

**Salem Conservation Commission
Minutes of Meeting**

Date and Time: Thursday, August 10, 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, Gail Kubik, Scott Sheehan
Members Absent: Tyler Glode, Bart Hoskins, Dan Ricciarelli
Others Present: Ashley Green, Conservation Agent
Recorder: Stacy Kilb

Chair Gregory St. Louis calls the meeting to order at 6:38pm.

- 1. 5 Sophia Road—Public Hearing—Notice of Intent for Thomas Berube of T. Berube Contracting Inc., 67 Wallis Street, Beverly, MA. The purpose of this hearing is to discuss proposed construction of a single-family home and associated improvements at 5 Sophia Road within an area subject to the Wetlands Protection Act MGL c131§40 and Salem Wetlands Protection & Conservation Ordinance.**

Bob Griffin presents this item. The area was observed in a site visit. Some issues have been addressed in the revised plans, such as the addition of Virginia Creeper along the retaining wall.

Loam and erosion control seed will also be placed, and erosion controls have been enhanced. A construction sequence has been provided as well and is outlined.

Chair St. Louis comments on the different areas of the wetland and notes that there were questions on the retaining wall, but in this case he feels it will stabilize the slope rather than make the flooding and erosion situation worse. There are invasives throughout but managing them might be detrimental.

The Chair asks about ledge – it will be pinned. The “berm” to be removed along the street is a small piece of bituminous curb. It is not anticipated that they will need to remove bedrock, but they will not know until construction starts. It would be helpful to be able to pin the foundation to bedrock.

Chair St. Louis opens to the public.

June DeRoin of 6 Sophia Road is concerned about the retaining wall. The Chair describes the retaining wall. She is also concerned about the amount of ledge.

Sandra McMahon of 2 Madeline Ave is also concerned about the wall, and about her pool in the case of blasting or drilling. Mr. Griffin outlines the distance of the existing building from the property line and Chair outlines how the blasting contractor works; they must look at the nearest structure. A three hundred foot pre-blast survey is also required. Mr. Griffin notes the protective measures taken to ensure that energy is not imparted to nearby structures; having said that, the blasting companies do have insurance in the event there is damage to nearby properties.

Nelson DeRoin of 6 Sophia Rd. is concerned about heavy rains and water. Mr. Griffin outlines how storm water will be taken care of.

Ms. Mahon asks about potential problems after the house is built. Mr. Griffin outlines the procedures during and after construction; she is worried about moving stormwater.

Chair St. Louis states that typically the threshold of impervious surface for one house is far below that which would cause the type of problem she is talking about. He also comments that he did not see water to the South but did see outfalls from the street, typical of the era of this subdivision. Areas that would become wet are discussed.

Mr. DeRoin claims that he was told they cannot build on the lot; the building department will oversee the building of the structural elements, and that department will review the project once it is approved here. Dewatering during

construction is discussed. Utility connections are discussed.

Roger Shephard, 9 Ravenna Ave, asks about storm drains in the front and Mr. Griffin elaborates, and Chair St. Louis also describes the role of the infiltrators.

Sheehan asks about the restored area of loam and the Virginia Creeper; a warranty period for the vine will be added as a condition. Erosion control mix was requested since the area was so steep. That area is discussed at length.

Special condition: A warranty on the ivy must be in place; they must be established before a Certificate of Compliance will be issued. The homeowner must maintain the ivy on the wall as a perpetual condition.

A motion to close the public hearing is made by Sheehan, seconded by Kubik, and passes 4-0.

A motion to issue the Order of Conditions with standard and the special conditions of maintaining vegetation at wall and at the bottom is made by Sheehan, seconded by Campbell, and passes 4-0

2. Brewer Hawthorne Cove Marina Main Building—Public Hearing—Notice of Intent for Noah Flaherty of BHCM Inc., 10 White Street, Salem, MA. The purpose of this hearing is to discuss proposed demolition of an existing building, removal of temporary structures, construction of a new marina building, stormwater improvements, a concrete pad, paving, drainage, and utility work at 8-10 White Street & 57R Turner Street within an area subject to the Wetlands Protection Act MGL c131§40 and Salem Wetlands Protection & Conservation Ordinance.

Presenting for the applicant is George Atkins. Noah Flaherty, General Manager, and Tom Pozerski, Project Manager, also present. The building and its location have been confirmed, and the applicant will also have to go before the Planning Board as it is in a flood hazard overlay district (FHOD). Progress is outlined. Site plan review is NOT required as it is not a 10,000 square foot project. There is no Planning Board peer review pending, or anticipated.

Mr. Pozerski describes the current structures to be removed and the wetland resources. Existing conditions are outlined. The project will consolidate several areas within the facility. A 7500 square foot building is proposed. Erosion control measures are described. They will have a dirt bag that they can dewater into if necessary. Construction activities are described. New drainage will have to be built before the old one can be disconnected. The entire site is considered redeveloped. The 5000 square feet of pavement serves a purpose. “Maximum extent feasible” compliance with stormwater standards is being attained. Stormwater control improvements are outlined at length.

At the outfall is a proposed tideflex check valve, and one revetment may be reworked. A DEP file number of 64-636 has been assigned and all abutters have been notified.

Stormwater standards are outlined; there will be no untreated discharge from the site. Recharge volume is outlined. A NPDES stormwater permit is in place.

Sheehan asks about a SWPPP; it is complete. They have construction and multi-sector general permits for continued discharge after construction.

Chair St. Louis has not reviewed the project yet since it usually goes before Planning Board for a peer review, so he would like to review it in more detail. As the City does not yet have an easement to discharge across the property, that may be something the Applicant wishes to discuss with them. They will be recharging in a coastal floodplain; seasonal high ground water is discussed as being at 28”. Soil types are also discussed. How they will handle groundwater is discussed; they will maximize the treatment they can given the site constraints by making it as deep and as large as possible. Chair St. Louis asks why they are recharging even though they are not required this; this is because it is the requirement to aspire to under redevelopment projects under DEP regulations. Chair appreciates this.

Kubik asks about a test pit showing 60” to seasonal high ground water pit. Mr. Pozerski explains this was an area with all fill. Current building codes and proposed building elevations are discussed. Campbell asks about DMF comments; it was only about the outfall pipe. Chair St. Louis asks about a revetment; it does not have a smooth face. Pieces will

be angular. The maintenance of the slope will be included in the SWPPP.

Chair St. Louis asks about flow coming onto site from the City; this is discussed. Sizing of the First Defense unit is discussed.

Chapter 91 access will be applied for and areas to be open to the public will later be dictated by Chapter 91; they are not determined yet. Noah Flaherty mentions a proposed boardwalk that would allow public access to the marina during appropriate times. Potential public areas for access are discussed. Chair St. Louis would rather not have them come in for an amendment, so they may as well attempt to anticipate what Ch. 91 will request. Chair requests amended plans to include proposed Ch. 91 requirements.

A site visit may be scheduled, or Commissioners may go on their own. It is to be determined.

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

A motion to continue to the August 24, 2017 special meeting is made by Sheehan, seconded by Campbell, and passes 4-0.

- 3. 22 Sunset Road Berm and Landscape Restoration—Public Hearing—Request for Determination of Applicability for Leland Hussey, 22 Sunset Road, Salem, MA. The purpose of this hearing is to discuss proposed construction of a stone berm and restoration of lawn at 22 Sunset Road within an area subject to protection under the Wetlands Protection Act MGL c131§40 and Salem Wetlands Protection & Conservation Ordinance.**

A motion to continue to the Aug. 24, 2017 meeting is made by Campbell, seconded by Sheehan, and passes 4-0.

- 4. 83 North Street Redevelopment—Public Hearing—Request for Determination of Applicability for Michael Blier, 112 Shawmut Avenue, Boston, MA. The purpose of this hearing is to discuss proposed demolition of a portion of a building, construction of an addition, removal of pavement, construction of a pervious patio, and associated improvements at 83 North Street within an area subject to protection under the Wetlands Protection Act MGL c131§40 and Salem Wetlands Protection & Conservation Ordinance.**

John Seger represents Michael Blier; not all items listed on the notice are still being proposed. Michael Blier is purchasing the property. Building removal, renovation and replacement will occur. The project is in the floodplain and a portion of it is in Chapter 91 jurisdiction. Michael Blier, Landscape Architect, outlines which portions are and are not jurisdictional. The site is landlocked and this has been discussed with DEP. They will not be subject to Chapter 91 requirements if they do not complete work within the 250' Chapter 91 line. They are not proposing work right now that would be within this line. Demolition and reconstruction are described. Most pavement will remain.

Drainage will remain the same. Erosion control measures are described, as is demolition work. This project is in the flood zone and within 200' of the river; the 250' Chapter 91 limit is shown. Elevations are discussed.

Gail Kubik's husband is working on this project so she will have to recuse herself.

A motion to continue to the August 24th meeting, when there is a quorum, is made by Sheehan, seconded by Campbell, and passes 4-0.

5. Old/New Business

- Shetland Park Seawall Repair, DEP #64-628, Request for Certificate of Compliance.**

This item is moved to the Aug. 24 special meeting.

- National Grid Cable Replacement Project, DEP#64-572, Request for Certificate of Compliance.**

The Applicant requests a Certificate of Compliance; Laura Laich at VHB presents. The project started in 2013,

with a cable removal and installation for an electric line from Canal St. to Harbor station. Most of the resource area was coastal floodplain. Most of the work was subsurface except for substation work, which was re-graded, re-seeded, and loamed.

Ms. Laich outlines the path they took (shown in red in plans). The harbor substation was the only laydown area for this project.

A motion to issue the Certificate of Compliance is made by Campbell, seconded by Kubik, and passes with all in favor.

- **Thorndike Street Subdivision, DEP #64-538, Request for Partial Certificate of Compliance.**

The lots included in this NOI are Lots 3, 4 and 5, which are all under one Order of Conditions. This request is for Lot 5, and it was previously agreed that an as-built could be submitted once all three lots were completed. All survey work has been completed. The Certificate of Compliance was already issued for Lot 3. It comes to light that a Certificate of Compliance has NOT been sought or obtained for Lot 4, though it was sold in 2015. The buyer did not need a mortgage so the open Order of Conditions didn't come up as an issue. Logistics are discussed and work as completed described.

Lot 4 has been issued an Occupancy Permit even though the Order of Conditions is outstanding. The Commission cannot issue a Certificate of Compliance for Lot 5 until the Certificate of Compliance has been issued for Lot 4 and an as-built for the subdivision has been provided.

No vote is taken and this item is withdrawn without prejudice.

- **Brewer Hawthorne Cove Marina Seawall and Head House, DEP #64-575, Request to Extend Order of Conditions.**

George Atkins represents Brewer Hawthorne Cove Marina. This is related to the project heard earlier; the history is described. In February 2012 variances were approved through the ZBA, but abutters appealed in land court. The Zoning Board decision was upheld, but that was further appealed to the Massachusetts Court of Appeal. The Land Court and ZBA decisions were both upheld in December 2016. The applicants did not want to proceed with any work or further invest in the site until construction of the main building was approved. There was no Conservation Commission filing or decision relating to the main building project until now. The applicant is hoping the main building gets built, then the additional project under this filing (#64-575) can be completed so they are requesting an extension as this one expires in September.

A motion to extend the Order of Conditions for three years is made by Campbell, seconded by Kubik, and passes 4-0.

- **SESD Combined Heat and Power Facility, DEP #64-563, Request to Extend Order of Conditions.**

Sheehan motions to extend the Order of Conditions, is seconded by Campbell, and the vote passes 4-0.

- **Request for funding for annual GIS software subscription fee.**

A motion to approve the funding (\$400) is made by Sheehan, seconded by Campbell, and passes 4-0.

- **Update on Forest River Conservation Area Trail work and request for funding for supplies.**

This is described in letter from Tom Devine. He requests \$300 for loppers and equipment. The Commission is in favor of providing funding, but wonders where it will be stored. The Commission suggests a Jobox for the trail head to store them in.

A motion to approve funding for loppers and a convenient way to store them is made by Campbell, seconded by Kubik and passes 4-0 just

- **Meeting minutes, May 11, June 8, June 22**

A motion to approve all sets of minutes is made by Campbell, seconded by Sheehan, and passes 4-0.

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

The meeting ends at 9:10 PM.

Respectfully submitted,
Stacy Kilb
Clerk, Salem Conservation Commission

Approved by the Conservation Commission on September 21, 2017.