



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 20, 2022, at 6:30 p.m. via remote participation in accordance with a Chapter 107 of the Act of 2022.

DRAFT Meeting Minutes

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

I. ROLL CALL

Present: Bart Hoskins, Tom Philbin, Greg St. Louis, Judith Kohn, Tyler Glode, Dan Ricciarelli (6)

Absent: Tom Campbell (1)

Commission Staff: Kate Kennedy (1)

Minute Clerk: Chelsea Titchenell (1)

Greg St. Louis: We will be taking things out of order. First up on the agenda will be the request for Certificate of Compliance – 16 Freeman Road, DEP# 64-734.

Bob Griffin shares a presentation. Highlights include:

- Last December an Order of Conditions to tear down an existing house and garage and put a new single-family house with a garage was given.
- Notice of Intent was filed on behalf of Freeman Builders Inc.
- Infiltration strips and crown added to driveway
- Permanent wetland buffer markers installed
- Utilities, housing, and grading are all done and in correct places.

A motion to issue a Certificate of Compliance is made by Dan Ricciarelli, seconded by Bart Hoskins, and passes 6-0.

I. REGULAR AGENDA

A. 1 and 2 Lee Fort Terrace – DEP# 64-756 – (Continued) - Public Hearing- Notice of Intent –

of BC Lee Fort Terrace LLC, 2 Center Plaza, Boston MA. The purpose of this hearing is to discuss the proposed replacement of 50 apartments with 124 apartments, associated garage, surface parking, outdoor community space and new public open space at the property located at 1 and 2 Lee Fort Terrace, Map 41, Lots 242 and 249, Salem MA. The proposed work is located within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

Kate Kennedy: The applicant has submitted a request to continue this to the next meeting.

A motion to continue the public hearing to October 18, 2022, is made by Dan Ricciarelli, seconded by Judith Kohn, and passes 6-0.

- B. 10 White Street – Salem Harbor Marinas - DEP# 64-### –Notice of Intent for Safe Harbors Marina –10 White Street, Salem Ma. The public hearing is to review the replacement of existing timber floats, installation of new mooring piles, and minor relocation of floats and mooring piles located at Hawthorne Cove Marina an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.**

Dan Robbin with CGI Consultant, on behalf of the applicant shares a presentation. Highlights include:

- File number is 2064-20763
- Project is to complete the replacement of the floating dock in a zone of reconfiguration
- Will be replaced with concrete docks.
- Work will be done to docks A and B
- Replace with timber floating dock for part of dock A
- Reuse one of the existing timber docks present in another location
- Replace other portion as a concrete dock, expanding on the concrete dock already in place for the other portion of dock A
- Dock B will have mooring piles replaced and extending the height of them to account for sea-level rise
- Finger docks will have 8-inch diameter piles
- All work will be done in the work of reconfiguration
- It decreases the footprint of the floating dock by about 3,000 feet due to removal of a couple of finger concrete docks.

Greg St. Louis: Are there any new piles or is it just replacement piles?

- Dan Robbin: Currently within this portion of the timber float system the piles are every other and our analysis shows that that is a bit insufficient, and we are recommending that more be installed.

Dan Ricciarelli: How are the docks being brought in?

- Dan Robbin: The docks are being brought in by truck and then for the timber docks they can be offloaded on site by an existing boat lift and for the concrete docks it will have to be loaded offsite and floated in.

- Dan Ricciarelli: What is the reason for the concrete docks versus the wood?
- Dan Robbin: This area has some greater exposure, so it provides some additional resiliency.

Greg St. Louis: I know you mentioned the height is being extended vertically. Is there any modification that needs to be done to the bottom stops that to raise them up and make sure it is not touching the mud flap?

- Dan Robbin: No, we are not doing anything relevant to that.
- Greg St. Louis: So, the floats don't rest on the bottom now?
- Dan Robbin: No, we will be coming with a subsequent NOI to request maintenance in this area.

Dan Ricciarelli: So, this is an in-kind replacement with a reduction in square footage?

- Dan Robbin: Yes.

Tom Philbin: How are you going to be putting these in?

- Dan Robbin: They will be doing a vibratory hammer on a barge crane for the mounting of the piles.
- Tom Philbin: And I noticed Marine Fisheries had mentioned a silk curtain?
- Dan Robbin: I did not see that, but we are happy to put that in the work.

A motion to close the public hearing is made by Dan Ricciarelli, seconded by Judith Kohn, and passes 6-0.

A motion to issue an Order of Conditions, subject to standard conditions and special conditions as is outlined by Division Marine Fisheries is made by Tyler Glode, seconded by Dan Ricciarelli and passes 6-0.

- C. 67 Derby Street – Salem Wharf - DEP# 64-### - Notice of Intent for Crowley Wind Services on behalf of Fort Point Associates, 31 State Street, Boston, for geotechnical borings and test pits for the Salem Wind Port Project, 67 Derby Street, located in Land Subject to Coastal Storm Flowage subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.**

Richard Jabba with Fort Point Associates, Inc., shares a presentation. Highlights include:

- Project site is in the northeast corner of the harbor at approximately 42 acres.
- Water access is through a navigation channel
- Entire site in designated port area under state control
- The purpose is to characterize soils to advance project design to help determine ground structures needed for the wind turbine and vehicles planned to go on property
- Approximately 4 weeks in length in October to do
- 4 inch in diameter coring drill which will be back filled
- Test pits will be excavated about 10 to 15 feet and then backfilled up to surrounding

grade

- Only 262 sq feet of impact
- No performance standard but plan to implement protection and erosion controls
- Test pits will take approximately 2 to 3 days, opened briefly one at a time
- Test borings will take 2 to 3 weeks to do
- Material will be stockpiled away from tidal waters
- Borings are all self-contained
- Test pits will not require dewatering and no excess material running offsite with one open at a time
- Pits can be covered with straw if needed
- Geologist/geotechnical engineer onsite throughout

Greg St. Louis: So, all the test pits are being done within approximately 50 feet of the sheathing wall and nothing is being done inland?

- Richard Jabba: There are other borings being tested but I believe this is the only ones by resource areas.
- James Moreland, of Fort Point Associates: There are 20 to 25 test pits throughout the entire site.

Greg St. Louis: Can someone confirm for me that the whole site is in the flood plain?

- Richard Jabba: The site is not in the flood plain. It only extends to the purple line on screen. It is based on the 10-foot elevation and this buffer zone accommodates this The site had been re-graded after the powerplant was removed and it did result in elevation of this site
- Greg St. Louis: I will remind you that there is an open order in regard to the grading across this site with unresolved issues.
- Richard Jabba: Yes, and from my understanding that order will be transferred with the new order and the whole site will be redeveloped and regraded with new storm water protection and drainage which will be put into the site is coming.

Greg St. Louis: Do you have any conceptual designs for the proposed layout?

- Richard Jabba: I do not have any slides on this presentation, but the site will be graded and raised about 2 feet, there won't be any structures on the upland portion other than one trailer, the existing pier will be reconstructed and the new one will be along the jetty pier by the discharge channel.
- Judith Kohn: I think to Greg's point that it would be helpful to have a survey and existing conditions plan, especially if it needs to go into a Certificate of Compliance for an old order. Has anyone done a survey out there?
- Richard Jabba: Yes, there is a topographic survey, and I can submit that afterwards

Dan Ricciarelli: So, the actual project is just a laydown area for the turbines or are you erecting them on this?

- Richard Jabba: It is just a laydown area for them. They will be brought by barge and unloaded, laid down and then be reassembled and put on another ship that will take them out to the wind farms. But they will be organized so that they can be placed at these wind

farms. There are no structures to be structured on the site.

Tyler Glode: So, this is just for structural stability and ground water locating?

- Richard Jabba: Yes, this is to understand the ground structure to identify how to improve the ground structure to stabilize the ground to hold these heavy materials. and be able to stabilize the ground

Dan Ricciarelli: Is the final material concrete?

- Richard Jabba: It will be called a dense aggregate grading. It will essentially be 2 feet, plus or minus.

Tom Philbin: The land there is filled land, correct? For the piers?

- Richard Jabba: Most of the land is filled but the upper north portion is not filled land.
- Tom Philbin: For the piers though?
- Richard Jabba: Yes
- Tom Philbin: And is any of the soil tested for contaminants at all?
- James Moreland: The data is about 10 years old but there is a pretty robust sample that was done. In the upland areas there is a lot of environmental information. There is a lot of metals. There is virtually no subsurface information on the hockey stick section. Basically, the entire site was reclaimed land. The actual hockey stick was what we believe to be a filled pier and they had to excavate the pier to create the channel. We need to do the test pits because looking at the existing seawall is a granite block and there is actually rockfill on the backside of that, so we need to understand the hockey stick section, and this will help better understand this information.
- Tom Philbin: So, the AUL is in a different portion of the site?
- James Moreland: The AUL is by the existing powerplant.

Greg St. Louis shares his screen: My concern here is that your FEMA line is not the record FEMA line. The floodplain enters from both sides from the land mass so unless I have data that shows your site is an island, I believe you have other resource areas present and need to know the locations of those other soil test pits.

- Richard Jabba: We do have updated data that shows new elevation and relocation of the 10-foot elevation
- Greg St. Louis: Has the site filed a revision for this?
- Richard Jabba: No
- Greg St. Louis: Than as far as record this is the governing document. I believe that we could permit soil testing in the floodplain but there is an active order, there is incomplete topography performed on the site. We, the Commission, have asked for information in the past and I am a little suspect of the floodplain that was depicted to us tonight.
- Dan Ricciarelli: There was a huge bowl that was previously there.
- Greg St. Louis: The bowl specifically was not reconstructed at the end when they were demobilizing which was the comment from the Commission to the contractors
- Judith Kohn: So, are you saying that the order of conditions for the prior owner did not allow the fill?
- Greg St. Louis: I will say the outstanding order and the grading was not complete and is

being transferred from the previous owner to the new one. I don't believe the tests will have a negative impact, but I don't want to create a chain of events that we continue with one and then continue with that logic moving forward.

- Dan Ricciarelli: So, the order needs to be closed out?
- Greg St. Louis: I am not a big fan of multiple orders on site, but I am not going to allow the use of a Notice of Intent to lock a resource area. I suggest you review the existing FEMA maps with the as built data and provide us with more information
- Richard Jabba: So, you want a site plan that reflects current elevations?
- Greg St. Louis: I need a site plan that reflects current elevations and if there is an active ORAD on site I need the existing resources shown on a plan in order to accurately depict what you are impacting.

Richard Jabba: To reflect on what we have shown to date. The plan with the test it shows the FEMA flood zone based on our survey work. Based on our existing survey, the flood zone is shown and the 10-foot elevation that goes along the site. I guess from our understanding that we just need to show the survey that reflects this?

- Dan Ricciarelli: Are you required to change the FEMA maps since you are saying you raised the site 2 feet?
- Richard Jabba: The site was raised as part of the power plant and we will raise the site an additional 2 feet above the 10-foot mark as part of the proposed project.
- Judith Kohn: But I think the concern is that it was either filled without approval or that if it was done with approval then a map amendment is still required. Whatever fill was done impacts the floodplain that goes beyond the site substantially.
- Richard Jabba: I don't know how much was changed. We relied on our current survey done this past year.
- Greg St. Louis: The FEMA map I used was from 2017 but there is an as built from a year ago when the last development was seeking an order of compliance so there is a post construction survey of this site. I am formally asking for this topic to be revisited.

Judith Kohn: I am concerned about issuing any order of conditions that does not comply with the FEMA maps.

- Greg St. Louis: As the Commission knows we have been appealed for less, so this may seem like it is a delay, but it can be saving you six months.

Richard Jabba: I would like to be sure we are clear on what is required beyond the plan with the elevation survey.

- Greg St. Louis: If you have an updated survey noting the FEMA elevations, tied into adatom, and at some point, in time someone will have to compare what is completed and constructed verse where we are now.

Tyler Glode: When did the filling of that area occur?

- Greg St. Louis: When Footprint Power decommissioned several of the tanks this site was level and flat and there was a condition that the site be regraded to resemble a bowl so there will be no runoff.
- Tyler Glode: Was there flood storage associated with that filling?
- Greg St. Louis: It was not specifically filled but now I am being told that the flood plain

has been modified because it was filled, which wasn't a permitted activity. So, I can't permit something if it wasn't permitted.

- Judith Kohn: So, I think it would help us to have a copy of that order of conditions in the next hearing if this is continued.
- Richard Jabba: Yes, that can be supplied. There is a new plan to construct something from the old order and redo it afterwards. It doesn't seem practical since this will all be graded and filled.
- Judith Kohn: The future condition is not the subject of discussion but whether or not there was approval to fill in the flood plain and if there wasn't where does everyone go from there?
- Greg St. Louis: Even at the basic level, if I am permitting digging test pits, I am not going to yield that there shouldn't be a floodplain there. Once we all identify that filling of land subject to coastal storm flowage has occurred than someone has to get in front of Army Corp.

Bart Hoskins: I am having trouble following this. Is it the case that the old configuration was never constructed or that it was constructed but there have been modifications since that time?

- Greg St. Louis: The permitted development was not graded correctly. There is no revised map, so our jurisdiction and concern is the mapped FEMA floodplain.

Judith Kohn: I think if we are asking for additional information, we would ask for the topographic survey of the existing conditions and the FEMA map.

- Kate Kennedy: I will include the previous order of conditions as well in the meeting materials.
- Greg St. Louis: I think the Salem Com Con has a survey from 2020 for what the condition of the site was so between the application, the as built condition of the site and what you are talking about today, there are three different plans.
- Richard Jabba: I understand there was concern with the previous owner, but we were looking at what we surveyed, we are happy to clear it up going forward.

Judith Kohn: Can we ask that the material be provided prior to the next hearing?

- Greg St. Louis: Yes, as requested.

A motion to continue the public hearing to October 18, 2022, is made by Dan Ricciarelli, seconded by Tyler Glode, and passes 6-0.

- D. 286 Canal Street & 2 Kimball Street ANRAD –DEP# 64-###–** Abbreviated Notice of Resource Area Delineation for Juniper Point Investment Company, 886 Hale Street, Beverly MA. This is to consider boundaries and extent of wetland resource areas, including Bordering Vegetated Wetlands, Riverfront Area to South River, and Land Subject to Coastal Storm Flowage, for the properties located at: 282, 282R, 266, and 286 Canal Street; and 2 Kimball Road, subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

Rich Kerby from LEC Environmental shares a presentation. Highlights include:

- Comprised of 5 parcels in a central area of town
- Number of structures and impervious areas including warehouses, restaurant, boat storage and repair, and a number of resource areas
- Numerous paved access points to the lot
- Emergent marsh is dominated by phragmites and cattail transitions to a scrub shrub and wood wetland and then into forested wetland.
- The FEMA map lists it at elevation 11 but a letter of map amendment modified the elevation to elevation 10.
- Drainage swale that is adjacent to the rail trail has been delineated while figuring out if it is jurisdictional or not
- Everything towards Kimball Road is outside of the flood plain and above elevation 10 and everything to the right is within land subject
- Elevation 10 intercepts by Canal Street
- The river front area is 400 feet away from wetlands and there are no plans to alter the area.
- Property boundary occurs within the pond
- Looking to seek confirmation of the resource areas

Dan Ricciarelli: I know this is a fairly large development, is there something that shows the extent of what they are proposing?

- Rich Kerby: I don't have any concept plans. I think they are looking for residential or mixed used. At another hearing we can get some feedback informally.

Judith Kohn: How are you treating that swale?

- Rich Kerby: It appears to be a manmade swale in relation to the rail trail. Much of the buffer zone immediately adjacent to the swale is previously disturbed. We are looking to see if we can provide some restoration when we come back with the notice of intent. As of now the swale is flagged with a narrow band of BBW adjacent to it.
- Judith Kohn: So, you have identified a buffer zone to the BBW on the plan submitted and then make modifications if you felt otherwise?
- Rich Kerby: The idea is that if this drainage swale was made out of an upland there is a position that you can make that this is not jurisdictional. If we can't prove that, then in that case we cannot make the argument since it could be that it is residual, and that the wetland was there. We are being conservative for now and have the buffer zone associated with it as of now.

Tyler Glode: Did you determine the BBW by soil and vegetation?

- Rich Kerby: We looked at both. For the section where the line zigzags there is some historic fill. In the beginning of the delineation at flags 1 through 13 or so, this is the most natural portion where you have wooded wetland where there is drain discharge and there is a good grade between wetland plant and soils. So yes, we use both.

Tom Philbin: In your opinion was it previously disturbed and a lot of invasives?

- Rich Kerby: The meadow that comprises a large part is mostly phragmites and cattail. Within the woodland in the shrub area, it is typical of a wooded area there are invasives,

but there are natives there too. There are also portions of the site that appear to have been altered more than others.

Tom Philbin: Did I see you own part of Rosie's Pond?

- Rich Kerby: The property boundary goes through a portion of Rosie's Pond and then curves towards the houses.
- Tom Philbin: Are you concerned about flooding at all? I am curious if that pond is still flooding.
- Rich Kerby: Most of the site is within the 10-foot FEMA flood zone. But of course, it is a concern for all the low-lying areas in town.

Greg St. Louis: Is everyone comfortable with the delineation in the application. Most areas appear to be gravel or pavement up to a phragmites heavy area. It wouldn't be the first time we see phragmites grow outside of a bordering vegetative wetland.

- Judith Kohn: Kate did you visit the site?
- Kate Kennedy: I did. I noticed that it appeared to be fairly new fill and it seemed pretty close to where some of the BBW areas are around flag 38. I am happy to share what I can find for plans for the bike path.
- Rich Kerby: The historic fill was more out here (points to flags 20-28). But yes, I do concur with Kate within the area she listed.

Greg St. Louis: The map you provided in your application is from 2014 and your survey is from 2017.

- Rich Kerby: There was a letter of map amendment in 2017 the changed the elevation to 10.

Greg St. Louis: I would imagine that if we voted in favor, we would note that the delineation is in the southeastern boundary.

- Rich Kerby: Yes, of course. The property really does extend into the wetland, but we did not flag that. So, you are right, it would be the eastern boundary that we are restricted to.

Kate Kennedy: It does seem that the new fill was extended a bit and would cover that south eastern corner so that boundary line seems accurate.

- Rich Kerby: We did talk to the applicant about that, and we would be looking to clean that up and clean that area. There is opportunity for restoration on this site, so we are trying to incorporate that to those areas as much as we can.
- Greg St. Louis: I would draw your attention to the fact that we do have newer regulations, so keep that in mind.
- Rich Kerby: Yes, we are aware of that and thank you for that reminder.

A motion to close the public hearing is made by Tom Philbin, seconded by Bart Hoskins, and passes 6-0.

A motion to issue an Order of Resource Area Delineation is made by Judith Kohn, seconded by Dan Ricciarelli, and passes 6-0.

- E. 57 Memorial Drive NOI - DEP# 64-###** –Notice of Intent for Justin Mattera, 57 Memorial Drive for proposed house and deck additions, renovation and repair to existing house, and driveway and landscaping 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, representing the applicant, shares a presentation. Highlights include:

- DEP file number is #64-0762
- Looking to put addition and driveway on site.
- Close to catch basin and would like to add water quality measures
- Propose heavy-duty waddle and snow fence
- 50-foot mitigation Zone goes through the house
- 100 foot goes to the street area
- Keeping the same footprint of the house, but making renovations to add second floor
- Adding a deck with crushed stone underneath
- Driveway to go from asphalt to pavers
- There will be an increase to impervious, but it will be mitigated by putting in water quality swales with crushed stone underneath the deck
- The lawn will stay as is

Greg St. Louis: You are getting rid of the bulkhead?

- Scott Patrowicz: Yes

Greg St. Louis: What is the increase to impervious area?

- Scott Patrowicz: 1,818 square feet but I have 400 square feet of crushed stone and another 365 square feet of crushed stone with a minimum of 12 inches in depth which will help absorb the water. From the way it contours, there is a hill, so the front yard goes towards the street, over the sidewalk, and into the catch basin, and the backyard flows towards Collins Cove

Greg St. Louis: Right now, your proposal is to pipe the roof runoff where?

- Scott Patrowicz: Into the deck stone. That whole area would absorb the runoff from the roof.
- Greg St. Louis: And would you be waterproofing the foundation there since it is next to the house.
- Scott Patrowicz: Absolutely.
- Greg St. Louis: And how deep is the stone there?
- Scott Patrowicz: Minimum of 12 inches. We use it a lot around leeching basins as well.

Judith Kohn: Is the bottom line that the pre and post development is not the same?

- Scott Patrowicz: It will be the same because all this water will be kept on the site in the crush stone and in the water quality swales, so we will probably have less runoff coming to the road.

Greg St. Louis: I would request that instead of a grate gator, that you work with engineering on

an infiltrative tree pit next to the tree out front, potentially routing some of the water into a gravel trench drain adjacent to the tree.

- Scott Patrowicz: Is it the one in the front you are talking about? That is an enormous tree, so we could do it on our side of the sidewalk and that wouldn't ruin the tree at all.
- Greg St. Louis: The front of the yard would also work for that.

Judith Kohn: Does the NOI include a detail of the crushed stone?

- Scott Patrowicz: Just as far of the detail on my plan which specifies double wash stone 1 and 1/2 inch.
- Judith Kohn: Could you provide a cross sectional detail that shows the beds?
- Scott Patrowicz: The detail is on the site plan and we use that detail pretty often, so it is common for this type of application.

Greg St. Louis: What is the reason for two driveways?

- Scott Patrowicz: I was going to keep it for storage or another car so that they don't need to park on the street.
- Greg St. Louis: The driveway on the other side of the house, it is substantially wider than the other one and extends back to the buffer zone. Why?
- Scott Patrowicz: For an extra car or a boat. It sounds like you are looking for less driveway space
- Greg St. Louis: It is trying to minimize the impact in the buffer zone. I would suggest if you need a walkway to access the deck and then on the other side of the house, if that area could remain as grass, I would propose that.
- Scott Patrowicz: As a condition, we could do a walkway between the deck and the patio and eliminate where it says driveway pavers on sand and the area on the westside of the house can be turned into landscaping and lawn and cut it off where the garage is, which would eliminate a fair amount. But it does add more pervious. I can revise the plan to show that as a condition if you want.
- Greg St. Louis: That would be great

Dan Ricciarelli: Does the staging area have to be in the back?

- Scott Patrowicz: There is not a lot of room and I put that since I was not sure how much stuff we would need to build. It isn't large.
- Dan Ricciarelli: I am more concerned about the excavation.
- Scott Patrowicz: The site is really tight so when we excavate, we have to remove it because there is nowhere to go with it since I want to keep the grade as is.

Tom Philbin: Any thought on pervious pavement or bricks?

- Scott Patrowicz: I am not sure pervious pavement works overtime. I tend to not have a lot of faith because it can start off as pervious but I am not sure if 5 or 8 years down the line you end up with pervious pavement. And there is not data there yet. To be conservative I tend to discount it, but we can propose it.
- Tom Philbin: And your feeling is that the system you are installing will absorb as much as the current property allows?
- Scott Patrowicz: Yes

Tom Philbin: I would like to see more planting on the site.

- Scott Patrowicz: Yes, that is good and if we eliminate some pavement we would have some opportunity, plus the site.

Judith Kohn: I think it would be nice if you didn't pave all the way to the property line

- Scott Patrowicz: I did put a 2-foot mitigation line. It is on the west side of the property.
- Judith Kohn: A soft landing would be nice for the neighbor is all I meant.
- Scott Patrowicz: I think you are right. I was planning on river rock or something, so it isn't pavers right up to the edge.

Kate Kennedy: Are there standard calculations we can share with the engineering department?

- Scott Patrowicz: No, as this is a single-family house. This is a standard amount of mitigation for this type of impervious for a site like this, so it is common to use these methods.

Kate Kennedy: I do think additional plantings would be good. There are two trees that have been removed in the past 5 years or so, so additional plantings would be great on this site.

- Greg St. Louis: Did that come up during the conversation for the seawall?
- Kate Kennedy: Briefly. I know it was in the plans but there was no discussion about the two trees that were removed.
- Scott Patrowicz: If the client agreed to put in two trees to replace those two trees, that could be a condition on this too. I don't see a problem with adding them, as it would be nice for this project. Some plantings with a couple of trees wouldn't be a bad thing here at all.

A motion to close the public hearing is made by Tyler Glode, seconded by Dan Ricciarelli, and passes 6-0.

A motion to issue an Order of Conditions, subject to standard conditions, and special conditions as discussed including: two 2 ½ inch caliber trees, removal of the eastern driveway in conversion to a paver walkway, a decrease in the western driveway to eliminate the western pavers outside of the base of the driveway in conversion to grass and plantings, inclusion of infiltration area in the front line near or adjacent to the tree but not impacting it with rooftop runoff routed to the infiltration and/or the water quality swale and crushed stone under the deck, which should be no less than 24 inches deep is made by Dan Ricciarelli, seconded by Judith Kohn, and passes 6-0.

- F. Forest River Conservation Area – Request for Determination of Applicability – for the City of Salem, 98 Washington Street, Salem, MA for the rehabilitation and access improvements of the Forest River Conservation Area Volunteer Bridge, subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.**

Margaret Tran, of Salem Coast Watch, shares a presentation. Highlights include:

- Only in conversation of the RDA for where we are at and where drawings are currently
- Do not intend to remove or add. The only footprint that may change is the extent of the ramp that leads up to the bridge and comes off it to improve accessibility and safety.
- Currently only looking to move forward with the bridge.
- The existing pilings would have the existing bolts cut off or pulled out with a power tool and have new bolts placed in.
- Additional concrete would be added on top of the pilings but not on the footing.
- The project would also include removing rotten boards.
- No intention to reuse the wood currently out there.
- A temporary walkway over the phragmites may be made by using old boards or we could stay exclusively on the bridge surface and remove one section at a time and repair it
- The addition of the guardrail will have one post at each crossbeam, bolted to the crossbeam and joist.
- Unsure if another guardrail or toe rail will be needed for ADA accessibility purposes,
- Style of railing also does not have to be done at the same time as the bridge surface.
- Materials list and seek some quotes for materials, which would be included in the quotes brought to purchasing
- The ramp footprint change may vary, and the bridge surface will be at least 6 inches higher, making the ramp steeper and potentially longer for ADA accessibility, though it is also not clear if the ramp needs to be ADA accessible which I do not know at this time.

Greg St. Louis: I think the Commission should be aware the lumber prices are through the roof. There are ways to make this work with the budget and donated resources. The ADA guidelines for path and are very different than what they are for trails. I do think we are within the trail guidelines.

- Tyler Glode: I would agree with that statement. Because it is an existing condition there are other loopholes you have as well
- Margaret Tran: Because we bring large groups of students out to this bridge, I do think a guardrail at least over the saltpan would be beneficial and potentially a toe rail on the other side would be sufficient. The phrag is exceptionally tall right now, so it does create a fence of some kind and makes one side not as open.

Tom Philbin: Have you talked to Tom St. Pierre?

- Margaret Tran: I have reached out but have not called him yet.
- Barbara Warren, of Salem Sound Coast Watch: When we applied for the funding, I did speak to him, but we will reach back out to him. We wanted to talk to the commission first. We will involve him and other people who have offered to help us with this project.

Bart Hoskins: I know you didn't get what you were requesting for funding last year, do you think it would be worthwhile to ask for additional funding this time around? The project can carry over into the next cycle and I would be happy to try to push for additional funding if you thought that doing this in phases.

- Barbara Warren: When is the next time for the application?
- Bart Hoskins: It is once a year

- Margaret Tran: I think we wanted to see what we could get done this fall and see where we are financially at. There is no part of the bridge surface that I feel great about so our biggest priority is to get everything out of there. I think if phases after happened that would be amazing. I think coming back to the CPA is in our future, but it depends on what we do in this go around for what we ask for in the future.
- Tom Philbin: DCR has trails grants so I would apply for that also.

Barbara Warren: Do we need to come to an NOI?

- Greg St. Louis: I wouldn't require it.
- Tom Philbin: I don't see any impact on the wetlands, so I think it is a negative.

A motion to close the public hearing is made by Bart Hoskins, seconded by Tom Philbin, and passes 6-0.

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

II. OLD | NEW BUSINESS

A. Request for Certificates of Compliance –

- 30 Osborne Hill Drive, DEP# 64-585 Lot 47
- 32 Osborne Hill Drive, DEP# 64-581 Lot 87
- 34 Osborne Hill Drive, DEP# 64-582 Lot 86

Diandra DiBiase of Osborne Hills Realty Trust, shares a presentation. Highlights include:

- As built were completed in 2016 originally but an error led to not getting the certificate of compliance completed
- Variations from the ones the commission received since those are from 2020
- For 34 Osborne:
 - Proposed impervious was 2140 and the as built was 2020
 - Slightly larger than what was originally approved
- For 32 Osborne:
 - Proposed was 2480 of impervious and the as built was 2630
 - Homeowners did make improvements by providing a spa and patio. It is unclear if they went in front of the commission, but a new system has been implemented to ensure something like this does not happen moving forward without going to the commission.
- For 30 Osborne:
 - Proposed impervious was 2480 and the as built was 2690
 - Homeowners made modifications in 2019 and it is unclear if they went in front of the commission for this.

Greg St. Louis: Last time we met we talked about this being a 7 or 8 phase subdivision with the ability to make up the 1,000 sq feet of impervious somewhere.

- Diandra DiBiase: Yes, we did say the next three houses, but the next houses are not in

conservation lots which I don't believe would be a benefit to do it there, we can do it in phases 6 through 10 with one of the conservation lots there.

- Greg St. Louis: Do we know what we were short last time?
- Diandra DiBiase: I believe it was around 800 sq feet from my memory.

Greg St. Louis: Not all of these lots have infiltration systems?

- Diandra DiBiase: All three lots had roof recharge systems. I can't speak for the person with the spa as our as built is completely different. All of our homes are a walkout, so the deck is a higher elevation, so some did patios underneath the desk.

Dan Ricciarelli: So these were as built and signed off ages ago?

- Diandra DiBiase : Yes, we submitted the plans from 2016 and Katr asked for updated plans, so from 2016 to now the homeowners made updates. We do include conditions in our agreements about this being a conservation lot. Our new process requires that they provide us with proof of the Commission's approval prior to us approving it.

Dan Ricciarelli: Did 30 Osborne come before the board? I don't remember them.

- Greg St. Louis: I would rather not chase the enforcement and separate the two. We can certainly go after the current homeowner for the additional work that was done.
- Dan Ricciarelli: Should we invite these people in just to explain what they did? But I know it is not the developer issue.
- Diandra DiBiase: The owner of 30 Osborne Hill sold the property, so the person who lives there is someone else. We have no problems sending out notifications as a reminder that they need proper approval.

Diandra DiBiase: The other thing I did want to mention, back in February of this year, Bill Manual informed you guys that we did not complete 60 plantings behind these lots. The discussion at that point was that it made more sense to put it into the new planting area as the existing vegetation was already matured and it made more sense to add this to our replication area further down the road and help stabilize the back properties more.

Judith Kohn: Can I ask that we calculate the last lots and these lots and see what the deficit is and show where this replication and so forth would be?

- Diandra DiBiase: We haven't come in front of the board yet with the replication area. When we come in front of the board with phase 6 through 10, we will be sure to include those 60 plantings and call them out so that you are aware we are doing them.
- Judith Kohn: But can't you come in with a comprehensive plan?
- Diandra DiBiase: Our wetland scientist Bill is working on a plan for it. We don't plan on breaking ground for a little bit so we can present it before we break ground.
- Judith Kohn: I would request that rather than see another one of these come in, we may approve this one, but in the future, we say we won't approve future plans without a comprehensive plan with the calculations and mitigation on. Is that reasonable to ask?
- Diandra DiBiase: Yes, that is not a problem. We are able to make up the additional impervious area in the next 11 lots.
- Judith Kohn: I am asking to record that so that it is not something that gets continued to the future.

- Diandra DiBiase: Yes, we can do that.
- Greg St. Louis: I am fine with that.
- Diandra DiBiase: The remaining lots that will have the order of conditions will be in the new phases, so they aren't built yet. Because you want us to make it in those 11 lots, are you asking for us to submit a plan for how we will do it in those 11 lots.
- Dan Ricciarelli: I believe she was, yes. I am confused about the ownership and the fact that you are going to create substandard lots to make up for this.
- Diandra DiBiase: The 11 lots have larger building footprints on them, which is where we got into this issue. The original plan had a basic building footprint, and some could fit, and some could not. These 11 lots have the largest size footprints so we can make it up by shrinking the size of the house.
- Dan Ricciarelli: Not to the detriment of the lot?
- Diandra DiBiase: No.

A motion to issue Certificates of Compliance for all three lots based on conditions associated with mitigating the increase in impervious in additional lots in a later phase of the project is made by Tyler Glode, seconded by Dan Ricciarelli, and passes 6-0.

B. Request for Certificate of Compliance – 40 First Street & 45 Traders Way, DEP# 64-655

Dan Ricciarelli: I recused myself from this many years ago. Do we have a quorum?

- Greg St. Louis: Okay, we have a quorum and can proceed.

Nick Delicova with Allen and Major Associates, on behalf of the applicant, share a presentation. Highlights include:

- Last in front of the Commission for an amendment in 2019
- Construction has been completed and stabilized
- 7 buildings and 8 garages proposed
- The tightest point was the surface parking lot and retaining wall
- All buildings, surface parking areas, retaining walls have been constructed in the approved horizontal and vertical location throughout the entirety of the site.
- Reviewed the subsurface drainage installed and conforms with approved design
- Reviewed the as built and compared it with the sewer, water, gas, and electric and all areas match with what was designed.
- Photos of buildings, garages, dog park, site retaining wall, pergola, trash area, walkway, catch basin, and other facilities onsite are shown.
- Tree bowls were eroding and have been recompacted with topsoil, mulch, and hay have been done and are working with contractor for more permanent edging

Dave Reppucci, of Allen and Major Associates: The invasives were removed that had come over by the fencing, so landscapers did take care of that, and we are working with contractor to find a solution by the bottom of the tree holes.

- Nick Delicova: Just to recap on that, when we did the site walk there were some invasives that had crept over the fence, and they had all been removed.

A motion to issue a Certificate of Compliance is made by Bart Hoskins, seconded by Tyler Glode, and passes 6-0.

III. APPROVAL of MINUTES

JULY

AUGUST

Greg St. Louis: I believe we were tabling these tonight?

- Kate Kennedy: I did upload the August minutes. The July minutes need Lee Fort Terrace. For any public, the recording of that meeting is available online and has a feature that has transcription for those who have hearing impairments. Hopefully those will be up as soon as possible, but the draft august minutes is on the SharePoint. We can approve or continue to the next, whatever feels comfortable.
- Dan Ricciarelli: We can table.
- Greg St. Louis: I would like to continue if possible.

IV. OTHER UPDATES

FY 23 Community Preservation Plan – Request for Comment

Kate Kennedy: If any of the Commissioners have comments they are looking for comments in the next few weeks. There is also a MACC fall conference. They do fundamental and training. certificates in Devins Massachusetts. The full conference is in-person on Saturday.

Tom Philbin: I know in the past that the Commission has given money and I didn't know if we wanted to give money to the bridge project since it is in Salem Conservation land.

- Greg: St. Louis: Let's see what the cost estimate comes in at. It would be nice if we could get various lumber distributors in the area to help out or some of the marinas to see if they would show interest in donating.
- Bart Hoskins: I would suggest that they put some non-skid things on the wood when it is new. There is a number of products and ways to make the wood less slippery.
- Judith Kohn: Are you proposing a specific amount that we want to provide, or should we wait?
- Dan Ricciarelli: I think if we do get the cost estimate in there might be something we can pointedly help out with.
- Bart Hoskins: I am also trying to encourage the CPC funds as well for this.
- Dan Ricciarelli: We should look at our fee schedule too because doesn't that money go into our funds.
- Kate Kennedy: They do but the only funds we use can only go towards the Wetland Protection Act.
- Dan Ricciarelli: Not even if we note it?
- Kate Kennedy: I can see what we can do.
- Dan Ricciarelli: It is our property, and it is something I think we should be helping out with more.
- Bart Hoskins: We have given money for educational materials and so forth before.
- Kate Kennedy: And as Tom has pointed out, we did give the Lead Mills Project a

donation.

V. ADJOURNMENT

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

The meeting adjourned at 9:38 pm.