

**Salem Conservation Commission  
Minutes of Meeting**

**Date and Time:** Thursday, August 9, 2018, 6:30 p.m.  
**Meeting Location:** Large Conference Room, City Hall Annex, 98 Washington Street  
**Members Present:** Chair Gregory St. Louis, Tyler Glode (leaving early), Tom Campbell, Dan Ricciarelli, Gail Kubik (5)  
**Members Absent:** Scott Sheehan, Bart Hoskins (2)  
**Others Present:** Ashley Green, Conservation Agent  
**Recorder:** Stacy Kilb

Chair Gregory St. Louis calls the meeting to order at 6:30PM.

**I. OLD/NEW BUSINESS**

**A. 401 Bridge Street (DEP #64-498)—Request for Partial Certificate of Compliance**

William Bergeron, Engineer, presents. The Community Life Center building will be occupied as of Sept. 10. A Partial Certificate is being sought as the Community Life Center is complete, but the other portion of the project is not. All work relevant to grid chambers, stormceptors, etc. for the entire site has been completed with the first phase. Offsite tideflex gates have been installed. The second portion of the site, including parking lot drainage, will connect to newly installed infrastructure. Reconstruction of Bridge Street includes additional drainage work which is described. As built conditions are highlighted, and mimic the original plan exactly – calculations were run with as built conditions to verify the hydraulics. Elevations are described. Landscaping has been installed. Some islands grew more weeds than anticipated, so will be hydroseeded again, though all plantings are stabilized. A Certificate of Compliance from the Conservation Commission must be obtained prior to the issuance of the Certificate from Waterways for the Chapter 91 License. This will expedite the passing of the site from the developer to the City.

Chair St. Louis asks about the locations of the five tide gates; they are described as being on existing drainage structures. Agent Green describes the partial Certificate as applying to 401 Bridge St. with the work on 44 Boston St. outstanding, though the work does not perfectly align with the lot lines. The as-built can be specifically referenced, as this delimits the area of work that has been completed.

This project was originally permitted many years ago, and was extended last year. The Chair finds it interesting to be discussing this as a coastal resource area. Mr. Bergeron comments that convincing the DEP of the definition of this as coastal was a challenge, and the Chair can relate. Flood elevations changed significantly, plus foundation buffers were required, over the decade-long project planning process. Chair St. Louis recalls one of his comments requesting that catch basin surcharge be greater than a 10 year storm event, and that a portion of the grass strip along the frontage be hardened at a low point so as not to scour the grass; there is a catch basin with riprap there.

*A motion to issue the partial Certificate of Compliance on the Community Life Center portion (401 Bridge St.) of the site is made by Ricciarelli, seconded by Kubik, and passes 4– 0, Tyler Glode having left the meeting.*

**II. REGULAR AGENDA**

**A. 132-144 Canal Street Redevelopment (DEP #64-644)—Continuation of Public Hearing—  
Notice of Intent for Canal Street Realty LLC, Canal Realty Development LLC, Canal  
Street Warehouse LLC, and Canal Furniture LLC all of 50 Dodge Street, Beverly, MA.**

**The purpose of this hearing is to discuss the proposed redevelopment of the properties located at 132-134 Canal St, 142 R. Canal St and 144 Canal St including razing of the buildings at 134 and 144 Canal St and constructing three new buildings with associated driveways, 240 parking spaces, landscaping, utilities, and drainage systems for stormwater runoff within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.**

This item is heard first. Dan Ricciarelli recuses himself.

Presenting for the Applicant is Rich Williams, PE, of Williams & Sparages who reviews questions raised at the last meeting. There is some environmental remediation that will occur. Release Abatement Measure (RAM) plans were filed as there are some hazardous materials. One question from the prior meeting was regarding if infiltration on this site will cause problems. GZA Environmental has reviewed the plan and concluded there will be no issues on or off the site.

Also in question was whether sewer services had to be more than 10' away from the contamination. They do not. The actual contamination on the site is discussed. The RAM plan includes installation of a vapor barrier on one building and in the elevator area of another. The Chair asks about the separation between infiltration and groundwater; this is 2'.

Chair St. Louis comments on the configuration of the infiltration setup. 3P and 2P stormwater management areas should have drain manholes and manifolds on the far side of the system. This is discussed. Pitch of the drains is also discussed; many are less than ½ % and the pipes are not large enough to avoid backflow due to sediment accumulations. The site is flat and systems are to be connected so as not to be in the groundwater. One segment of pipe will be at 1%. Further discussion of stormwater management and how they handle overflow occurs. Data has been shared with AECOM consultant of the City's bike path project, who concurs. Drain pipe material will be ADS. The groundwater is at 8' from the surface in parts, beneath sandy material. The Chair asks about the tops of chambers at stormwater management area 2; water is retained below the outlet elevation, which he feels should be higher. The DMH 15 pipe configuration heading north to DMH 17 should be raised so it is at ½ % and can infiltrate more water. It is uncertain that the space would allow this. It should be noted that the overflow is only rarely used.

Chair St. Louis comments that gas, electrical and TV/Cable connections are not shown. The utility company designs the connection; only a transformer pad is shown. The possible configuration is described. Anything being done in Canal St. is being finalized with David Knowlton of the City DPW and Engineering Depts.

The Chair asks about maintaining the automotive use; this is being changed. O'Reilly Auto Parts is a retail use. A used car dealership is in another location, and that will go away. Mechanical work to vehicles is being done in the back in bays; the intent is to change that use but it will remain temporarily. Tire and oil changes in a particular bay are described; in the future the others are planned to be storage bays but the people using them currently have not been informed. The Chair asks if oil/water separators will be maintained, or new ones installed. They are being added for the new garage and are described. Trench drains and oil/water separators are described.

No work is being done at #142. A small amount of pavement will be extended and the area restriped. #140 is also not changing. The Chair asks if separate property lines will be maintained; this is a PUD (Planned Unit Development) so will become one property. Current parcel boundaries and proposed changes are described. Easements are also described. There are no existing catch basins that will tie into proposed stormwater systems; current systems are described. Family Dollar has one and there are several at #142 that tie into the Canal St. system. Regarding inflow and infiltration into existing sewer systems, the two buildings being

removed will allow a reduction in some problematic sewer connections. The City has requested a drainage easement through the property. There are two proposed connections to the rail trail, one at the north property line from Canal St. that includes connections to one area. The other will act as access for emergency vehicles as well as pedestrians.

Calculations for 100 year storms were not run, as the site would be underwater. Infiltration in a floodplain is desirable even if not completely effective. The Applicant notes that the site was previously entirely impervious so the proposal is a vast improvement. Even though flooding occurs during the early part of a coastal storm event, their work should help. Glode asks why the center, internal area was not analyzed. Curbing will be added though there are no major changes; no additional runoff to those basins and drainage systems is expected for a variety of reasons.

The drainage systems that were on the site at purchase were nonfunctioning, but are being restored.

The Chair opens to the public but there are no comments.

Chair St. Louis typically requires that sewer castings be watertight. He does not advise drains less than ½ % but these are not in a roadway, so it would be up to the Applicant to deal with sediment in the pipes. Standard and special conditions have been reviewed by the Applicant.

*A motion to close the public hearing is made by Campbell, seconded by Kubik, and passes 4-0 with Ricciarelli recused.*

*A motion to issue an Order of Conditions with standard and special conditions as noted, is made by Campbell, seconded by Kubik, and passes 4 – 0 with Ricciarelli recused.*

*Special conditions:*

1. Applicant shall add a drain manhole to Stormwater Management Area 2P and 3P at the 8-inch header for flushing of the manhole.
2. All manholes shall have watertight covers.
3. Applicant shall adhere to the Planning Board Decision dated June 12, 2018 and/or approved subsequent amendments.

**B. 116-118 Leach Street (DEP #64-650)—Public Hearing— Notice of Intent for 116/118 Leach Street Condo Association, 116-118 Leach St, Salem MA. Purpose of hearing is to discuss proposed removal of existing timber bulkhead and construction of new 100-ft long soldier pile bulkhead and tie back system at 116-118 Leach St within an area subject to the Wetlands Protection Act MGL c131§40 and Salem Wetlands Protection & Conservation Ordinance.**

Craig Sams of Waterfront Structural Consulting represents the applicants. He describes the bulkhead replacement project; the original was built in the 1930s and is deteriorating. It runs straight between property lines and is of typical timber construction. The deterioration is described as are the resource areas: coastal beach, coastal bank and land subject to coastal storm flowage; this is also within a buffer zone. Proposed is bulkhead replacement in the same location. The Chair asks about the existing wall; it does have batter piles as well as a tie back system. The extent of the new wall will be in line with the existing. Construction will be a soldier beam with steel H piles and panels between them. The construction sequence is outlined; the applicant

will: excavate, build a deadman, backfill over this, excavate for the seawall, remove the existing, drive piles, place panels for the new wall, then backfill.

Work will be done in two, 50-foot phases. The wall will be done in 25-foot increments; all work will be done at low tide without water at the bulkhead. There are no grade changes. Backfill grade will match that of two adjacent properties. The Chair asks if the City modified the VE Zone in this area; it did not. The elevation at the bottom of the deadman is discussed. It appears to be about a foot above mean high water. Excavated fill material will be staged onsite. Once the deadman is installed it will be backfilled, providing extra area for storage. If stockpiled, materials will be covered and surrounded by hay bales.

The Chair asks about the size of the scuppers and it is confirmed that those planned are 6" deep and 3" wide. He then asks about wall and scupper heights; these elevations are discussed. There will be at least two scuppers per panel, and Chair St. Louis comments that 8' is infrequent. Two per panel would mean 4' in between.

There has been no observed eel grass on the water side. The area is dry out to 70-100' at low tide. The wall has been used to moor boats in the past, but only at high tide.

Chair St. Louis asks about the panels at the ends of the wall; they will be measured in the field before installation to make sure they join properly with the adjacent bulkhead. The Chair asks about the joints of the panel; they overlap. The Applicant was attempting one piece panels between H bars, so they will slide them in. If two panels, it would be tongue and groove with a ceiling. Panels are 17' tall. This will maintain the wall at the height of those at the abutting properties. The Chair suggests placing fabric behind the last 10' of the wall at either end in case the seam gets compromised in the future.

Regarding detail at the end of the wall, it is unclear what that cross section is, but the Applicant will try to get the last pile as close as possible, hopefully next to the wall, but this will depend on what is found in the field. The intent was to stay within current footprint.

DMF (Division of Marine Fisheries) has provided comments on original the plan, where they would have come out 1' and encapsulated the existing wall; DMF did not approve of that plan. The Division requested work be done during low tide only, and that that area be stabilized before the incoming tide, and that equipment be operated from upland if possible. They will try but may need floating equipment to drive the piles. All work will be done when it is dry. The Chair asks if an RDA is required for the work barge rig sitting in mud. The barge will be removed at low water, as they don't want to ground out. The grass surface behind the wall will be restored to the same condition as the existing lawn.

Chair St. Louis opens to the public. Joyce Kenney comments that the land is close to the Salem Housing Project.

*Special conditions:*

- *2 scuppers per panel are required*
- *Fabric treatment or impervious backfill at corners, 1/2 panel or 8', to stabilize and prevent future washout*

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

*A motion to issue an Order of Conditions with standard and special conditions as noted, is made by Kubik, seconded by Ricciarelli, and passes 4 – 0.*

**C. 47 Congress Street (Shetland Park)(DEP #64-654)—Public Hearing—Notice of Intent for**

**James J. Welch & Co, Inc, 27 Congress St, Suite 503, Salem MA. Purpose of hearing is to discuss proposed construction of a 1,250 ft underground Bentonite cut off wall at Shetland Park at 47 Congress St (Map 34, Lot 448) within an area subject to the Wetlands Protection Act MGL c131§40 and Salem Wetlands Protection & Conservation Ordinance.**

Mike Welch of James J Welch & Co. represents Shetland Park. The project is described; it will be at the end of building 4. The purpose of the wall is to protect the basement of that building from flooding. The area in question is a self storage facility, and water comes up during extreme high tide and storm events through the floor there, flooding the basement. The cutoff wall will prevent water from entering the building. The location of the project is described. The borings indicate that clay and/or till is 15-17'; they will dig a couple of feet into that, so the wall will reach 19-20'. This is a slurry wall, so it will be dug and filled with bentonite water, then excavated with that in the trench, which keeps the walls of the trench from falling in. The trench/wall will be 2' wide, a bit more in places, then as they dig and open a section of trench, the existing soil excavated will be replaced in the trench to provide a waterproof wall. No soils other than bentonite will be added.

Chair St. Louis comments that normally bentonite walls tie back into a foundation; this one is freestanding. It is not a structural wall. Nothing prevents water from coming in on sides.

Flow in certain basement locations is up to 4-5" of water during high tides during storms. Sump pumps were explored but the wall was the most economical option. Ricciarelli comments that it can be done at the foundation itself; this is similar but on a larger scale. Chair St. Louis asks about the distance of the bentonite wall from the granite wall separating the parking lot from the ocean. This is 30' to more than 40' in some locations and 70 or 80' feet from that wall in others. The logistics are described. They must work around utilities. All water lines are irrigation. Temporary storage of excavated material is described, with both areas measuring 150'x150'. One will be a storage area, the second will be a mixing area for the bentonite.

Roof drains go to the ocean; it is unknown if they have check valves. Drainage is described; surface drains go through the dike in the parking lot and those do have check valves that shut during high tide events. Backflow prevention is discussed. Sprinkler mains are mentioned. The basement floods in three places.

Bentonite mixing is done by an engineer who works for the company doing the work. Bentonite is a natural soil with no additives, nothing harmful or hazardous. No soil is being removed from or brought onto the site, but some asphalt will be cut and replaced to dig the trench, which will need to be repaved.

Kubik mentions a sandy area and borings are discussed. They must dig through sand to get to medium to dense till. No pressurizing or shoring will be done and trenches will be backfilled as they go along; the wall is not structural but is supported by the earth on either side of it. This project should take 2-3 weeks. Start time is flexible.

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

*A motion to close the public hearing is made by Ricciarelli, seconded by Campbell, and passes 4-0.*

*A motion to issue an Order of Conditions with standard, is made by Ricciarelli, seconded by Campbell, and passes 4-0.*

- D. 3A Winter Island Road—Public Hearing—Request for Determination of Applicability for Winter Island Yacht Yard Inc, 3 Winter Island Rd, Salem MA. Purpose of hearing is to discuss proposed installation of 42 ft x 26 ft concrete pad to direct bottom washing water product into existing collection system at 3 Winter Island Rd (Map 44, Lot 13) within an**

**area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.**

Mr. Peter Hayward of Winter Island Yacht Yard, 3 Winter Island Road, describes the project and comments that the concrete pad will replace removable rubber mats currently being used. The current grade will be matched; they will dig down 12”, reinforce with rebar, and pour concrete. A trough currently collects water and sends it to a catch basin, which sends it to tanks for disposal into the sewage system after it is checked by chemical analysis by SESD for dumping or transported for disposal. The wash system was permitted through the Conservation Commission previously. This is for a permanent system versus a removable one. It will be a flat platform, tipped toward the existing trough. Residue gets pressure washed into the trough. There is a steel sheet piling wall with a steel cap, so all soil removal will be at or below that grade so none will wash off into the mud outside. Any soil to be removed offsite will be removed by the contractor. There are lifting holes in the sheetpiling that will be re-covered before slurry is poured.

The Chair asks why concrete instead of asphalt. Boats are lifted by crane and a hydraulic trailer needs to pass on it; the pad must support 30,000 pounds, so asphalt would not be sufficient. The rest of the parking lot except for in front of the workshop is Linpack. Materials in the yard are described.

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

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

*A motion to issue a Negative 2 and Negative 6 determination is made by Kubik, seconded by Ricciarelli, and passes 4-0.*

**E. 45 Intervale Road—Public Hearing—Request for Determination of Applicability for Stephen Duffy, 136 Walnut St, Lynn MA. Purpose of hearing is to discuss proposed construction of a driveway, sewer tie, retaining wall, well, and grading at 45 Intervale Road (Map 21, Lot 64) within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.**

Kyle Lally, wetland scientist with Hancock Associates presents the project. This is currently a vacant, wooded lot within the buffer zone to Bordering Vegetated Wetland (BVW). The site has been flagged. The 100’ buffer zone and BVW are described. There is a clear break between wetland and upland. A well, retaining wall and grading for a portion of the driveway will be in the 100 foot buffer zone; the house is outside the buffer zone. Erosion control will be provided across Intervale St. A 12” Filtrexx silt sock filled with bark mulch is proposed. There is a sewer connection but no water connection at this address.

Chair St. Louis has some concerns about the well; it will serve less than 12 full time employees, and is within certain distances of impervious areas and sewer lines, violating typical practice. Nothing should be within 50’ of a well head. This issue is discussed. The sewer is probably a forced main. The Civil Engineer on the project knows more about wells. The Chair asks why the well will not be at the back of the lot. The applicant states it could not be in the setback. The owner must possess the drawdown area. Wells for irrigation are not regulated by the Conservation Commission. The Board of Health will be consulted.

Types of negative Determinations are discussed; negative 3 is for projects in the buffer zone. Erosion control is further described. Ricciarelli asks if a Negative 3 would apply to grading. Chair St. Louis comments that the Conservation Commission does not have jurisdiction over the house, unless something causes sediment to roll into its jurisdiction. The foundation hole and the footing will be outside the foundation wall of the building, so the Chair feels it makes no difference whether buffer zone is along the house or in front of the house; he

understands the approach but it does not change his perspective. Mr. Lally reiterates the erosion controls that will be in place.

Ricciarelli mentions significant grading inside the buffer zone. Chair St. Louis comments that there are retaining walls all around the driveway, so grading is not needed. Because less than a 10% slope is needed, it had to be graded. A secondary hay bale line can also be added if desired. Private wells are permitted by the Board of Health under state guidelines. Chair St. Louis comments that it may be possible to locate the well at the back of the site, but the septic tank or pump chamber would need to be 50' away from a private well. He is concerned that the project may change significantly and have to come back before the Commission. Ricciarelli wonders how much disturbance drilling of a well requires. However, at issue is impact to the buffer zone.

If this was a Notice of Intent, there would be many conditions; a Negative 3 Determination can be conditioned. Different locations for the well are discussed. No blasting will be done. The property is an unknown distance from a municipal water supply line. It would not be less than 1000'. This is across the street and next door to Conservation Commission owned land. The Chair is surprised at the number of houses in that area that have wells.

Chair opens to the public and Joyce Kenney comments that the closest water pipe to that section is 200' from the project because there is a group home in that section.

*A motion to close public hearing is made by Kubik, seconded by Campbell, and passes with all in favor.*

*Conditions:*

- *Location of private water supply well to be in compliance with all local and state well guidelines and Title V septic disposal guidelines*
- *An as built plan must be submitted prior to issuance of a Certificate of Occupancy*

*A motion to issue a Negative 3 and Negative 6 Determination is made by Ricciarelli, seconded by Kubik, and passes 4 – 0.*

**F. 47 Intervale Road—Public Hearing—Request for Determination of Applicability for Stephen Duffy, 136 Walnut St, Lynn MA. Purpose of hearing is to discuss proposed construction of a driveway, sewer tie, and grading at 47 Intervale Road (Map 21, Lot 63) within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.**

Kyle Lally of 185 Center St. Danvers, presents again. This is essentially the same type of project as the previous item except with a well just outside the buffer zone. No retaining walls are proposed and there will be minor grading. Erosion controls will be in place. This site has ledge.

Neither the Commission nor the public has any comments.

*A motion to close the public hearing is made by Ricciarelli, seconded by Kubik, and passes with all in favor.*

*Conditions:*

- *Location of private water supply well to be in compliance with all local and state well guidelines and Title V septic disposal guidelines*
- *An as built plan must be submitted prior to issuance of a Certificate of Occupancy*

A motion to issue a Negative 3 and Negative 6 Determination with the above conditions is made by Ricciarelli, seconded by Kubik, and passes 4– 0.

### **III. OLD/NEW BUSINESS CONT.**

- **Discussion and vote regarding annual funding request for North Shore Greenscapes.**

A motion to approve \$1,250.00 for North Shore Greenscapes is made by Kubik, seconded by Ricciarelli, and passes 4– 0.

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

A motion to issue approve \$400.00 for the annual GIS software subscription fee is made by Campbell, seconded by Kubik, and passes 4– 0.

### **IV. APPROVAL OF MINUTES**

- A. Meeting minutes—May 10, 2018 and June 14, 2018.

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

### **V. ADJOURNMENT**

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

The meeting ends at 9:06PM.

*Know your rights under the Open Meeting Law M.G.L. c. 30A §18-25 and City Ordinance Sections 2-2028 through 2-2033.*

Respectfully submitted,  
Stacy Kilb  
Clerk, Salem Conservation Commission