

**Salem Conservation Commission
Minutes of Meeting**

Date and Time: Thursday, Dec. 10, 2015, 6:30 p.m.
Meeting Location: Third Floor Conference Room, City Hall Annex, 120
Washington Street
Members Present: Acting Chair Tyler Glode, Gail Gambarini, Dan Ricciarelli,
Tom Campbell
Members Absent: Chair Gregory St. Louis, Bart Hoskins
Others Present: Tom Devine, Conservation Agent
Recorder: Stacy Kilb

Acting Chair Glode calls the meeting to order at 6:33PM.

1. Living Shoreline Project—Barbara Warren of Salem Sound Coastwatch will present findings of an ongoing feasibility assessment of opportunities to increase resilience to climate change through green infrastructure strategies. This project is funded in part by a grant from the MA Office of Coastal Zone Management.

Ms. Warren presents a PowerPoint on how to protect Salem’s coastline. A 2014 climate change and vulnerability was done; it did not focus on the natural shoreline so the City wrote a grant to address this. They were awarded a grant for Green Infrastructure for Coastal Resilience. She outlines the participants and progress so far.

Some maps were produced as a product of this project. The process of producing a survey of Salem’s shoreline is also beginning. Three of 10 possible sites owned by the City will be chosen for a “living shoreline.” A Living Shoreline Handbook will also be provided to residents of private shoreline areas. A second grant would cover design, engineering and permitting, and a third would cover implementation in this three year project.

A Chapter 91 map is shown; those areas would be affected most greatly and include all the filled areas of Salem. She presents a brief history of certain areas to provide a backdrop for understanding the project. Salem has a lot of hardened shorelines such as sea walls and revetments. She outlines the disadvantages of these; they are costly and require monitoring. One issue is that they are not protected by any living shoreline. However, there is some fringing salt marsh in some areas, but it is coming apart. Protecting and enhancing those areas should be explored.

Ms. Warren outlines a “living shoreline” as an alternative to hard shorelines. It is meant to stabilize the shoreline and create a naturalized edge. She outlines details for four areas of focus:

- Beach, berm and dune
- Bio-engineering with organic, biodegradable materials with plantings
- Natural oyster or mussel reefs
- Fringing salt marshes

Ms. Warren outlines some potential sites, including Salem Willows, Forest River Park, and Collins Cove. Thirty sites have been viewed so far and are under consideration using a matrix to determine site

priority. Ten finalists will be chosen and three sites actually enhanced. Ms. Warren will return when they have the narrowed list and there will be public meetings in the spring.

She also outlines progress on the Commercial St. North River Low Impact Development Retrofit (rain garden) project, which just received funding for implementation. She describes the details of the project. Salem Sound Coastwatch will be promoting this project and educating the public. Both projects must be completed by June 2016.

2. 417 Lafayette St. Pier—Continuation of Public Hearing—Notice of Intent—Andrea & Michael Cawlina, 417 Lafayette St. Salem, MA. The purpose of this hearing is to discuss the proposed construction of a new pier, gangway, and float at 417 Lafayette St. within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

Here for the applicant is Mr. Bill Manuell of Wetlands and Land Management; he presents this as “version two,” as an Order of Conditions was already issued previously. He outlines the details of the original design; comments were obtained from neighbors who preferred a smaller pier in a different location, so this is the revised plan. Mr. Manuel outlines the details and specifications. The design of the float is the same as before; it will have stops so will not rest on the mud flat at low tide.

The original Order had a component for seawall maintenance so will be left open; this is a new NOI rather than an amendment, for the construction mentioned above. Ricciarelli asks about the original location and Mr. Manuel outlines, citing Chapter 91 issues. The original plan also had salt marsh restoration incorporated, of 325 square feet in a 1:1 ratio; the amount of pier over the marsh area has been reduced but the same number of square feet of mitigation will be completed.

Devine comments on the width and Ricciarelli clarifies the above; the Commission feels this is an improvement. Devine had previously wondered whether the Commission would actually like salt marsh restoration, given its difficulty and the fact that there is less area shaded now. Mr. Manuel understands that it can be difficult in high energy, eroded areas; this is degraded marsh so they have a better chance of success, and the applicant is offering to do it. Acting Chair Glode asks if Devine is concerned about future Certificates of Compliance but he is not. The Order can always note that Devine feels it is a challenge. There is a monitoring component; if after the first season it is failing, the effort will be re-evaluated and additional measures taken.

Acting Chair Glode opens to the public and Barbara Warren, of Salem Sound Coastwatch, comments that just because it is difficult doesn't mean it shouldn't be done, and appreciates the effort the applicant and Mr. Manuel is making. She also asks if the area will be increased; they will work on the existing, degraded area of salt marsh. To increase it would be expensive and beyond the scope of work on a private residence; also it is not logistically practical.

Two special conditions pertain to the previous order:
The float will never be stored on the salt marsh (it will be on stops)
Nothing may be stored under the new pier or gangway

Ricciarelli motions to close the public hearing, is seconded by Campbell, and all are in favor.

A motion to issue an Order of Conditions with the standard and additional special conditions as discussed is made by Ricciarelli, seconded by Gambarini, and passes unanimously.

- 3. Riverview Place (Salem Suede Redevelopment)—Public Hearing—Notice of Intent—Riverview Place, LLC, 5 Broadmoor Lane, Peabody, MA. The purpose of this hearing is to discuss the proposed mixed-use redevelopment of 72 Flint Street, and 67 & 71 Mason Street (former Salem Suede) consisting of 3 buildings and appurtenances within an area subject to the Wetlands Protection Act and Salem’s Wetlands Protection & Conservation Ordinance.**

The applicant requests to continue to the January 14th meeting, due to lack of a quorum as Dan Ricciarelli would have to recuse himself due to a conflict of interest.

A motion to continue is made by Ricciarelli, seconded by Gambarini, and all are in favor.

- 4. Clark Ave. Subdivision—Public Hearing—Notice of Intent—NSD Realty Trust, 76 Oakville Street, Lynn, MA. The purpose of this hearing is to discuss a proposed residential subdivision and associated improvements on Clark Avenue (Lots 7, 8 & 9 on Assessor Map 6) within an area subject to the Wetlands Protection Act, MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.**

Here for the applicant are Mr. Rich Williams and Mr. Nick Mennino. Mr. Williams states that work will be in the buffer zone. Permits with the Planning Board lapsed and Mr. Mennino’s firm has taken over with an alternative plan, which is before this Commission and the Planning Board.

Mr. Williams describes the location of the parcel; two existing wetlands are also outlined. The wetlands as part of the original project were mapped then but the line has been re-flagged as it was more than three years old, though both sets mostly match. He describes the work as under the cluster subdivision ordinance, with reduced lot sizes so open space can be provided. 212,000 square feet are being maintained, whereas 75,000 are required.

Open space parcels are described. Two disturbances that require permitting are for stormwater management. These are also very similar to what was on the original plan, with some improvements from a conservation standpoint and that of impact on the neighborhood. There are also fewer disturbances in the buffer zone. The stormwater treatment system is described. There should be no impact to abutters or the wetlands. Stormwater standards are being exceeded.

A walking trail through the open space is also proposed and is described. The Planning Board process is ongoing and paths within the second open space area are being discussed; they may come before this Commission in the future if it will be in the buffer zone. Mr. Williams would like to get through the next round of comments before the Commission closes the hearing so issues can be addressed on upcoming plans. The Planning Board has also requested straw wattles vs. silt fence; it makes no difference but will be a slight change.

Acting Chair Glode asks about the entrance to the walking path and its excavation. He wonders if it is possible to leave the soil in place and Mr. Williams states that there is construction going on there but

there should not be any digging for the path. Ricciarelli asks if one basin could be moved out of the buffer zone; it is there because there is dirt beneath rather than rock. The roadway rises a lot due to this factor as well. This is currently under peer review.

Acting Chair Glode desires a site visit. The road is staked. There are two outlying wetlands that are not jurisdictional; they are isolated wetlands not subject to the Wetlands Protection Act. They are not potential vernal pools. Devine will schedule the site visit and post it.

Some trails exist but have not been maintained.

Lorraine Gagny of 42 Clark St. mentions that there used to be a monastery there. She is also concerned about the trail. She would like to know how this project will protect her abutting land. Nothing will be done in the area she is concerned about. She is concerned about questionable people using the proposed pathway, which leads up to the monastery. Mr. Williams states that the hope is that the development will help keep unsavory types away from the area. Ricciarelli states that this is a Planning Board issue.

Acting Chair Glode opens to the public and Barbara Warren of Salem Sound Coastwatch, asks if the public is welcome to the site visit; it can be made public and the applicant states that it will be. The terrain is rough. Ms. Warren asks about the road; it is staked but not built. She worries that the area will be clear cut; Mr. Mennino states that they will leave as many mature trees as possible, but a lot will need to be cleared since the area is rocky. They are consulting a landscape architect.

Acting Chair Glode asks about blasting and there will be a fair amount. Ricciarelli comments on yard depth.

Devine wonders if the landscape architect had a role in designing the trails; only at the front but not through the woods. Mr. Mennino is not opposed and Devine feels the trails should be built to last, usable through most of the year, drain well, and generally have some thought put into them and their connection to the existing conservation land on the other side.

A motion to continue to Jan. 14th is made by Ricciarelli, seconded by Gambarini, and passes unanimously.

5. Palmer's Cove Yacht Club Dredging—Public Hearing—Notice of Intent—Robert Strasnick of Palmer's Cove Yacht Club, Inc., 78 Leavitt Street, Salem, MA. The purpose of this hearing is to discuss proposed maintenance dredging at Palmer's Cove Yacht Club at 78 Leavitt Street within an area subject to the Wetlands Protection Act, MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

This item is heard out of order before Clark Ave. Presenting for the applicant is Mr. Luke Fabbri of Geological Field Services. Mr. Robert Strasnick is also present. Mr. Fabbri describes this three-part project; dredging, maintenance dredging, and permitting and retaining unpermitted structures.

Mr. Fabbri describes the history of the property and previous dredging efforts. 1991 was the most recent re-permitting of the structures. Some are under Chapter 91 permits, and others under very specific Conservation Commission permits. He describes the setup of the floats. The club would like those re-

permitted as permanent, rather than seasonally removed, structures. The dinghy rack is currently the unpermitted structure on the site, and he is seeking to begin the permitting process here and with Chapter 91, etc. The third part of the project is permitting the dredging of the basin and access channel.

Three former dredgings occurred, which he describes. All three dredging were done by the City of Salem; the first two also involved the Mass. Dept. of Public Works. The 3rd involved what used to be the DEP. Previous dredgings were funded by the state; the current one is being done by the applicant. Most of the channel does not require dredging and it is being requested for maintenance beneath the docks.

The Division of Marine fisheries has provided comments and is concerned about the eel grass beds. He describes the possible habitat, which will not be dredged. Mr. Fabbri describes the square footage and logistics of the project. They will be dredging to the depth of the most recent dredging (-8). Maintenance dredging is defined as a previously dredged area, rather than improvement dredging of new area.

Ricciarelli asks why the seasonal piers were never re-permitted to be permanent and Mr. Fabbri describes the scenario, but is not sure why they originally wanted to do it that way. He has provided a summary of the existing structures; they vary only slightly from what was permitted. He describes the total permitted and existing areas. There are a few unpermitted piles they are seeking to keep.

A reconfiguration zone is also being requested, which will allow for minor discrepancies in structures. He outlines the pier structures and dinghy rack area as well.

Mr. Fabbri addresses the concerns of the Division of Marine Fisheries:

- Eel grass: they will not be dredging this area; the outlined areas are habitat that contained eel grass in 1995, which is no longer there; the DMF would not like them to dredge within 100' of this area and they have requested a survey
- Low low water: he is unaware of a regulatory definition, though there is a NOAA definition of mean low water. He will seek clarification from DMF. Low low water was requested to be shown
- Blue mussels do come in and attach themselves to the piles and the piers; a shellfish survey was requested
- A vertical wall is shown but a 3:1 slope is required; that will be rectified
- Use of an environmental bucket, which is a requirement of Chapter 91 and the Army Corps of Engineers
- Siltation control of a weighted silt curtain was mentioned; a water quality monitoring plan is required
- Depth dimensions on the dinghy dock and breakwater
- DMF will also be involved in the Chapter 91 and Army Corps permits
- A time of year restriction for winter flounder is requested, but is always part of Army Corps permitting. Oct. 1-Feb. 15 is the dredge window; it is standard protocol.

Generally, they would like to minimize impacts to the intertidal zone. Mr. Fabbri describes the affected areas. He describes the tides and possible meanings of low low water. He will be contacting the DMF re these issues.

The footprint of previous dredged area is larger than what was permitted. Mr. Fabbri describes his progress so far re the Army Corps of Engineers. Mr. Fabbri outlines several cross sections of the channel, which does not warrant dredging at this time.

Acting Chair Glode asks about the size of the dinghy rack and Mr. Fabbri elaborates. He is unsure of its depth. The logistics of the dinghy rack and dinghies are described. Traffic flow is described as well. Mr. Fabbri outlines the requests that will be made to the Army Corps of Engineers.

Ricciarelli states that a site visit would be helpful. This is only the first step of the permitting process; it will be lengthy. Mr. Fabbri describes the upcoming steps/meetings with the Army Corps of Engineers and Chapter 91. It is cost prohibitive to do upland disposal so the dredging would be mostly eliminated if offshore disposal is not permitted. Disposal offshore has been permitted the last three times.

Outfalls and a boat wash are described; there are not many sources of contamination. Ricciarelli asks about the breakwaters and Mr. Fabbri elaborates. The applicant, Mr. Strasnick, comments that there is a noticeable difference during storms.

Acting Chair Glode opens to the public but there are no comments.

Devine will confirm a time for a site visit and post it.

A motion to continue to January 14 is made by Ricciarelli, seconded by Gambarini, and passes unanimously.

6. Old/New Business

- **Request for Certificate of Compliance—36 March Street—DEP #64-557**

George Fallon of the above address outlines the work as completed. Devine comments that the project was permitted without being formally engineered; he has inspected the site and looks like it was built substantially in compliance. Normally the Commission requires an as built and a letter signed by a P.E. but can waive the requirements for small projects. Especially since this was not designed by an engineer, that may be advisable.

Mr. Fallon comments that the wall itself may not need to have been done to an engineer since it is only a retaining wall, and would not need to be measured for property ownership purposes. Their property extends about 100' beyond the wall, plus there is no encroachment beyond the original wall. Mr. Fallon states that only a couple of storms came anywhere near the wall. It is made of Shea Block. The wall was built by North Shore Marine but Mr. Fallon is not sure how or if they are tied back, but at 2500 lbs each, and interlocking, they not going anywhere.

Devine is satisfied that the project is in compliance.

A motion to issue the Certificate of Compliance is made by Ricciarelli, seconded by Gambarini, and passes unanimously.

- **Discussion of tree clearing at 2 Cedarview Street**

Devine gives some background on this project; tree clearing within riverfront area was reported to this Commission and has been documented. He passes around maps and photos. Trees ranged in caliper from 5” to 28”, cleared by a tree company working for the homeowner.

Mrs. Karen Venezia and Mrs. Amanda Venezia, the homeowners, speak. Mrs. K. Venezia outlines the situation; a major tree on her property fell last year and crossed a slope. The tree was cut but all of the debris left behind. Despite repeated calls and requests to the City for removal, no action was taken. Calls were made from October 2014 through April 2015. Ms. K. Venezia outlines her attempts to get the City to remove fallen and possibly dangerous trees.

At issue is the fact that trees were cut within a riverfront area, and also some land owned by the Conservation Commission is involved. The worker who cut the trees was recommended by Ms. K. Venezia’s brother; he cut trees that he thought were diseased and hazardous. However, it is unclear if he was a professional arborist or just a “tree cutting professional.” Without the former qualification, it is difficult to know if the trees removed really were in poor condition. Mrs. K. Venezia was just mainly concerned about the dangerousness of the situation.

Some trees cut were damaged by the trees that fell on their own, and others were taken down for safety issues. Devine clarifies the parcel boundaries, the paper road and Salem’s Conservation Commission Land.

Mrs. K. Venezia reiterates her efforts to get the City to take action; she was not directed to this Commission but rather to the Department of Public Works. Glode comments that anyone presenting themselves as professional should advise the homeowner that there may be conservation jurisdictional issues; also, Mrs. K. Venezia should be aware of this Commission’s jurisdiction since she did have a previous project in the riverfront area.

Devine outlines the process that should have been followed for trees needing removal. An emergency certification could have been obtained if they were imminently hazardous.

Mrs. K. Venezia was under the impression that if a tree fell on Conservation Commission land, the City was liable. Questions arise about the paper road; trees on Conservation land and that side of the road would be taken care of by this Commission, and abutters on the other side of the street would be responsible for trees there. The tree being on the wall in question is not a violation as it fell on its own.

Upon viewing photos of the trees cut, Acting Chair Glode opines that many do not appear to have been sick, and it was a major clearing.

Mrs. K. Venezia reassures the Commission that this will not happen again. She must call the Agent (Devine) if any further issues arise. The DEP has its own regulations, with some towns being stricter than others. The Wetlands Protection Act is available on the DEP website, and the City of Salem website outlines the process for filling out an application.

The Commission decides that all stumps and brush that have been cut should be left, since they will decompose and become habitat. Since no further action is being taken by the Commission, Devine will

close out the issue with a letter to the applicant stating that this was a mistake, no further action is being taken, and that she should communicate with this Commission about any future work. He will also contact the tree cutter to make him aware that the work he did was illegal, unpermitted and within Conservation Commission jurisdiction, so that he has notice if he continues such activities.

- **Request to extend Order of Conditions—Salem Commuter Rail Station and Garage—DEP #64-546**

The garage has been constructed and the Order is about to expire. More work is ongoing, but no specific details have been provided. Devine recommends giving a one year extension.

A motion to extend the Order of Conditions by one year is made by Ricciarelli, seconded by Gambarini, and passes unanimously.

- **Discussion of draft recommendations from Forest River Conservation Area study**

Information and cost estimates are provided. KZLA did a comprehensive review of trails, bridges, and the wayfinding system. Upgrades to the trails and wayfinding system, and replacement of three of the four bridges, are recommended. Devine outlines details of the two rounds of upcoming grants, which he plans to apply for. Possible projects to use that funding for are described; the large footbridge could be replaced and the main stretch of trails from Salem State to the footbridge could be upgraded for accessibility and drainage.

New trails to the area in the above item, where trees were cleared, is also an option. The area has been suffering from illegal dumping and other abuse, and foot traffic could bring attention to the area. The terrain is gentle.

Ricciarelli wonders if old, redundant trails should be abandoned; Devine thinks so. Conservation Commission funding, however, does not increase over time so is not available for maintenance. There is some discussion as to whether to have bridge work done by Eagle Scouts; design and the substructure, at least, should be completed by a professional consultant.

Barbara Warren of Salem Sound Coastwatch comments that if grant funding is obtained to update the bridges, they will be very different from the existing ones, since they must be ADA compliant, up to code, etc.

Bridges and new trails are large projects that could be funded by the above mentioned grants. The wayfinding updates are a smaller item that could be undertaken by Scouts or volunteers. They could also blaze trails. Ricciarelli comments that maintenance on the bridges could also be done by volunteers.

Gambarini asks about longer-term erosion control, listed at a cost of \$180. The list of costs for project components is not broken down by project and not clearly spelled out; Ms. Warren comments that the text of the report does not correlate either. Devine will ask Mr. Zick to list costs according to projects.

The Commissioners outline their preferences for projects, including fixing a makeshift bridge and a chain link fence, among others.

Ms. Warren recommends having a walk with the public before closing trails, both to build awareness and get an idea for how people are using the trails. There is no friends group for Forest River, but Friends of Salem Woods may be willing to help host a walk. Ms. Warren recommends reaching out to Salem State and the Boy Scouts as well, and her organization will help spread the word. She will lead a walk.

The walk is tentatively planned for Jan. 10th since the grants are due in Feb.

- **Discussion of 2016 meeting schedule**

The proposed schedule would be the same as this year's, with the Commission meeting on the second Thursday each month, with a recess in August. Special meetings can be held if necessary. There have not been any complaints about particular items thus far. The meetings will continue as proposed.

Devine requests \$14 for train fare to attend a trail grant information session. The Commission determines that no vote is necessary on that small amount.

Devine presents a letter from Coneco for National Grid regarding a gas line on Winter Island Road, which they consider to be exempt. There is some question as to whether a "relay" denotes a new line, which would require a filing. Devine will follow up and have them file if any part of the line is new.

A motion to adjourn is made by Ricciarelli, seconded by Campbell, and all are in favor.

The meeting ends at 9:36 PM.

Respectfully submitted,
Stacy Kilb
Clerk, Salem Conservation Commission

Approved by the Conservation Commission on January 14, 2016