

DRAFT MINUTES

**Salem Conservation Commission
Minutes of Meeting**

Date and Time: Thursday, August 20, 2015, 6:30 p.m.
Meeting Location: Third Floor Conference Room, City Hall Annex, 120
Washington Street
Members Present: Chair Gregory St. Louis, Tom Campbell, Bob Pond, Gail
Gambarini, Bart Hoskins, Tyler Glode, Dan Ricciarelli
Members Absent: None
Others Present: Tom Devine, Conservation Agent
Recorder: Stacy Kilb

Chair St. Louis calls the meeting to order at 6:31PM.

1. Old/New Business

• Execution of Witch Hill Subdivision Conservation Restriction & Easement

Presenting is George Atkins representing Bartlett & Steadman, developer of this cluster subdivision. An open area was preserved in exchange for smaller lots. There is also a trail system. One condition was the recording of the Conservation Restriction Easement that would limit the use of land. This has been reviewed with Devine and the director of planning, so this is simply Commission approval of said easement before recording it at the Registry of Deeds. The plan is the approved subdivision plan; Devine has seen it.

Pond comments that the first reference to utilities occurs in Paragraph E and wonders why they were not mentioned earlier; Mr. Atkins explains the City Planner's reasoning for that exception. Chair St. Louis says he considers septic and leach fields as sewer system and not drainage so Mr. Atkins may want to reword that part; he can accommodate. All lots are connected to the City sewer but St. Louis wants to make sure no public amenities could be placed there. Stormwater management components should be substituted instead.

The Commission can vote to accept as amended but will need the revised document to be signed at the next meeting.

A motion to accept the Conservation Restriction and easement, subject to revisions discussed, is made by Pond, seconded by Ricciarelli, and passes unanimously.

• Request for Certificate of Compliance—9 Harbor View Terrace—DEP #64-543

Ricciarelli recuses himself from this item. Devine distributes photos and describes the work as in compliance and sees no issues. It is 2.7' longer than approved but this is very minor as it was a small addition.

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

- **Request for Certificate of Compliance—Lafayette Street Gas Main—DEP #64-521**

Devine provides photos of the site. There was a major issue where contractor excavated and dug through the area subject to an Activities and Use Limitation (AUL) at the Lead Mills Conservation Area. The cap is only 1 foot deep. This was resolved to Devine's satisfaction; the contractor went back in under an LSP, vacuumed out material that was disturbed, put back the right material with a demarcation layer, and provided photo documentation with an LSP opinion letter. Chair St. Louis asks about the location of the project and Devine elaborates. Part of this is a request for waiver of the standard condition requiring an as-built. This is at the discretion of the Commission. The request is tabled as the Commission desires an as built, or an adequate reason for a waiver, especially given that it crosses a river and there were problems in the AUL area.

- **Request to extend Order of Conditions—3 Nurse Way—DEP #64-534**

George Atkins for Bartlett & Steadman presents again. He outlines the lot subject to the Order; the house has not been built yet. A drainage detention pond was to be created and the lot, where there is an open Order, is needed to get to that area.

A motion to extend the Order for three additional years, to Sept. 17, 2018, is made by Glode, seconded by Hoskins, and passes unanimously

- **Request to extend Order of Conditions—Remond (Bridge Street Causeway) Park—DEP #64-543**

Devine describes the location of the park and notes that work is likely to continue into the spring, beyond the expiration of the Order.

A motion to issue the requested one year extension to Sept. 14, 2016, is made by Hoskins, seconded by Ricciarelli, and all are in favor.

2. Freeman Road Extension and Houses Lots—Continuation of Public Hearing—Notice of Intent— DEP #64-590—David Walch and Scott Green of Athens Street Capital, LLC, 106 Cypress Street, Watertown, MA. The purpose of this hearing is to discuss the proposed extension of Freeman Road and construction of 3 single family homes at 20, 22, and 24 Freeman Road within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

Devine states that the applicant is hiring a new consultant and is not ready to present again at this time and requests to continue to the October 8, 2015 meeting.

A motion to continue to October 8, 2015 is made by Glode, seconded by Pond, and passes unanimously.

3. Riverview Place (Salem Suede Redevelopment)—DEP #64-579—Continuation of 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.

Devine states that the applicant is working through MEPA comments and requests to continue to the September 10, 2015 meeting.

A motion to continue to the September 10, 2015 meeting is made by Ricciarelli, seconded by Glode, and passes unanimously.

4. 16 Osborne Hill Drive Backyard Improvements—Public Hearing—Request for Determination of Applicability—Ajay and Ritu Narang, 16 Osborne Hill Drive, Salem, MA. The purpose of this hearing is to discuss a proposed new irrigation system, expanded deck, and extended retaining wall, as well as, after the fact, an existing patio, within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

Ritu Narang presents. She did not realize that part of the property was covered by the Act before installing the patio. She did speak to Devine who told her to finish the patio as a means of stabilizing the site. The other items have not been completed.

Discussion of the logistics of the project are briefly discussed. Chair St. Louis reminds Ms. Narang that nothing is to be dumped past the retaining wall. He then opens to the public but there are no comments.

Ricciarelli asks about relief in the wall; the yard slopes down so water should be able to get through, but the wall is mortared. Possible solutions are discussed. Chair St. Louis comments that the existing wall appears to be on the neighbor’s property. That has been discussed by the applicant and the neighbor. She would like to extend the retaining wall for the safety of her small children.

Chair St. Louis comments on the best placement of the wall. Ricciarelli is still concerned about ponding and suggests a fence, but that is not desired. Arbor Vitae trees are discussed; they would alleviate the safety issue and also soak up some water. A mesh fence in lieu of a wall could be installed if desired. This Commission puts this forth as a suggestion, but not a requirement.

A motion to issue a negative 2 and negative 6 Determination of Applicability is made by Hoskins, seconded by Glode, and passes unanimously.

5. Dion Yacht Yard Boat Storage Building Expansion—Public Hearing—Notice of Intent—Frederick J. Atkins of Fred J. Dion Yacht Yard Inc., 23 Glendale Street, Salem, MA. Purpose of hearing is to discuss proposed expansion of an existing boat storage building at 23 Glendale Street (Dion Yacht Yard) 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. George Atkins. He describes the location and setup of the Yacht Yard. It has been in continuous operation for over 100 years. They are familiar with coastal storm flowage. They have gotten approval from the Zoning Board and will go before Planning and have discussed this with

their neighbors.

Susan St. Pierre presents the details of the project. It is located within Land Subject to Coastal Storm Flowage. They would like to add capacity for interior boat storage due to changes in the industry. One building will be demolished and a new building reconstructed partially within that footprint. Details are outlined. It will have a gravel floor with footings installed. They wish to begin construction in the fall and anticipate it will take 3-5 months. A water line runs through the building and it may or may not be relocated, so they are seeking approval. No erosion control is proposed as the site is level, but there are catch basins that could have silt fabric installed.

The flood zone and requirements for buildings therein are discussed. Scuppers are desired. Alternately the building could be not exactly flush with the ground. There may be an overhead wire conflict but the pole can be replaced and the hydrant will also be relocated under the Order of Conditions; it is a private hydrant. Chair St. Louis recommends keeping the water main 10' off the building.

Chair St. Louis opens to public and Tyler Keefe of 16 Ocean Avenue is concerned about the height of the new building. He notes that this is the second notice of change for Dion he has received in the past two months. Attorney Atkins notes that Mr. Keefe received notices for multiple hearings, since the project is before more than one board. The Chair reiterates the purpose of this Commission and that the height of building is not normally considered by the Conservation Commission.. This project has been before the Zoning Board, but not Planning; Mr. Atkins outlines the plan, reassuring Mr. Keefe that it will not impact his property.

Kerry Keefe states that the notice for this meeting was received on Sat. and would like more lead time.

A motion to close the public hearing is made by Glode, seconded by Ricciarelli, and passes unanimously.

Special conditions:

- Relocation of water main and hydrant, along with replacement of utility pole, as discussed.
- Ricciarelli suggests that current grades on the eastern side of the building should be maintained, and that the project must meet Planning Board requirements.
- The only control measure required is protection for the catch basins.

A motion to issue the Order of Conditions, subject to standard and special conditions, is made by Glode, seconded by Ricciarelli, and passes unanimously.

6. Old/New Business Continued

• Request for review letter for Open Space & Recreation Plan update

The City has completed a draft update of its Open Space & Recreation Plan. Ricciarelli served on the working group; Devine outlines the process so far. No local approval is required; state approval, however, is required and the state expects review letters from local boards. This Commission is not one of those required, but would be good to have. Devine will make the plan available to the Commission and draft a review letter for the Commission to consider at the next meeting.

- **Request for funding to renew annual GIS software license**

Devine is requesting \$400 for an annual ARC GIS subscription. Chair St. Louis asks if they can issue a one time approval for the tenure of Devine. Discussion occurs regarding why this Commission should pay for software that may be used by the entire Department. Devine describes how he uses the software. Planners in the Department will occasionally use it. Chair St. Louis asks if this is read only license; Devine states that he can edit, but it doesn't include access to all features.

Other GIS software is described and discussed.

A motion to approve the \$400 annual renewal for this year is made by Ricciarelli, seconded by Campbell, and passes unanimously.

- **Discussion of meeting schedule**

The Commission is revisiting the issue to see how it has been working. One consultant wanted us to meet more and another would have preferred the 4th Thursday. But the schedule can't revolve around one or two consultants. Ricciarelli has heard some comments and wonders if we are in compliance with timing. The procedure for handling that is described. If this Commission does not meet in a timely enough fashion for an applicant, they can go through the DEP, but that rarely happens in other communities. Devine notes that the Commission had expressed willingness to hold special meetings if necessary. He says it is more efficient administratively with fewer meetings. There have been no complaints other than the consultants mentioned.

Chair St. Louis states that February, March and April are busy permitting months. The Commission decides to leave the schedule as is for now (the 2nd Thursday each month), and call special meetings as needed.

- **Meeting minutes—June 11, 2015 and July 9, 2015**

A motion to accept both sets of minutes is made by Ricciarelli, seconded by Glode, and passes unanimously.

- **Additional items**

Devine describes minor changes to the Salem State University residence hall (DEP #64-559) that he considers minor and he intends to approve administratively.

There will be a presentation on the new perimeter trail at Winter Island at the next meeting. The project manager has offered to hold a site visit with the landscape architect prior to the meeting, but the Commissioners do not see a need for a formal site visit, considering that it is a public site that members, if needed, can freely visit at their own convenience.

Stacy Kilb of 39 Northend Ave. comments on the new vs. existing trails.

Devine hands out MACC Membership cards he has received for the Commissioners.

The Gateway Center Order of Conditions has been appealed by 10 residents. They feel it is too much of a change for amendment and want new Notice of Intent filed, and also feel that this Commission reviewed the changes too quickly. Additionally, the appellants feel that access to the plans was limited because Devine could not quickly provide a digital version. There is a site visit with the DEP coming up and Devine will advise Commissioners of the outcome.

The appeal of the of Canal St. bike path has been resolved. There was a complaint from an abutter that it did not meet stormwater standards, but the DEP was satisfied that it meets the standards to the maximum extent practicable, as required for paths.

Devine wonders if he should send out materials digitally only and no longer send out meeting packets. However, enough members prefer hard copies that Devine will continue as normal and send meeting packets to all members.

A motion to adjourn is made by Ricicarelli, seconded by Hoskins, and all are in favor.

The meeting ends at 8:10PM.

Respectfully submitted,
Stacy Kilb
Clerk, Salem Conservation Commission