

DRAFT MINUTES

Salem Conservation Commission Minutes of Meeting

Date and Time: Tuesday, February 16, 2021, 6:30 p.m.
 Meeting Location: Zoom or call-in
 Members Present: Bart Hoskins, Chair Greg St. Louis, Tom Campbell, Malissa Vieira, Tyler Glode
 Members Absent: Dan Ricciarelli, Scott Sheehan
 Others Present: Brittany Dolan, Conservation Agent
 Recorder: Stacy Kilb

Vice Chair Tyler Glode calls the meeting to order at 6:37PM.

I. ROLL CALL

II. REGULAR AGENDA

- A. **10 Blaney Street** – Public Hearing – Request for Determination of Applicability for Seth Lattrell, City of Salem, 98 Washington St. The purpose of the hearing is to discuss the proposed minor repairs to the Blaney Street Ferry Terminal within an area subject to the Wetlands Protection Act MGL c131§40 and Salem’s Wetlands Protection & Conservation Ordinance.

Seth Lattrell, Salem Planning Dept. and Alan Pepin, GEI Consultants, are present

- Seeking Negative Determination on behalf of Port Authority on original ferry berth
- General maintenance; facility at end of initial design life
- Majority of work is above water, on gangways and barges
- Existing structure of platforms and gangways is described; storms have taken their toll
- Removing gangways, aluminum removed from deck
- Mooring piles will remain in place and be capped at end of project
- Only work onsite is demolition/installation. Slight modifications to connectors to gangways will occur
- Floatable items (barges and gangways) will be removed, repaired offsite, and floated back/reinstalled

The Commission has no questions. Chair St. Louis opens to the public but there are no comments; no comments from DMF have been received either.

Bart Hoskins motions to close the public hearing, is seconded by Tom Campbell, and the motion carries.

Tom Campbell	Yes
Bart Hoskins	Yes
Greg St. Louis	Yes
Malissa Vieira	Yes

The ballasting of the barge is described. Hatches are opened, and concrete blocks placed inside to make it level and make the mooring guides function properly.

A motion to issue a Negative 2 and a Negative 6 Determination is made by Bart Hoskins, seconded by Tom Campbell, and passes 4-0.

Tom Campbell	Yes
Bart Hoskins	Yes
Greg St. Louis	Yes
Malissa Vieira	Yes

- B. **53 Canal Street**– Public Hearing – Request for Determination of Applicability for Kreshnik Rami, 425 Cabot St, Beverly, MA 01915. The purpose of the hearing is to discuss the proposed construction of a 20' x 40' storage unit within an area subject to the Wetlands Protection Act MGL c131§40 and Salem's Wetlands Protection & Conservation Ordinance.

Here for the Applicant is Mr. Kreshnik (Nik) Rami

- Storage unit will be in driveway
- Will be a permanent structure, wood with vinyl siding, asphalt shingle, with concrete foundation. No utilities
- Existing site is described
- The building will be 15' from the property line. The resource area is the flood zone but his property was recently removed from that; this is just under the local Ordinance
- There are no comments from the Commission or the public

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

Tom Campbell	Yes
Bart Hoskins	Yes
Tyler Glode	Yes
Greg St. Louis	Yes
Malissa Vieira	Yes

A motion to issue a Negative 2 and a Negative 6 Determination is made by Tyler Glode, seconded by Bart Hoskins, and passes 5-0.

Tom Campbell	Yes
Bart Hoskins	Yes
Tyler Glode	Yes
Greg St. Louis	Yes
Malissa Vieira	Yes

- C. **29-37 Grove Street**– DEP # 64-xxx – Public Hearing – Notice of Intent for Kerry Murphy, City of Salem, 98 Washington St. The purpose of the hearing is to discuss the proposed

community food forest in Mack Park within an area subject to the Wetlands Protection Act MGL c131§40 and Salem's Wetlands Protection & Conservation Ordinance.

Kerry Murphy presents for the City

- Design is shared and described; this is second phase of last year's agricultural project
- A food forest in multiple areas around the existing vegetable farm is proposed
- GIS map of buffer zone is shown; 3 areas are partially within the wetland, that will be planted with fruit and nut trees, berry bushes, edible perennial vegetables, herbs and ground cover that will enhance erosion and flood control
- Hoping to begin planting in the spring
- Bart Hoskins asks if what is around the wetland currently is mowed grass; some invasives were removed but nothing of habitat value was there
- Erosion control measures are still in place from last spring's work; this will be re-examined to ensure its effectiveness
- There are no additional comments from Commissioners and none for the public
- All work last year was outside the buffer zone; some work this year will be within it. Work within the buffer zone is limited to plantings

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

Tom Campbell	Yes
Bart Hoskins	Yes
Tyler Glode	Yes
Greg St. Louis	Yes
Malissa Vieira	Yes

A motion to issue an Order of Conditions subject to standard conditions is made by Tyler Glode, seconded by Bart Hoskins, and passes in a roll call vote.

Tom Campbell	Yes
Bart Hoskins	Yes
Tyler Glode	Yes
Greg St. Louis	Yes
Malissa Vieira	Yes

D. **163-173 Derby Street** – DEP #64-xxx – Public Hearing – Notice of Intent for William Fuchs, National Park Service, 160 Derby St, Salem. The purpose of the hearing is to discuss the proposed filling of the eroded Derby Wharf and other various repairs on Derby, Hatch's and Central Wharves within an area subject to the Wetlands Protection Act MGL c131§40 and Salem's Wetlands Protection & Conservation Ordinance.

Bill Fuchs presents the project (NPS)

- Work is within buffer zone, AE zone, wave action zone, LSCSF
- Proposing up to 890 cubic yards of 3" - 12" stone on the East side of Derby Wharf
- The Wharf suffers damage during storms
- Top of the wharf wall is shown; fill is being lost and wharf walls are destabilizing
- Will fill in back of wharf wall to inner part of wharf with 3" to 12" stone which is less likely to be moved. Will be working in stages, at far end of wharf and working way in as money and materials become available

- Commission may also determine if add'l stone can be placed, but this is not requested here. Similar to the large granite blocks in photo, they would like to place 200' of additional such blocks to prevent overwash
- Photo of overwash all the way across the wharf during the last storm is shown; material was overwashed into the harbor. Want to place more stone on the wharf to prevent this from happening. Hoping to make that request as an RDA; can file separately if Board wants
- Requesting to replace rusted/failed piling loops
- Rebar staples holding top rocks in place have also rusted significantly and will be repaired/new ones installed where none exist. Holes and placement are described
- Trees are in backyards but are on NPS property; planning to prune/trim limbs at risk of falling on homes; area by pink house has smaller trees that are dead/diseased and are to be removed. Adjacent property owners can request add'l smaller trees if interested
- Hoskins asks if the request is to be bundled in one Order of Conditions? Yes. They don't like to break up projects that are really a single project, as it is difficult to anticipate when funding will be available, and they need all components in place so they can move when it is
- Chair St. Louis asks about add'l blocks - not on initial proposal, is that all? Yes, everything else was part of proposal submitted
- Functionally under an RDA cannot allow "filling of wetlands," says Chair
- Glode agrees it cannot be incorporated but wonders if they are balancing from existing capstone to back of the wharf? No, going from capstone back at a slight downward angle, don't want to fill all the way back to pathway b/c it will encourage more erosion. Angled slightly will provide better buffer against wave action/loss of material to the ocean
- Hoskins asks about add'l blockstone, if it can be considered restoring original grade or is it truly adding/filling? Chair St. Louis notes it is in the way this is worded - does it mention construction of the seawall? Applicant also did state that they would be willing to file RDA separately but asked if it could be considered under this Order of Conditions, they just had this problem after the most recent storm, after filing, which is why it was not included
- "Cobble intertidal shores" have come before the Commission when the size/movement of cobble has come into question. Mr. Fuchs notes that the size of cobble was chosen b/c the existing is much smaller diameter and is moving easily; it was suggested that 3-12" was a more appropriate size; it is hoped it will drain more quickly and be less subject to movement. Granite blocks would be to prevent movement on west side due to overwash

There are no further comments from the Commission and no public comments.

Chair St. Louis feels the placement of blocks in the intertidal zone should be further discussed, for consistency w/ past applications.

Tyler Glode comments on the need for erosion control.

Glode motions to close the public hearing, is seconded by Hoskins, and the motion carries in a roll call vote:

Tom Campbell	Yes
Bart Hoskins	Yes

Tyler Glode	Yes
Greg St. Louis	Yes
Malissa Vieira	Yes

A motion to issue an Order of Conditions subject to standard conditions is made by Glode, seconded by Hoskins, and passes in a roll call vote:

Tom Campbell	Yes
Bart Hoskins	Yes
Tyler Glode	Yes
Greg St. Louis	Yes
Malissa Vieira	Yes

E. Bridge Street and North Street Intersection– DEP #64-xxx – Public Hearing - Notice of Intent for Linda Calnan, SiFi Networks, 55 Madison Ave, Morristown, NJ 07960. The purpose of the hearing is to discuss the proposed construction of a telecommunications shelter and diesel backup generator within an area subject to the Wetlands Protection Act MGL c131§40 and Salem’s Wetlands Protection & Conservation Ordinance.

Linda Calnan, SiFi networks, presents

Also present:

Jim Buhrdorf EX²

and VP Operations Mears Group, Design/Build General Contractor

Linda Calnan:

- Will privately fund, build, maintain network
- Construction to proceed one street at a time, to begin in April and last two years
- Telecommunication shelters (“aggregation hut” or “aggregation shelter”) are a critical component, two are proposed, one in the intersection of Bridge St. and North St.
- Salem DPW decided on dark green for actual shelter and generator and a fence similar to the one shown
- Details of shelters are shown; one in front of High School in Willson St and one at Bridge St. and North St. Two shelters are needed for diversity and to ensure network uptime so there is no single point of failure

Commission discussion:

- Chair St. Louis asks about the resource area: bordering LSCSF? Jim Buhrdorf confirms this, but notes it is designated non coastal . Compensatory flood storage required? Finished floor is above existing topography, foundation may have to stick out of ground 3” to be 1’ out of flood zone
- Chair St. Louis notes that the Commission has been appealed four times on its past rulings in LSCSF. Comments from DEP? None yet, but they have not issued a file number either
- Glode: has DEP issued an extension request for any submittals to date? Designated flood zone elevation associated w/AE zone? 10 in Salem. Chair St. Louis notes due to size and nature of container it is a de minimis volume; Glode agrees. Wonders if it will have a haunch; how far/deep is pad proposed? Container 1’ above floodplain, container itself is a 10’x20’, packaged unit that comes built on a steel skid that is I beams, transported to site on a truck. A 12’ x 30’ concrete pad is poured and the unit is anchored to that. Foundation is still in the design phase but will be typical slab on grade
- Will footing cut below 10’ elevation? If so may require compensatory flood storage. Chair St.

Louis reiterates that the State has appealed and said this is NOT LSCSF but IS BVW. Area off of Bridge St. was deemed Bordering to protect Peabody as much as anything. Technically it is BLSF but compensatory storage for footing may be necessary if it dips below 10' elevation

- Subsurface utilities to be installed are described

There are no public comments but as there is no file number, the item must be continued.

A motion to continue to the March 16, 2021 meeting is made by Glode, seconded by Hoskins, and passes in a roll call vote.

Tom Campbell	Yes
Bart Hoskins	Yes
Tyler Glode	Yes
Greg St. Louis	Yes
Malissa Vieira	Yes

III. OLD/NEW BUSINESS

1. Forest River Pool – DEP #64-693 – Request for minor modification

Jack Vaccaro, Epsilon Associates, presents site plan revisions. Tom Scarlata, BH& A is also present. Anthony Donato, Hancock Assoc., prepared the original site plan but us not on the meeting now.

- Revision #1: Regrading the area just seaward of the existing pool deck to assure CZM concerns. Minor recontouring of crushed rock was requested; CZM was concerned that they were altering the form and function of the beach with a negative impact on salt marsh restoration (still proposed)
- Amount of work will be reduced; beach profile will be maintained up until pool deck
- Second change: redesign on access path to soften grades and make it ADA compliant
- Had hoped to move parking into ledge area but that will not happen as they will use permeable pavers; site plan shown is correct layout as permitted

This project is exempt from PB review under zoning Bylaw. ConCom is sole reviewer, notes Chair St. Louis). Hoskins defers to CZM; comments completed after local process? Mr. Scarlata notes CZM had a second opportunity to review after Chapter 91, during Army Corps review, and that is where this came up. Glode comments that not grading in the beach area is beneficial to the resource area.

A motion to approve the minor modification is made by Glode, seconded by Campbell, and passes in a roll call vote.

Tom Campbell	Yes
Bart Hoskins	Yes
Tyler Glode	Yes
Greg St. Louis	Yes
Malissa Vieira	Yes

2. 86 Bay View Avenue – DEP #64-564 – Request for Certificate of Compliance

Robert King outlines the project and conditions. A large patio (116 square feet) was added. A survey is included.

A motion to issue the Certificate of Compliance is made by Hoskins, seconded by Glode, and passes in a roll call vote.

Tom Campbell	Yes
Bart Hoskins	Yes
Tyler Glode	Yes
Greg St. Louis	Yes
Malissa Vieira	Yes

3. 86 Bay View Avenue – DEP #64-652 – Request for Certificate of Compliance

Robert King outlines the project under this File Number, which was a seawall repair. Photos are shown.

A motion to issue the Certificate of Compliance is made by Glode, seconded by Hoskins, and passes in a roll call vote.

Tom Campbell	Yes
Bart Hoskins	Yes
Tyler Glode	Yes
Greg St. Louis	Yes
Malissa Vieira	Yes

4. 117 Marlborough Road – DEP #64-363 – Request for Certificate of Compliance

- Current homeowner is selling home, not comfortable on Zoom
- Brittany Dolan did a site visit; owner did not build home but is selling it and builder never got a Certificate of compliance
- A Submitted Plan is on file; work appears to match the Plan though a detention pond was eliminated from the Plans, which state "Detention pond should be eliminated from the lot. The condition is that it was removed from the Plan and never built. The Agent could not see if it was there or not as it was covered by snow
- This is not part of the Strongwater Crossing subdivision. The logistics of the lot are discussed. It was a subdivision of only 2 houses side by side
- Clarification on the status of the detention pond is desired, but this Order is from 2000-2001 and procedures have changed
- Essentially, the owner is requesting a waiver of an as-built, and professional certification is also needed. It is unknown whether an as-built would have been required in 2001
- The Commission requests additional information be provided (as discussed above) before issuing the Certificate of Compliance. Timing of the Order of Conditions is discussed. There are no deadlines from the standpoint of the Conservation Commission

A motion to continue review of the Certificate of Compliance is made by Glode, seconded by Hoskins, and passes in a roll call vote.

Tom Campbell	Yes
Bart Hoskins	Yes
Tyler Glode	Yes
Greg St. Louis	Yes
Malissa Vieira	Yes

IV. APPROVAL OF MINUTES

1. October 20, 2020
2. December 15, 2020
3. January 19, 2021

A motion to approve all sets of minutes is made by Hoskins, seconded by Glode, and passes in a roll call vote

Tom Campbell	Yes
Bart Hoskins	Yes
Tyler Glode	Yes
Greg St. Louis	Yes
Malissa Vieira	Yes

Councilor Dibble is the new City Council Liaison and is on the call tonight offers for Commissioners to reach out at any time, thanking them for their service on the Board.

V. ADJOURNMENT

A motion to adjourn is made by Hoskins, seconded by Glode, and passes in a roll call vote

Tom Campbell	Yes
Bart Hoskins	Yes
Tyler Glode	Yes
Greg St. Louis	Yes
Malissa Vieira	Yes

The meeting ends at 8:05PM.