



# CITY OF SALEM CONSERVATION COMMISSION

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## NOTICE OF MEETING

Notice is hereby given that a meeting of the Salem Conservation Commission will be held on April 18, 2023, at 6:30 p.m. via remote participation in accordance with Chapter 2 of the Act of 2023.

*Gregory St. Louis, PE, Chair*

## DRAFT MEETING MINUTES

**Greg St. Louis opens the meeting at 6:30 pm.**

### I. ROLL CALL

*In attendance:* Greg St. Louis, Judith Kohn, Dan Ricciarelli, Tom Campbell (4)

*Late arrival:* Bart Hoskins (1)

*Absent:* Tyler Glode (1)

*Commission Staff:* Kate Kennedy (1)

*Minute Clerk:* Chelsea Titchenell (1)

### II. REGULAR AGENDA

#### NOIs

**A. 50, 52 Circle Hill Road – DEP# 64-764, DEP# 64-765 – Request to Continue to May 16, 2023 -**  
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.

*A motion to continue the public hearing to May 16, 2023, is made by Dan Ricciarelli, seconded by Judith Kohn, and passes 4-0.*

**B. 67 Derby Street - Salem Wind Port Terminal – DEP# 64-772 – Request to Continue to May 16, 2023** - Public Hearing - Notice of Intent of Crowley Wind Services at 67 Derby Street, for the construction of an offshore wind marshalling facility to assemble and deploy turbine components. The work includes construction of a Loadout Wharf and a Delivery Pier Trestle: filling and stabilization of the upland; installation of utilities; and dredging. The project is located within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

*A motion to continue the public hearing to May 16, 2023, is made by Dan Ricciarelli, seconded by Tom Campbell, and passes 4-0.*

**C. 266 Canal Street – DEP# 64-775 - Request to Continue to May 16, 2023** - Public Hearing – Notice of Intent for Canal Street Station, LLC, Notice of Intent Canal Street Station, LLC, for the construction of a 250-unit apartment neighborhood consisting of five apartment buildings, two access drives, parking areas, utilities, and associated infrastructure, located at 266, 282, 282R, and 286 Canal Street, and 2 Kimball Road, within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

*A motion to continue the public hearing to May 16, 2023, is made by Judith Kohn, seconded by Tom Campbell, and passes 4-0.*

**D. 57 Memorial Drive – DEP# 64-771 – 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, on behalf of the applicant, shares a presentation. Highlights include:

- City owned land that pier, gangway, and float is on but will be used by Justin Mattera
- No comments from DEP
- Locus is adjacent to Colins Cove
- Pier suspended in the air at low tide
- Originally filed in November, but had been awaiting Easement from the City
- DMF confirms that proposed work follows the recommendations for small docks and the floats is elevated 30” above the shellfish habitat
- No mapped saltmarsh or eelgrass in vicinity
- Easement Agreement was granted by the City since it will be on City land
- Pier is a platform with seasonal gangway and seasonal float
- Steps going down to landing and storage area for kayaks on pier
- Floating dock has 4 piles and set up with stops to keep minimum of 30”

Greg St. Louis: Usually when we see floating docks, they are 10 by 10, or a much smaller size. This

almost seems 20 feet apart and that is a lot of weight.

- Scott Patrowicz: You mean the piles themselves?
- Greg St. Louis: Yeah, I am talking about the floating dock.
- Scott Patrowicz: On the last one, 21 Hemmingway, this was the same design. All the weight is on the collar stops, so that is where the real structure is. The float itself is built pretty substantially. The floats can get bigger than that, but Justin felt he could live with that size. Does that answer the question?
- Dan Ricciarelli: Is your question that when this is sitting above the water, the beams supporting between the piles may be taxed given the length?
- Scott Patrowicz: That is the float design. Those beams are substantial. It is designed so it can span that, as opposed to putting in more piles for the float. I am not worried about that structure. There is also not a lot of wave impact here.
- Tom Campbell: How heavy would the float be?
- Scott Patrowicz: I don't know. But this is pretty common. This timber is 15" that is floating so it is beefy.
- Dan Ricciarelli: What about removal every season?
- Scott Patrowicz: They unbuckle the 4 stops in hightide and put the gangway on top of the float and float it to where they are storing it. It is pretty common practice, so I am not worried about that either.

Greg St. Louis: Kate, we are good with all the other former actions?

- Kate Kennedy: I don't believe they have started the housework addition under a different DEP file number. For the embankment stabilization, they have improved that site and that will be ongoing throughout the house addition work. I do want to note that there are concerns about float storage in the winter and where they may possibly be able to store the float in the winter and if they have space for it or where it would be contracted out.
- Scott Patrowicz: We don't know the answer to that question until we hire someone. I am not sure who in Salem is doing that a ton, probably North Shore Marine. I haven't asked yet where he would take the float but let's say it is offsite and where other floats get stored, but it is out of the mud.

Judith Kohn: What is the term of the easement?

- Scott Patrowicz: It is 125.52 feet and then it goes across about 35 feet and back to the property line at about 103 feet. It encompasses enough space to put the gangway, the float, and the pier.
- Judith Kohn: I meant the time frame, but that was helpful too.
- Scott Patrowicz: I don't know but let me look while you ask other questions.

Judith Kohn: Did the City sign the Notice of Intent?

- Kate Kennedy: Yes, that did happen around the same time the easement was completed.

Scott Patrowicz: Justin dialed in and said that it is a permanent easement

- Dan Ricciarelli: And that transfers with the sale?

- Scott Patrowicz: Yes.
- Judith Kohn: So, it is essentially a purchase, they are just assigning it as an easement.

Public Comment:

Jeff Cohen, 12 Hancock Street, Ward 5 City Councillor and City Liason to the Commission: I know this is not the criteria used by the Conservation Commission but wanted to give context to the vote for the easement. Some research was done, and it was found that most of the properties already have piers or docks and we felt it wouldn't be right, especially when they went through the process that some other property owners experienced. That was the primary driver for that vote.

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

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

Kate Kennedy: I want to note that Bart Hoskins has now joined.

**E. Congress, Peabody, Harbor Streets – DEP# 64-776** - Public Hearing -Notice of Intent for Derosa Environmental on behalf of the City of Salem, to consider the proposed municipal MassWorks grant project improvements in public roadways located at Congress Street, Peabody Street and Harbor Street, Salem MA. The project is located within an subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

Evin Guvendiren of Derosa Environmental and on behlaf of the City of Salem shares a presentation. Highlights include:

- There are no comments from DEP
- Filed as a Coastal Limited Project for Maintenance and Improvements to Public Roadways
- Only resource area is Land Subject to Coastal Storm Flowage
- Portions of Peabody Street, Congress Street and the intersection at Leavitt Street and Congress Street is subject to jurisdiction
- Propose to improve portions of Peabody, Congress, and Harbor Street
- Project will improve pedestrian mobility, general mobility enhancements, and safety upgrades
- Proposes to resurface the public roadways but will not be widened
- Repair and improve sidewalks. Sidewalks are all exisiting and will be removed and will be replaced in kind
- ADA accesible curbramps installed where none currently exist
- Provide drainage improvements with new catch basins, improvement to underground drainage pipes and converting an existing catch basin to a manhole
- Landscaping component that converts brick and concrete to a vegitated area
- No adverse impact and all in existing roadways

Greg St. Louis: The Commission doesn't see a lot of limited projects, but the intent in the regulations is to not require substantial review materials that the project doesn't necessitate

- Evin Guvendiren: Yeah, so there is a list that certain projects can fall under. In this case it is maintenance and improvement to existing roadways. The criteria are that it is limited to widening to less than a single lane, improving drainage systems, and correcting substandard intersections. Basically, what a limited project does is it allows certain projects to go forth without meeting every single performance standard. For this there are not performance standards that really need to be met, but they are met anyways.

Greg St. Louis: Has the City already received the MassWorks grant?

- Evin Guvendiren: Yes.

Dan Ricciarelli: So, this is essentially a project in kind?

- Evin Guvendiren: Yes.
- Greg St. Louis: It does look like you have a couple utilities going through your proposed bio-swale so you may want to consider being flexible with the geometry when it comes time to build it.
- Brendan Pyburn of Bobrek Engineering: That is part of the work in progress and what is actually in the ground.

Greg St. Louis: Did we lose Bart?

- Kate Kennedy: Bart will be rejoining.
- Greg St. Louis: We will proceed. We still have a quorum.

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

*A motion to issue the conditions with standard conditions is made by Dan Ricciarelli, seconded by Judith Kohn, and passes 4-0.*

## **RDAs**

**F. Massachusetts Electric Company - Request for Determination of Applicability** for Coneco, on behalf of Massachusetts Electric Company, for the proposed underground electrical conduit installation at the corner of St. Peter Street and Bridge Street Salem, Massachusetts, in Salem, MA- located within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance. COCs

Michael Toohill, of Coneco Engineers and Scientists, on behalf of the applicant, shares a presentation. Highlights include:

- Proposing to replace underground conduit that connects to a pad-mounted transformer to an underground manhole that connects to the MBTA system.

- About 80 feet in length
- Everything is underground
- The area is in the 100 year flood plain
- No impact to the resource area
- Pavement cut in the street with excavation in the sidewalk

Greg St. Louis: Your transformers in the floodplain, would you consider raising it, so you don't have to deal with it when it floods?

- Michael Toohill: Good question. I have worked on several with National Grid, and they have been raising them up or putting a flood wall around them, so I will ask National Grid about this.
- Greg St. Louis: I think it will have a lot of value for the long-term.
- Judith Kohn: Can that be included as a condition?
- Michael Toohill: This is an RDA, and I would prefer to ask them the question then dictate an engineering solution that I don't know if they are proceeding with.
- Greg St. Louis: That is fine, I would consider that in kind type work anyways.

*A motion to close the public hearing is made by Dan Ricciarelli, seconded by Bart Hoskins, and passes 5-0.*

*A motion to issue a -2 -6 determination is made by Dan Ricciarelli, seconded by Bart Hoskins, and passes 5-0.*

### **G. Request for Certificate of Compliance - 429 Highland Ave - DEP#64-757**

David Kelly of Meridian Associates speaks on behalf of the applicant. Highlights include:

- Came last fall for emergency repair of the drainage system behind Dunkin Donuts
- Has been constructed, installed, and is working
- Water quality unit installed
- Originally had a couple manholes for angle points but existing infrastructure made it so manholes could not fit and were substituted for 45-degree angle bends.
- Clean out in the middle of system

Judith Kohn: I wonder if you need an amendment to take out the manholes or if your solution has the same function that the manholes would have?

- David Kelly: Concrete pipe used to be the pipe of choice and you had to install manholes, but now with the use of new pipes they fabricate bends and can just put in connectors. There are no changes to the function of the system. A lot of municipalities prefer manholes at angle points because it allows more access throughout the run of the pipe, but we have a way to get in in the beginning, middle, and end, and with limited flow going through it that should be more than adequate.
- Judith Kohn: I would suggest in the future that you come in and describe the change.
- David Kelly: Yes, Kate and Greg were aware. This was an emergency situation and when the contractor was in the ground there were a lot of time-sensitive circumstances. I think it was

discussed at the construction kick off meeting that if manholes weren't possible bends would be okay, provided there were cleanouts.

- Judith Kohn: Kate, did you have a conversation about that?
- Kate Kennedy: They were very communicative. We did have a discussion about the in lining around the pipe. They were communicative throughout the process. I don't particularly remember the discussion about the manhole, but that may be because it was something we breezed through and I don't remember, but I can try to refer back to it. Anything I had questions about they were responsive to, and I appreciate the work they did on the other owner's site with some of the erosion and cleaning out where the outfall is. I think they did a great job and appreciate the work and collaboration.
- Judith Kohn: That is great, but it might be useful to let us know if you do have conversations that lead to a change so that we are aware when we are reviewing.
- Kate Kennedy: Absolutely. David, do you know if the manhole change was around the same time as the pipelining change?
- David Kelly: The pipelining was discussed before we broke ground. The manhole came up during construction when we had things open.

Greg St. Louis: Usually when I want to be notified when volume metric of flow rate changes. I appreciate a cleanout was put in. Ultimately this is after water quality units, so there should be less sedimentation in the pipe than normal, but I would make sure the OMN on the water quality units is maintained.

- David Kelly: If you look at the as built plan, the water quality unit was pushed on to the Dunkin Donut property, so you can see it when you are on the property, so it all worked out to everyone's benefit.

*A motion to issue a Certificate of Compliance is made by Bart Hoskins, seconded by Judith Kohn, and passes 5-0.*

### **III. OLD | NEW BUSINESS**

Kate Kennedy: The City did have a Flood Hazard Overlay District group forum. The materials are on the site. There are a lot of cleanup events this weekend and on May 18<sup>th</sup> there will be a cleanup event around Winter Island.

Judith Kohn: Any action on getting a new member?

- Kate Kennedy: Dan has a proposed member that is interested. We have their resume and that will be sent along.

### **IV. APPROVAL of MINUTES**

March 21, 2023 Meeting Minutes

Dan Ricciarelli: Scott Patrowicz's name is spelled incorrectly, so just an edit. Rich Kirby is K-i-r-b-y, I could be wrong. That is all I have.

*A motion to approve the minute as ammended is made by Dan Ricciarelli, seconded by Judith Kohn, and passes 5-0.*

**V. ADJOURNMENT**

*A motion to adjourn is made by Dan Ricciarelli, seconded by Judith Kohn, and passes 5-0.*

**Meeting adjourned at 7:21 pm.**