 feet the height limit is 55 feet. You can increase the height one foot from every two feet back from that line. The height limit on the Bridge Street side is where the height is allowed to be the highest and we are complying with it.

- Tyler Glode: And you had mentioned you had an elevation of 7 ½ in the garage?
- Rich Whitehouse: My understanding is that the lowest elevation will be about 8. For some of the fine grading to pitch the floor it can be plus or minus by a little. One source that could have indicated that is the driveway right outside of that.
- Tyler Glode: Based on Chapter 91, if you raised the garage you would have to remove a floor off the top?
- Stephanie Kruel: Yes, we would then have to raise the ceiling by 3 feet to fit vehicles, which has cascading impact. You can eliminate a floor or reduce the height in the commercial spaces to a level that doesn't provide what they need.
- Raime Schneider: Those commercial spaces are needed to be compliant with Chapter 91.
- Tyler Glode: Do you have ADA parking spaces on that level?
- Stephanie Kruel: Yes, including a van space
- Tyler Glode: Is Chapter 91 more or less restrictive than the Zoning height requirement
- Raime Schneider: It is tricky since Chapter 91 increases along the way. In total our 7th floor is at the highest point for Zoning, but the 6th floor we shaved for Chapter 91 requirements.
- Tyler Glode: So, raising the building floor isn't possible?
- Raime Schneider: We would lose area on the 5th and 6th floor if we did that. It would also create an awkward condition on Bridge Street, which is a key component of the City's desire to see this move forward.

Greg St. Louis: Could you raise the sidewalk independent of the roadway?

- Raime Schneider: No, because of the retaining wall.
- Greg St. Louis: You couldn't intercept the sidewalk at elevation 23 and carry it across the plaza?
- Rich Whitehouse: On the uphill side it is at an elevation at about 28, which is higher than the floor elevation
- Greg St. Louis: That isn't the pedestrian access road, isn't that Washington Street? As an example, you would come off the retaining wall to your independent retaining wall and carry the sidewalk there.
- Raime Schneider: We are building the building independent of the retaining wall
- Greg St. Louis: But you will have hardscape and pedestrians crossing between the retaining walls.
- Rich Whitehouse: It functions as a small bridge with open air underneath.
- Raime Schneider: Correct, there are three areas. But it has been guided to minimize how much we touch that existing retaining wall.

Tom Campbell: Can you go over the proposed utilities? I am curious about what is existing, connected, and what is being proposed.

- Rich Whitehouse: We have a couple connections proposed and we are actively working with the City and MBTA to connect these. We are also doing studies and engaging a contractor to look into some of this. What is here are proposed connections, subject to that coordination. The building sanitary connection ties to an existing 8-inch sewer line, telecom and electric connection go to an existing infrastructure in the MBTA driveway, domestic and fire protection water services tying to existing waterline, relaying of an existing drain line and replacement of

the manhole, and a relaying of a waterline in the MBTA driveway that is currently in conflict with the proposed building, and a proposed gas connection.

- Tom Campbell: Is the generator diesel fueled?
- Raime Schneider: Yes
- Tom Campbell: And I am assuming it will have spill control or containment measures
- Raime Schneider: Yes.

Tyler Glode: Are you proposing to maintain all the connections for the manhole you are replacing?

- Rich Whitehouse: Yes, so there are three connections. One is the pipe that would be replaced as part of the project, the other is the outlet, and then the line receives flow from the catch basin from the MBTA driveway.
- Tyler Glode: So that is actually a relay?
- Rich Whitehouse: Yes. We believe this is an older concrete pipe and we think it is a benefit to replace it with new materials.

Kate Kennedy: With the coordination with the MBTA is the .97 acre threshold exceeded now?

- Raime Schneider: The acquisition of the MBTA still hasn't happened yet. The transfer of land hasn't occurred yet.
- Stephanie Kruel: But the land is included in the .97 acres.

Greg St. Louis: I assume that all the abutters' letters were done, including that additional parcel?

- Eric Olsen: Yes

Greg St. Louis: Is the applicant team still permitting or are there other peer letters?

- Raime Schneider: We are working through the permitting process. We are at the DRB and with the Planning Board on Thursday, but we are working our way through the various Boards.

Greg St. Louis: I would still like to see the Chapter 91 offsets as they pertain to the building and the flood proofing assessment. I would also encourage further review of ways to raise the garage, at least personally. I don't know if you want to address those comments and continue or take action at this time and move to close the hearing and proceed with a vote.

- Raime Schneider: Respectfully, I don't know how else to raise the garage. We have studied it and spent a lot of time trying to figure it out. Without losing a floor or blowing up the plaza, I don't know how to get the cars out of the flood plain. We can continue but I am not sure we will come back with anything that satisfies what you are looking for.
- Greg St. Louis: We have new regulations that are climate forward and I am trying to respect that.
- Raime Schneider: The alternative is taking the garage out to not lose height, which the City doesn't want so there is no real win here.
- Greg St. Louis: You are prorated between 100 and 250 with Chapter 91?
- Stephanie Kruel: Correct.
- Greg St. Louis: If you are willing to show it on the guiding section it would help clarify.

Greg St. Louis: The elevation shown on the building section, it doesn't reference the local regulations and I would like to see those in that graphic.

- Kate Kennedy: I think including the 2070 1% would be helpful as we look at other projects.
- Stephanie Krueel: We use that elevation because that is what RMAT provides through the MEPA process, which is why it was included here.

Greg St. Louis: Would the applicant like to continue?

- Raime Schneider: We would be coming back with two diagrams for Chapter 91 and the updated section with regulations?
- Greg St. Louis: As well as a request to review any other considerations you review for the garage.
- Raime Schneider: We will continue.

Judith Kohn: I think we are at an impasse. The garage elevation is basically below the flood stage now. We are all concerned that we are building something that will flood. It is an economic issue, which I understand. I want to add that I am in sync with the Chair's thinking.

- Ben Phillips: Are you saying the project won't go ahead if it is not dry proofed?
- Greg St. Louis: I think there are other things that could be considered and there is a lot of justification to comments. Right now, we have four members of the board present.
- Raime Schneider: We hear the requests and are asking to continue

A motion to continue the public hearing to December 20, 2022, is made by Tyler Glode, seconded by Tom Campbell, and passes 4-0.

- C. **50, 52 Circle Hill Road – DEP# 64-764, DEP# 64-765 – (Continuance)** - 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.

Patrick Delulis ,of Pasquanna Developers, shares a presentation. Highlights include:

- Remanent of land that was not part of a subdivision
- Waiting for City to accept road, but looking for permit to construct two homes
- Proposing curve cut from Martin Lane to access Circle Hill Road
- Use the right of way to provide driveway to access both dwellings
- Chris Mellow was drew the plans with wetland scientist
- Providing necessary protection for resource areas that will be in effect during construction
- Not within the no disturb zone for proposed work
- Looking for order that would allow the two homes to be constructed
- Land is predominantly ledge and props of ledge for parts that are Circle Hill Road
- Crowns in the middle where homes are proposed, but relatively stays at the same elevation
- City owns all the abutting land and power company high tension wires

Judith Kohn: When was the NOI filed?

- Kate Kennedy: There was internal discussion and there was conversation if this needed amendment for the subdivision
- Greg St. Louis: But it has frontage on the street without the need for Durkin Road?
- Patrick Delulis: Durkin Road was removed by Ken Stedman and is now Martin Lane. Previously, at the end of Durkin, there was a turnaround, but it was not intended to be a permeant roadway since the City owned the land beyond, which was sold to Stedman. This particular piece is an outlying piece. This is the last piece of property that we acquired in the 60's.

Greg St. Louis: There is only one plan with the application, and you have one house outside of the 50-foot mitigation zone, and I am assuming everything is grass yard up to the limit of work?

- Patrick Delulis: I don't know what we will need to do for landscaping. We may end up having exposed areas that we can't put grass because it is all ledges. We don't have that information yet since we haven't done any on-site clearing or anything yet.

Greg St. Louis: Will you have basements in the dwelling? Will you be blasting?

- Patrick Delulis: That is unknown. A lot will depend on when we clear the topsoil and see the condition of the terrain. We intend to maintain the tree line but most of the other vegetation on site is scrub and brush. There are really no mature trees that are worth considering.
- Greg St. Louis: In the past we have conditioned monitoring at the 25-foot line for any blasting to make sure that there is no fracturing of the ledge wetland.
- Patrick Delulis: By monitoring do you mean equipment or third party?
- Greg St. Louis: Seismic or both.

Greg St. Louis: So, one house is outside of the 50-foot mitigation zone and the other is up to the 25-foot buffer. I would personally have to say we are looking for you to bring in topsoil if you are saying there is none so that you will be growing ground cover and have some type of landscaping plan be done for the two lots for us to look at.

- Patrick Delulis: As a prerequisite or close out?
- Greg St. Louis: A prerequisite.
- Patrick Delulis: It is hard to know the landscape zone because we don't yet know what the final grades of the property will be.
- Greg St. Louis: You have enough unknowns here that you might want to review before presenting to us.
- Patrick Delulis: But we can't do anything on the site with the order of conditions.
- Greg St. Louis: Come in with an RDA to do test bits or something else. We need more details. I think what you are looking for is an erosion control review from the Engineering Department.
- Kate Kennedy: I can work with you to compile additional information so the commission can better review this site and check in with the other permits you might need, including the road extension.
- Patrick Delulis: We don't want a road extension, just a driveway.
- Kate Kennedy: Sorry, I misspoke. I think dependent on other approvals for this project, we can compile more information for a better review for the next hearing.

A motion to continue the public hearing to December 20, 2022, is made by Tyler Glode, seconded by Tom Campbell, and passes 4-0.

- D. **Children's Island – DEP# 64-7###** - Public Hearing – Notice of Intent of Scott Patrowicz, Land Development Engineering, on behalf of the North Shore YMCA, for proposed new construction of two buildings, re-construction/expansions to three existing buildings and associated stormwater site work located at Children's Island, Salem, within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

Scott Patrowicz, of Land Development Engineering, shares a presentation. Highlights include:

- DEP #64-0770
- No comments from DEP and Mass DMF gave nice support
- We spoke about the bathrooms and compost toilets which you were okay with
- Elevation 43 as the BFE
- Arts and crafts is in dry area
- Second building is reconstruction of the pool house building in nearly same footprint as current building
- Expansion with a shaded patio as a roof structure
- Maintenance building is new proposed building
- Ranger's lodge will be expanded but nearly in same footprint with crushed stone underneath
- Removal of invasive plants
- Open air structure for shade structure and patio pavers

Greg St. Louis: What is the flood elevation?

- Scott Patrowicz: FEMA is 43, but we got 17, 16. The goal was to locate the building as far away from FEMA, and that is why they are there. It should be good for us, at least in our lifetime, that is.

Scott Patrowicz: Same way of doing construction, relative to the heliport and bathrooms for the construction mentioned last time.

Greg St. Louis: Did you have a specific area in mind for invasives?

- Scott Patrowicz: I just need to get it around the building so that we can walk around and build. I wasn't going to get into a major invasives program, but there are a lot on this island. Someday maybe we could talk about whole areas, but for right now I am trying to build, expand, and add bathrooms without major expansion into whole areas. I don't have a good number there, but mostly around the buildings for workers.

Judith Kohn: I just have a question and I am not sure how to correctly ask. You are making an investment in a location in a floodplain and subject to pretty terrible storms. Do you feel comfortable making this investment with sea level rise and potential flood impacts?

- Scott Patrowicz: That is actually what started this conversation of where should we put the buildings to minimize potential flood damage. We tried to stay far away from the top coastal bank and pick from selected spots. So, farther away from the FEMA and the hundreds or 50. In one we are inside of FEMA for the shade structure, but that is an existing building. We are hoping to do a lot of structural improvements in our last application, but the shade structure didn't feel like a huge investment. But we did a lot of consideration for that.
- Judith Kohn: I think my concern is more public safety. It isn't our mission, but I wanted to ask the question because I think it is a concern to be building in locations that are potential disaster areas. But following the rules, if you can make it work, I have no problem.
- Scott Patrowicz: We would remove the kids way in advance of a storm and it has been operational for years. We are well in tune with that. We closely monitor for the safety of the kids, and we are looking to fortify the building to the best we can without any major work.

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

A motion to issue and Order of Conditions, subject to standard conditions, is made by Judith Kohn, seconded by Tom Campbell, and passes 4-0.

- E. **57 Memorial Drive – DEP# 64-###** - Public Hearing – Notice of Intent of Scott Patrowicz, Land Development Engineering, on behalf Justin Mattera, 57 Memorial Drive, Salem, MA, location for the proposed construction of a fixed pier, landing, loading area, seasonal gangway and floating dock, steps and site work, within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

Scott Patrowicz: We are not going to open the hearing tonight. We are in conversation with the City, and it is on City property. You will see on the application that I did not have the owner sign. We are looking for that signature and don't have it yet. The City called a few hours ago and asked for a time out, so we won't open it yet.

A motion to continue the public hearing to December 20, 2022, is made by Judith Kohn, seconded by Tom Campbell, and passes 4-0.

III. **OLD | NEW BUSINESS**

2023 Meeting Schedule

Kate Kennedy: Did anyone get the chance to look at the 2023 schedule?

- Greg St. Louis: Still doing 3rd Tuesdays?
- Tyler Glode: Yeah, it has worked for me.

Judith Kohn: Kate, do you know when we will go live?

- Kate Kennedy: I don't so it will be remote for now.

A motion to approve the 2023 calendar is made by Judith Kohn, seconded by Tom Campbell, and passes 4-0.

IV. APPROVAL of MINUTES

July 19 Meeting Minutes

October 18 Meeting Minutes

A motion to approve the July 19, 2022, and October 18, 2022, meeting minutes is made by Tyler Glode, seconded by Judith Kohn, and passes 4-0.

V. OTHER UPDATES

Greg St. Louis: I personally want to make sure that with the new regulations we update them based on reoccurring themes and comments. I don't know when the regulations went into effect, but I want to be sure we revisit them in the spring with any comments, definitions, or things we want to clarify. I would encourage to grab another peer reviewer, so we don't lessen our morals and expand the knowledge pool.

- Tyler Gode: I think we do need to recall them as necessary regularly and reference them. So far, I don't think they have been out of bounds by any means.
- Greg St. Louis: Agreed, I know that we probably need a binder
- Judith Kohn: I think it would be helpful to have a peer review that specializes in coastal regulations.
- Greg St. Louis: That pool is a little thin. It also became clear that while some firms may be good in vegetation, they might pass on engineering too much.
- Judith Kohn: I would like to see much better regulation over land subject to coastal storm flowage, but as long as there isn't state regulation it is hard for us to do anything, so we have to be careful so that our orders or denials don't get appealed.
- Greg St. Louis: I think that comes back with if we update with expectations and tables we can refer back to those suggestions. But we have time and are ahead of other communities. I know some people think we should have gone further; we are still ahead and flushing out areas that other communities haven't done.
- Kate Kennedy: it would probably have to go into bid and depending on the price, maybe at the January or December meeting we can look at the budget and get approval for an on-call reviewer.

VI. ADJOURNMENT

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

Meeting adjourns at 9:42 pm.