



CITY OF SALEM CONSERVATION COMMISSION

NOTICE OF MEETING

Notice is hereby given that a meeting of the Salem Conservation Commission will be held on September 19, 2023, at 6:30 p.m. via remote participation in accordance with Chapter 107 of the Act of 2022.

Gregory St. Louis, PE, Chair

DRAFT MEETING AGENDA

Greg St. Louis opens the meeting a 6:35 pm

I. ROLL CALL

In attendance: Judith Kohn, Bart Hoskins, Tom Campbell, Tyler Glode, William Jacob, Greg St. Louis (6)

Absent: Dan Ricciarelli, William Jacob (2)

City Staff: Kate Kennedy (1)

A request was made to take an item out of order.

II. OLD BUSINESS

E. **DEP#64-700 – 57 Marlborough Road Strongwater Crossing – Culvert Crossing & Wetland Replication Relocation**

Will Schkuta

Bill Manuel presented. Highlights include:

- Strongwater Crossing is under construction. They would like to discuss some of the progress and conditions they have found at the wetland crossing and decisions made on the field.
- They first thing they began discussing was how to accomplish the wetland replication from the impacts at the first crossing.
- Wetland replication had been planned on the east side of the site. When site construction began, they encountered significant amounts of shallow bedrock which would have impacted the amount of replication planned, 13,500 sq. ft., and caused buffer zone impacts.
- Alternative locations were identified on site.
- The areas in green as shown on the plan have been identified as an alternate area for wetland replication, which total 13,700 sq. ft. They believe they will be able to achieve the grades needed for

replication in that area.

- If shallow bedrock becomes an issue in this area, a third area has been identified to the north, as shown in the brown area on the plan shown, which totals another 8,000-9,000 sq. ft.
- There are 9,000 sq. ft of impact and developer agreed to provide 13,500 sq. ft. of replication, but the area needs to be reconfigured.
- Mr. Manuel also wanted to update the Commission of the alternate construction methods needed at the crossing due to the conditions found at the site.
- There is 5-10 feet of organic materials that needs to be removed to accommodate the construction of the retaining walls and new culvert.
- The area needs to be dewatered. The geotechnical engineers have presented the developer with specifications needed to provide a foundation which requires evocation and structural fill with a 1:1 slope, which could be 10-12 feet out from the face of the retaining wall. They intend to use sheet pile and reinforce it with sandbagging for support prior to dewatering. Once the fill is in place, they will backfill, and finish that are with 18 inches of wetland soil.
- This will result in additional temporary wetland impacts of about 4,500 sq. ft.
- The new wetland replication plan accommodates for that by showing new wetland plant specifications restoring the wetland. Phragmites will be removed in the process.
- Chairman St. Louis asked if there were alternate construction means available to reduce the amount of temporary dewatering and alteration. The geotechnical engineer believes what is proposed is the best alternative.
- Judith Kohn noted that it seems like a large number of additional impacts to approve without an amended order.
- Gregory St. Louis noted that this project includes over five phases of construction. A crossing of some kind must be permitted. The original proposal did not anticipate this much peat removal. He agrees that the wetland value is impacted greatly by the phragmites. He would like to see coating on the slope as it is expected to become a City road.
- Will Schkuta noted the sandbags were there to keep the sheet piles in place and to assist with dewatering.
- Mr. Manuel said he expects that this is the final time they'll be before the commission, but that is a large project and the unexpected may arise.
- Gregory St. Louis had two additional notes; at the outfall he would like to see a three level outfall spreader, and as the culvert is placed at the other crossing below grade and in standing water.
- Tyler Glode noted that he is in favor of an amendment due to the amount of replication.
- Judith Kohn: Agrees with Tyler Glode.
- Mr. Manuel will come back to the next meeting to request an amendment.
- Judith Kohn: Requested a table showing the amount of impacts in the original filing compared to the current proposal.

II. REGULAR AGENDA

- A. 67 Derby Street - Salem Wind Port Terminal – DEP# 64-772 – Continuance– Public Hearing – Notice of Intent-** for Crowley Wind Services located at 67 Derby Street, for the construction of an offshore wind marshaling 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.

Susan St. Pierre from Crowley Wind presented. Highlights include:

- There have been two rounds of peer review, and two rounds of responses, most recently in August.
- Additional comments were received from the Commission during the August 15th meeting.
- Documents were uploaded for the Commission including landscape drawings, inspection schedules for BMPs, restated plans for equipment storage, and changes to the storm drainage system.

James Pearson from Weston and Sampson was present to discuss the peer review findings:

- James Pearson reviewed the storm water management plan.
- Two rounds of comments and responses were prepared and received.
- Changes in stormwater were made to Laydown Yard A.
- He does not believe, based on topography, all the drainage will head towards the swale.
- Additional drainage may not all flow to the catch basin, but that may be moot because there is a water quality structure that is intended to cover 16 acres.
- Applicants are now proposing a double grate catch basin.
- He expects that there still be ponding in the area, which was acknowledged in the response letter.
- Tying into the structure downstream may work better.
- An ONM plan was submitted. A budget in the plan should be included.
- There was some discrepancy in the hood comments. Complete plan sets were not submitted.
- Laydown Area B didn't have an accurate flow rate.
- What the applicant has presented is a significant improvement from existing condition.
- Gregory St. Louis noted that this looks like an inline system with no bypass.
- James Pearson noted that they are classifying the surface as gravel. He is not sure of the curve number, but expects it will be high.
- Jared Kemp from Crowley shared the landscape plan.
- Gregory St. Louis inquired about the additional water access that was discussed on site and the type of lighting, which are high mast lights. Judith Kohn confirmed that the project was going through site plan review with the Planning Board.
- Gregory St. Louis noted that the additional access to the waterfront he requested was not included. Jared Kemp said that due to the type of project this was, Chapter 91 did not require additional access. The loading area is along the waterfront.
- Dirk Grotenhuis from AECOM addressed the slope and small valley along the Blaney Street side, which will be 3:1. Judith Kohn expressed concern that plant material might not thrive on a 3:1 slope, and asked that reporting be considered.
- Bart Hoskins echoed concerns over lighting.
- Jared Kemp said Crowley would discuss the lighting internally.
- Tyler Glode reiterated concerns about 16 acres of stormwater exceeding the inlet's and swale capacity and the additional measures should be taken.
- Dirk Grotenhuis responded that with the existing site conditions there is only minor ponding. The improvements to the site and surface are designed to address stormwater. Because of the equipment that will be on site, they are limited with slope capacity and catch basins. He added that they are finding the hoods restrict and hamper some of the flows because they are not inspected or maintained as they are intended to be.
- Gregory St. Louis said he would recommend an eliminator that has a threaded eliminator.
- Judith Kohn: This is a large, long-term project with not enough thought to the neighborhood, abutters, lighting, stormwater, etc. and has a major impact on the City. She expressed sincere concern.
- Tyler Glode: Total nitrogen should be considered as well.

- Tom Campbell: What type of vehicles are being used on site? Fuel storage on site?
- Jared Kemp: Towers, cells, and blades. Racks are 300 ft long. Fuel trucks will be used fueling. EPA standards will be used for leaks or spills.
- Tom Campbell: Has there been input from the Harbormaster?
- Jared Kemp: They meet with the Harbormaster regularly.
- Bart Haskins raised the issues about light, migratory birds, people sleeping on their boats.
- Jared Kemp displayed the photometric plan.
- Judith Kohn: This is not our purview, but there are significant concerns.
- Commission members expressed concern about lightings, and whether other City boards are looking at the issue.
- Gregory St. Louis: Does the lighting impact migratory birds or aquatic life.
- Jared Kemp: Eel grass is 100 feet outside the dredge boundary.

There was no public comment.

Gregory St. Louis made a motion for a continuance to the next meeting.

- Bart Haskins: Will flag the lighting issue for the Zoning Board.
- Susan St. Pierre requested that the public hearing be closed and noted that access to the waterfront and lighting was outside of the Commission's purview.
- Gregory St. Louis said that access to the waterfront and treatment of the buffer zone/floodplain is within the Commission's purview.
- Dirk Grotenhuis: AECOM can add the hoods to the deep sea catch basins. They can provide the calculation of the inlet and bypass that may occur.
- Tyler Glode: I'm going to require that catch basins with hoods be installed and wants to see that 80% of the TSS load is removed. Believes there is going to be significant runoff into the harbor.
- Dirk Grotenhuis: Infiltration at this location at this site will not work due to proximity to the ocean. Because this is a redevelopment, they do not have to follow the same regulations as a new site, but they are working to do the best practical.

A motion to close the public hearing was made by Judith Kohn, seconded by Tyler Glode, and passes 5-0.

- Gregory St. Louis – For special conditions, requested that water quality units be sized appropriately for the site, and that bypass be provided to not resuspend captured contaminants. Any uncontrolled discharged water to the harbor be refrained from transporting sediment or causing erosion. And floodwaters on the site need to recede in a controlled manner. Consultant require the applicant that control measure for stormwater are sized appropriately and that grading to these units are provided even if more units are required. Request applicant review with Planning Board any migratory patterns and that light cutoffs be included for all upland areas.

A motion was made to issue a Special Conditions by Tyler Glode subject to conditions as stated by the Chair, seconded by Bart Haskins, and fails (0-5).

A motion was made by Judith Kohn to deny the project, seconded by Bart Haskins, and passes (4-1).

- Bart Haskins: Would like to see responses to the peer review and see the issues raised addressed.

- B. Forest River Park Tree Improvement Plan – Request for Determination of Applicability – City of Salem –** for the proposed removal, relocation and replanting of park trees. The project is located at 32-38 Clifton Avenue, Salem MA, Map 33, Parcel 0743, within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

Ray Jodoin, from DPW presented the project. Highlights include:

- DPW put out to bid a tree planting plan. There was approximately 40-46 trees that need to be removed due to age or disease. Fourteen of those trees that fall within the wetlands area.
- Submitted an RDA to know whether more was required.
- DFW is looking to replant 70 trees in the area; species and plant locations were provided.
- Two LA's area on site, and a tree warden who is certified arborist overseeing the site.
- Gregory St. Louis requested any stumps in the wetland and buffer be left to provide soil stabilization.
- Ray Jodoin confirmed that was the plan.
- Bart Haskins: How are diseased trees handled so as to prevent spread.
- Ray Jodoin: Many of the diseases are species specific, and those will not be replanted. All chips are trucked to the transfer station, who disposes of the chips in accordance with regulations. Tree removal will begin this fall, planting in the spring.

No public comments.

Kate Kennedy recognized that William Jacob has joined the meeting.

Bart Haskins made a motion to close the public hearing, seconded by Judith Kohn, passes (5-0).

Tyler Glode made a motion to determine of negative applicability, -2, -6, seconded by Bart Haskins, passes (5-0).

- C. Blue Sky Utilities, LLC – Request for Determination of Applicability- Jennifer Crawford, Crawford & Associates, on behalf of Blue-Sky Utility, LLC,** for the proposed battery energy storage system with electric vehicle charging stations in Paradise Plaza. The project is located at 3-25 Paradise Road, Salem MA, Map 20, Lot 0006 within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

Jen Crawford, the engineer representing Blue Sky was present. Highlights include:

- Existing conditions were presenting which include a shopping center, and nearby existing pond.
- Proposal includes an EV station, and battery energy storage.
- RDA is being submitted because it is within the buffer, but the project is in an already disturbed impervious surface.
- The parking lot is at a high elevation from the pond.
- The location of the interconnection is fixed. The applicant was looking was reduce impact on parking.
- Gregory St. Louis: This portion of the parking lot is generally unused and has been seasonally used to store plow equipment, clothing donations, etc.
- FEMA floodmaps show the location is not within a flood hazard zone. Engineer may propose and provide some elevation.
- Tyler Glode: Is the paved area curbed?

- Gregory St. Louis: There is currently curbs and guardrail.

No public comment.

Bart Haskins made a motion to close the public hearing, seconded by Tyler Glode, passes (6-0).

Tyler Glode made a motion to determine of negative applicability, -2, -6, seconded by Bart Haskins, passes (6-0).

III. OLD | NEW BUSINESS

A. Request for Certificate of Compliance – DEP#64-715, Amitie Offshore Fiber Optic Cable

Cameron Okie was in attendance. Commission was notified of the project in January, an NOI was subsequently received. Project was completed as planned. On July 28th a request for a Certificate of Compliance was made. A professional engineer certified the project was completed as planned.

No questions from the Commission or comments from the public.

Judith Kohn made a motion to issue a Certificate of Compliance, seconded by Bart Haskins, passes (6-0).

B. Request for Certificate of Compliance – DEP#64-678, 435 Highland Avenue

Applicant request to move the request to the next meeting.

Bart Haskins made a motion to move the request to the meeting of October 17th, seconded by Judith Kohn, passes (6-0).

C. Request for Certificate of Compliance – DEP#64-690, 79 Columbus Avenue

Daniel Powers was present to request a Certificate of Compliance. The project was a teardown and rebuild of a single-family home. The house and driveway was constructed in the location as planned. A patio, walkways, and landscape bed were constructed. The floodzone encompasses the entire property.

No comments from the public.

Tyler Glode made a motion to issue a Certificate of Compliance, seconded by Tom Campbell, passes (6-0).

F. Removal & Restoration Planting Plan– Canal Street

Rich Kirby, LEC Environment was present to address an alteration order.

Highlights include: Wetland filing occurred and was discovered during a site visit. Fill was installed, and some gravel dumping. Proposal includes a restoration plan that would hopefully begin this fall. Specifications include a wetland scientist overseeing the project and removing fill until they encounter wetland soils, or over-excavate and then lay down wetland soil. Working to avoid soil compaction. A wetland mix and wetland trees will be planted. Rubble pile will be removed. Monitoring of growing season will occur for two years. A watering schedule is included. The plan was submitted in response to an order of enforcement. Fencing and compost will be provided during construction to protect the wetland.

Gregory St. Louis: Doesn't believe a vote is needed since enforcement action as they are normally administered through the agent or chair.

Kate Kennedy: This one was a notice of violation, and was not ratified a public meeting.

Tyler Glode: Appreciates the notification and supports the plan. This was a local notification.

F. APPROVAL of MINUTES

July 18^m 2023 and August 15th Draft Meeting Minutes

A motion to approve the July 18, 2023 and August 15, 2023 Minutes is made by Bart Haskins, seconded by Tyler Glode. A correction was made to Tyler Glode's presence at the August 15th meeting, and passes 6-0.

Kate Kennedy asked that any comments to the Community Preservation Plan be received by next meeting.

MACC Conference registration is open. Please let Kate know if you would like attend.

G. ADJOURNMENT

A motion to adjourn is made by Bart Haskins, seconded by Tyler Glode, and passes 6-0.

Meeting adjourns at 9:25 pm.