



CITY OF SALEM CONSERVATION COMMISSION

NOTICE OF MEETING

Notice is hereby given that a meeting of the Salem Conservation Commission will be held on January 17, 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 MINUTES

Greg St. Louis opens the meeting at 6:45 pm.

I. ROLL CALL

In attendance: Tom Philbin, Dan Ricciarelli, Tyler Glode, Judith Kohn, Greg St. Louis (5)

Delayed arrival: Bart Hoskins (1)

Absent: Tom Campbell (1)

Commission Staff: Kate Kennedy (1)

Minute Clerk: Chelsea Titchenell (1)

I. REGULAR AGENDA

Greg St. Louis: We will be taking things out of order this evening and will start with item **B**.

B. 50, 52 Circle Hill Road – DEP# 64-764, DEP# 64-765 – (Request to Continue to February 21, 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 February 21, 2023, is made by Dan Ricciarelli, seconded by Judith Kohn, and passes 5-0.

C. 57 Memorial Drive – DEP# 64-771 – (Request to Continue to February 21, 2023) - 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.

A motion to continue the public hearing to February 21, 2023, is made by Dan Ricciarelli, seconded by Tyler Glode, and passes 5-0.

II. OLD | NEW BUSINESS

A. Request for Certificate of Compliance – Salem Harbor Power Station - DEP# 64-552

Matt Moyer of Tetra Tech shares a presentation on behalf of the applicant. Highlights include:

- In 2013 a NOI was filed to convert the coal plant to natural gas-powered plant
- Returned in 2019 for an amended order of conditions to modify drainage in lot 1 and change the outflow
- Returned in 2022 for Notice of Project Change request to wrap up compliance with the amended order.
- Notice of Project Change was to eliminate a stormwater collection area in lot 2 knowing there is a project being proposed by Crowley, who have proposed for boring work and are close to filing a Notice of Intent

Greg St Louis: The amended order removed the grading associated with retaining all the storm water on site?

- Matt Moyer: No, it was for the relocation of 48" outfall that was discharging runoff from lot 1. The Notice of Project Change was to request the elimination of the storm water in lot 2 and maintain the current state with the knowledge that Crawley was coming through.
- Greg St. Louis: So, the Commission did not approve or act on that change?
- Matt Moyer: They acted by unanimously agreeing to the Notice of Project Change
- Greg St. Louis: That does not agree with the site walk we had almost a year ago and the City engineer's comments about concerns on site.
- Matt Moyer: I am happy to talk through those concerns. A lot has changed since the past walk through.

Dan Ricciarelli: The project change is to hand it over to Crowley for the Notice of Intent we will be seeing?

- Matt Moyer: Correct, the idea was to not spend money with Crawley coming through and has been sold to them since then to reinforce that that project is moving forward.

Greg St. Louis: There are several issues with lot 2 that are left over from the construction. I am not prepared to act on a complete Certificate of Compliance for the total site. One of which is 100 yards of fill below mean high water, which is a violation of the Army Corp permits. That is located at the eastern limit of the site. The Commission hadn't been on site in a number of years and when we walked it with the new owner it there was no erosion control, and the stockpiles were not covered.

- Matt Moyen: Those two stockpiles have added permitter controls last week and that complies with the Order of Conditions, and we no longer have an open construction general permit since that ceased a couple years ago, so there is no violation since no permit exists at this time and there is no discharge to any resources.
- Greg St. Louis: So, the stockpile below mean high water has been removed?
- Matt Moyen: I do not believe it is below mean high water. This is the original filing with the conditions plan. There is no reference to mean high waters and the original elevations were 12, 12.5, and 13. Are you referencing the historical mean high water with the historical filing? The resource areas on the as built plan are the same as the original filing and that was one of our original requests. It was elevation 4.1 and we are at least 8 feet above on the property.
- Greg St. Louis: Maybe it was the Chapter 91.
- Matt Moyen: I believe so.

Greg St. Louis: So, throughout the interior of the site there was a condition for all impervious areas to be removed and those still exist.

- Matt Moyen: I am not familiar with what you are referring to. The coal plant was demolished, there are some caved areas that remain, specifically on the north side. These were all shown on the original filing as the final state and approved to be left behind.
- Greg St. Louis: Number 50 in the order of conditions talks about material stockpiles.
- Matt Moyen: Yes, the contractor at the time would have had to go and get approval.
- Greg St. Louis: I doubt you have record from the previous agents Kate?
- Kate Kennedy: I do, but the stockpile approval exchange looks to be different from these two. The approval was a while ago and I believe it was lot 2.

Greg St. Louis: I recall that in the application they would have so many feet of impervious area would be removed. But if there are impervious areas that remained, I believe it was pavement, it would be my expectation that they were removed.

- Matt Moyen: Yes, there may be minor spots, but everything that was said being planned to be removed was removed.

Greg St. Louis: The area in yellow was to be a grassed collection pond?

- Matt Moyen: No, it was always intended to be a gravel or stabilized surface with some larger stone perimeter to provide some void space.
- Greg St. Louis: There is an area on the north section of the pond and the City engineer had concerns about it discharging onto the street?
- Matt Moyen: Yes, there is a catch basin and another half a dozen along the perimeter of lot 1. The current condition on lot 2 had direct flows or ones to the catch basin and run through a water quality structure. That is highlighted in the letter Crowley sent in acknowledging that this item is still outstanding, and lot 2 is directed to the existing swell. That run off stays in these intermittent low spots or gets to these catch basins.
- Greg St. Louis: So, there is no more discharge going to the street?
- Matt Moyen: No more than what happened to the existing condition before.
- Greg St. Louis: I don't want to leave the engineering behind on this since they did speak directly

about the concern on this. Do we have anything from Deb?

- Kate Kennedy: No, we do not have any communication with her currently.
- Matt Moyan: Is there something you would expect would weigh on the Commission?
- Greg St. Louis: The grading of this area was to keep all drainage on site and it has not been conducted as identified over the years. The entrance area was highlighted by engineering to be an area of concern for them as well.
- Matt Moyan: There was always flow back to Derby Street and the leaching basin was removed due to the remediation effort on lot 2. There was always flow there though and that was the case in 2013 and remains the case today. We never received anything from engineering about their concerns on site and we are here to talk about an order you guys issued and not an engineering permit.

Greg St. Louis: There was a proposed water quality unit?

- Matt Moyan: Yes, there were 4 proposed. The amended order had drainage laid out with modifications and it was redesigned to go around the berm with the water quality structure at the end of the berm.
- Greg St. Louis: Are there reciprocal easements in place for the powerplant to continue to discharge to these off-site areas?
- Matt Moyan: Yeah, there is a lot of line work on here. There are drainages throughout as well as access easements and emergency easements throughout the perimeter. There are about 50 throughout lot 1 and 2 and some additional ones that benefit third parties.

Greg St. Louis: I am still confused on how the City voted on a Notice of Project Change instead of amending an order.

- Kate Kennedy: I think the 2019 amendment and the language and seeing the development of a different use for the site is why that route was taken instead.

Judith Kohn: I thought the concern about the lot being reconstructed was fill in the flood plain with the FEMA maps and according to the existing condition plan submitted the area was filled and there was no flood plain shown on the lot.

- Matt Moyan: The Notice of Project Change did discuss eliminating the stormwater collection area and maintaining the site in its current conditions, meaning there is no elevation 10 connected to the harbor, so the jurisdictional boundary will no longer be what was approved in 2013. We know Crowley will want to come in and fill most of this site.
- Greg St. Louis: It is more a concern where the site is demolition debris, and the stockpiles are asphalt concrete material. Maintaining or making sure that there is infiltration of any other items on site, as opposed to washing out into the coast, is why we asked for all drainage to be handled on site initially.
- Matt Moyan: The site is clean fill, and the entirety of the site is stabilized.

Tom Philbin: Have the conditions been met on the Certificate of Compliance in your opinion? What is outstanding that has not been covered in the Certificate of Compliance?

- Matt Moyan: As far as I am aware, we have addressed all outstanding conditions

- Tom Philbin: Do you have a letter stating that?
- Matt Moyen: Yes, we identified the one deviation for the storm water collection area and have filed everything required in the order
- Tom Philbin: And if the Commission does not think that the conditions have been met you are filing a new notice of intent?
- Matt Moyen: No, there is a new owner who would be

Dan Ricciarelli: Do we have anything from the Engineering Department with issues?

- Greg St. Louis: Deb and I had a conversation, but I can't speak to if she communicated with the applicant, but there was concern about water draining out to the front.
- Matt Moyen: On behalf of the applicant, there has been nothing received from Engineering. And nothing has been done in several years, outside of the boring Crowley is doing.

Judith Kohn: Could we issue a partial certificate for lot one and then once the other issues are resolved we do a final certificate?

- Greg St. Louis: I would do that over the complete certificate. Lot one does not need to be encumbered by an order of conditions.
- Matt Moyen: My one point would be that lot two is consistent with the original approval. From my perspective, the entire project warrants a Certificate of Compliance.
- Dan Ricciarelli: That is my feeling as well.
- Greg St. Louis: It is more out of honoring another department has asked us to look at something.
- Dan Ricciarelli: Can it be handled under the current owners?
- Tom Philbin: I think it is not in our purview. I think it could be addressed in the new Notice of Intent
- Kate Kennedy: They may be filing in early February. Administratively, a full Certificate of Compliance to close out this file number would be the more efficient process. I also think communicating with Engineering and reviewing any work adjacent to that site would be good.

Judith Kohn: When we reviewed the boring application, we had concerns about it being in the flood plain and fill had been added. When the applicant comes in, they need to have a clear idea of what the resource areas are. It is important for us to feel comfortable with closing out this order if fill has been placed in a flood plain

Greg St. Louis: Have all other Army Corp permits and what not been closed out?

- Matt Moyen: I did not deal with them, but to my knowledge yes. For Chapter 91 we just submitted final license plans yesterday and that is wrapping up. This and Chapter 91 are the only 2 outstanding items that I know of. We did fill the elevation in lot 1 and portions of lot 2 and there was no pushback from anyone at the time and that is what our plans show.
- Greg St. Louis: If the original application were going to fill in the FEMA flood plain, I assume that the Army Corp application would have needed to be done.
- Matt Moyen: Yes, and all that would be closed out.
- Greg St. Louis: The area is within the flood plain jurisdiction, as discussed. The next applicant

will submit an existing condition plan with the majority of the site above elevation 10, which is outside of the flood plain. Somebody should be permitting with the Army Corp, filling in coastal flood plain.

- Matt Moya: I know they permitted 10 or 12 years ago, so the Crowley project will have to go through those, plus more because of the work they will be doing.

Judith Kohn: Can we ask the applicant for the port facility to come in for an informational meeting before they file so we can ask some of these questions, especially if they are planning to submit next month?

- Kate Kennedy: Yes, absolutely.

Jeff Cohen, 12 Hancock Street, Ward 5 City Councilor: I am the 2023 liaison to this Commission and looking forward to working with you. I do have a concern; this rarely is an agenda posted as far as advance in the meeting as it was for this meeting. It was posted publicly on the 10th. This was on the agenda, so I am curious about why something that is a concern of the Commission with another Department was not expressed to that department before this meeting

A motion to issue a Certificate of Compliance for lot one and continue lot two to the next meeting on February 21, 2023, is made by Dan Ricciarelli, seconded by Judith Kohn, passes 6-0.

B. Extension Request – 64 Grove Street, 3 Harmony Grove Road – DEP# 64-547

Bob Griffin, on behalf of the applicant:

- Order of conditions to clean up the former tannery infiltration area on the site, which is furthest from Grove Street in 2015 or 2016
- Sludge beds removed in 2018 and early 2019
- Remaining work is to stabilize and river embankment stabilization
- Year or two before remediation is finished
- Requesting 3-year condition to allow work to be completed

A motion to extend the Order of Conditions for three years is made by Dan Ricciarelli, seconded by Tom Philbin and passes 6-0.

I. REGULAR AGENDA

- A. **252 Bridge Street – DEP# 64-769 – (Continuance)** - Public Hearing- Notice of Intent of Ramie Schneider, WinnDevelopment Companies, LLC. for proposed construction of a mixed-use redevelopment on a .97-acre site, associated commercial space, landscaping, and parking, located at 252 Bridge Street, within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

Greg St. Louis: We held off on this, barring Commission members to attend.

Raime Schneider of Winn Development: We have received unanimous approval from SRA and Planning Board since last meeting with the Commission.

Tom Daniel, current landowner with the City, speaks. Highlights include:

- Director of Planning and Community Development and Executive Director of the Salem Redevelopment Authority
- The heart of the project is the courthouses across the street, which are part of the last phase of the Commonwealths Judicial Court Complex Consolidation and Modernization on Federal Street.
- SRA manages the disposition process.
- Looking at the Crescent Lot and the connection to downtown and North Salem.
- In 2020 Winn was selected as the preferred developer and began the permitting process with the SRA in 2020 and was granted in 2021.
- 2022 their project came back for final design review, with input. Concurrently, the applicant began the process with the Planning Board. The crescent lot is allowing the ability for the courthouses to be put back into active use through that connectivity.

Raime Schneider: We are here prior to anything with the courthouses because we are applying for low-income housing tax credits for financing for this building and permitting and having one in hand is a critical path to apply for this. While the two are viewed as one project, they are taking a different path so that we can apply for the tax credit this year.

Stephanie Krueel of VHB shares a presentation. Highlights include:

- .97 acres and currently provides vehicle parking that are within FEMA floodplain
- 120 units proposed, with 40% affordable housing, commercial spaces, 60 covered parking spaces, stormwater infiltrations and treatment, outdoor amenities, landscape enhancement
- Site plan on MBTA driveway level and Bridge Street level with a connecting path
- 220 sq ft reduction in impervious
- Fully complies with WPA performance standards for RFA, MA stormwater management standards, and applicable local regulations
- Small impact within 50-foot mitigation zone, but no increase to impervious surfaces as result of project
- Project addresses storm and flood damage using RMAT and climate resilience design standards
- Mitigate future storm water runoff that will reduce runoff rates and improve water quality
- Impervious area reduces by replacing parking with vegetated areas
- Minimize structural damage with grade level being wet flood proofed
- Storm water management system will implement treatment train of BHPS
- Does not require variances or special considerations in Salem regulations
- Parking is required to wet flood proofed in compliance with National Flood Insurance Program
- Drafted agreement for renters acknowledging cars being in flood zone is shared

Greg St. Louis: There are a number of considerations about whether the cars being in the floodplain can be elevated out to reduce the risk of water quality issues in the future. I don't want to rehash

something that we already discussed, but there are other measures that are not integral to the building, like deployable barriers, but would safeguard the wetland from any water quality issues from cars in the garage.

Dan Ricciarelli: So, the program about towing vehicles is implemented by the owners? If they aren't removed that oil is something that can leak out into the system and even cause damage to the building

- Stephanie Kruei: For the building, it will be designed according to the code to be wet flood proofed and inundated, so the waters wouldn't cause damage. They wouldn't be directed elsewhere since the ground floor would be open and prevent offsite damage.
- Rich Whitehouse, of VHB: The parking area will have floor drains that will drain through an oil grid separator. We also have solidified the means of preventing floodwater from freely draining into the sanitary system through the use of an automatic check valve to stop the flow of water during floods.
- Raime Schneider: Winn will be managing this building. We will notify residents of any upcoming storm via multiple means and re-emphasize that they will be ticketed or towed. Similar to what happens during a snow event.

Tom Philbin: Are you coordinating with the City emergency personnel? Is there a procedure?

- Raime Schneider: There is not a procedure right now for the parking lot. If they park now, they are not notified and there is no recourse in the event of the flood. I expect that it is similar for other areas in Salem right now.
- Tom Philbin: But is there potential for that to be in place?
- Raime Schneider: Yes, it will be only our residents in the garage so we can email and post about it.
- Tom Philbin: During snowstorms I know that the City allows people to park in garages. I believe one is in the MBTA and I am wondering if that is something that has been thought about.
- Raime Schneider: We can provide a list to residents. I can't say if it would be for free. It would have to go through an MBTA procurement process and is an open bid so it wouldn't be guaranteed to Winn or residents of this building.

Dan Ricciarelli: I am assuming elevators and so forth will be protected. I feel that having the waters come in and recede is a better scenario than redirecting it elsewhere.

Judith Kohn: I would like to know how you define a storm event? What storm events would be identified?

- Stephanie Kruei: We would use the Boston tide gauge because there isn't a functioning one in this area. It would identify an elevation that would overtop the adjacent area between North Street and the seawall, which I believe is around 8.5. When they are projected to exceed that, that is when we would notify the residents. That is provided 3 days in advance.
- Raime Schneider: Winn is a long-time holder. We intend to hold this property for 50 years. There are tax credits that have specific terms that make it difficult to sell and those are regularly a 45-year term as well.
- Judith Kohn: So, the last storm for example?

- Stephanie Krue: There was flooding elsewhere, but there was no coastal flooding. There was stormwater ponding, but it did not qualify as half a foot of flooding.
- Judith Kohn: Just because it wasn't a coastal storm, the intersection was blocked off. You are saying you will require people to move their cars in an area that is already flooding.
- Greg St. Louis: The existing catch basin in this area has had conversations about adding a tide gate but the remaining catch basins that do not have tidal protection will surcharge.

Dan Ricciarelli: You have gone through the Flood Hazard Overlay District process?

- Raime Schneider: We received approval for that as part of our special permit.
- Judith Kohn: Those are being reevaluated.

Tyer Glode: Other than wetproofing the building foundation and meeting building code, are you proposing any structural flood protection or proofing, or even gates, as we talked about last time?

- Stephanie Krue: The building will be designed to be resilient to flood loads. We are not proposing floodgates since that would be part of a dry proofing system.
- Tyle Glode: Did you do any calculations on how fast it will come in and out of the building?
- Stephanie Krue: Pumping won't be required. There will be wheel stops but no walls. Water can come freely in and out without mechanical intervention. We haven't done the calculations. It depends on the type of storm and speed. A nor'easter can go through two tide cycles, but could be more or less, and the waters would recede on tidal influence. There wouldn't be lag time from the building design. There would be no lag between the tide going down and the water leaving the facility. That is one of the things that makes it resilient. The fire protection room and elevators will be dry flood proofed, so they wouldn't be damaged. Everything else is wet flood proofed.

Tom Philbin: Where are you in the process of zoning and the review from other departments?

- Raime Schneider: We received Planning Board approval on January 5th. There was civil peer review and we have been talking with Engineering and have had some sign off. Any open items are part of our conditions for the Planning Board. We have SRA approval. We are in the process of MEPA. Once MEPA is complete, we will file for Chapter 91, but that has to wait until the MEPA process is completed. You are the final local department to be reviewing this.

Judith Kohn: I have requested that the letter of City Council be read into the record for the City. Is that possible? This was received this afternoon, so we did not have time to react much other than having it be read this evening

- Kate Kennedy reads the letter dated January 17th, by the City Solicitor.
- Greg St. Louis: My initial reaction is that we are not taking on Zoning items in the ConCom. We try to stay in our jurisdiction, as previously highlighted by a number of traffic concerns. I did call Stacy Minahan before this meeting to discuss what her thoughts were in regard to engineering controls. What I bring up is the ability of the applicant to provide better engineering controls or other design features that could safeguard the wetlands and protect property to mitigate the effects of sea-level rise and climate change. There are numerous citations that endeavor all developers to take these items seriously and lead us forward. Engineering controls are within

our review and can be conditioned as part of any development.

Joe Correnti, 70 Washington Street, attorney representing WinnDevelopment: I have been present throughout the process. The record is complete. What Stephanie showed you today is that all regulatory compliance is being met. I am not sure what other standards there are for us to be addressing. This is not about preferences; it is about compliance with the regulatory agencies and your jurisdiction. It is a complicated site. The only standard that we can be held to is if we are compliant with the regulations. Our presentation demonstrates we are. We understand that projects in the future may look different. We ask your consideration and recognition that we are meeting the regulatory compliance regulations. Thank you.

Stacia Kraft, 140 Federal Street: I am leading a group of people trying to push for fund development in our flood plains and wetlands until we have a good amended ordinance, which we don't feel we have. I feel safe in saying that a large group of Salem people do not feel satisfied with current compliance, we would rather look to the future. Gloucester is looking to ban development in their flood plains. We have been talking about this for two years. ConCom is trying to make serious decisions for the future of Salem with an order that you are complaint with but is not adequate. I appreciate the work and I feel very worried about our future. It is clear, as seen with the flooding on Bridge Street, that this is ridiculous.

Greg St. Louis: I believe there were draft conditions circulated by the conservation agent. Has the applicant reviewed any of the conditions put forth?

- Raime Schneider: We did review them. No comments on those.

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

Greg St. Louis: Are there any special conditions we want to pose? I know the applicant had raised relocating cars and notifying the public by any and all means. Tidal information can be supplemented with an onsite study with what storm events cause flooding in a nature that would cause damage or require vehicles to be relocated.

- Bart Hoskins: One consideration is that one of the most unpredictable things is storm surges, which can be at a different time from the storm itself. I don't know how to address that, but we have an inability to prevent construction in places where it might flood based on current regulations. I wonder if there is any way to build in some kind of review and approval where people can be cautioned about flood dangers as our understanding of the area develops.
- Greg St. Louis: We had a recent project for floodproofing and then reviewing best available technology in 2030, 2050 and 2070. I liked that personally, but they had already raised the parking garage out of today's flood plain.

Tom Philbin: In the drafted conditions what is acceptable?

- Tom Daniel: I haven't seen them, so I can't comment on them
- Raime Schneider: We could provide records or notify on a semiannual basis on how many flood events and how often we were notifying residents to inform the city holistically. It isn't listed right now but we would be happy to do so.

- Tyler Glode: I would be curious what that data would show long term, I think that would be valid
- Stephanie Krue: We could set up a location where the highwater mark could be identified after the fact.

Bart Hoskins: I wonder if there is a way to set up one or more points of reference around the site that would allow us to better understand the conditions in which a flood may occur in Boston and not Salem, or the other way around.

- Judith Kohn: I think you need to know when the intersections will be flooded. That is the point when people can't get out.
- Tom Philbin: I think this is on the City and Emergency Management Planning. We are putting this on a developer. We have a Hazard Mitigation Plan and what is the implementation of that.
- Judith Kohn: The City is advancing this development. It is City owned land.
- Tom Daniel: There is a Hazard Mitigation Plan. The segment from Flint to the MBTA driveway is the last piece of the Salem Beverly roadway project that was never built and there is a redesign. Part of that is bikes and pedestrians but also flooding. I don't have the details and design but the City is working with MassDOT on it.
- Judith Kohn: The reconstruction will solve the problem at the intersection on Bridge Street?
- Tom Daniel: It is intended to improve it. I would need to talk to the City engineer about the specific performance standards needed to manage the stormwater. I do know that flooding is an issue and is being considered.

Bart Hoskins: I do think it would be nice to build in the ability for us to review if there have been incidents of floods and whether plans in place need to be updated. It appears to be that we don't have jurisdiction over it, but I do recognize the problem. The biggest concern I normally see with this is that the builder is long gone when residents start seeing trouble.

- Joe Correnti: I think that is something we can agree upon. I also liked using the language about best updated technology. I am sure that there will be more knowledge on this. We can accept conditions like that and talk to the ConCom on occasion.
- Greg St. Louis: The other site I was referencing was that if we need deployable barriers, we will put them, where this application has tried to steer away from that.
- Joe Correnti: We believe we are compliant and dry proofing is prohibited. If that changes and there are new and better ways, we want to do this, we are going to want to protect our investment. This is a joint City-developer effort.
- Raime Schneider: It is Winn's investment and the states and countries, through the tax credits. We want to use best practices in all our projects, and it is in everyone's best interest to continue to monitor and update accordingly.

Judith Kohn: We can ask the developer for an annual report to the ConCom regarding the number of flood events and how they responded to the flood events.

- Raime Schneider: If we can do the report with the number of floods, how we respond, and the manual for that, we can do that.
- Tom Philbin: Can it be utilizing best available information?

- Raime Schneider: Sure.
- Judith Kohn: If you can start the monitoring now and record the flood events that impact the site so you can get a report for the end of this year. That might inform a future plan for how to evacuate the site.
- Tom Daniel: We can collaborate with Winn for that. I don't know how the data is tracked today. I think that is something Kate and I can work on outside of this order. I don't know who owns that data on this point.

Greg St. Louis: I have a suggested special condition that the management company implement its reaction plan in addition to the items discussed, whenever the City of Salem operates its tide gates at the Forest River.

- Raime Schneider: You are suggesting that when the City closes its tide gates, we notify residents and implement our plan?
- Greg St. Louis: There are tide gates other people are tracking that they use to respond to these events.
- Stephanie Krueel: They are probably tracking a 100-year storm and not a 100-year flood. They have different impacts and require different reactions.
- Greg St. Louis: I don't know the frequency, but it would be interesting to see how the two would relate to each other.
- Tom Philbin: I know that Revere, Chelsea, and so forth. DPW knows when a flood is coming, and the information is out there. I don't know if we can do specifics, but best available, including tide gate operation.
- Raime Schneider: Could it be the best available information or through coordination with DPW for the general Cities operation plan for an emergency storm? That way it isn't dependent on one tide gate but is in accordance with the City for an impacting storm.
- Tom D: That makes sense. Yes.

Greg St. Louis: For a condition, the management company will operate and or enable the staff to implement a flood management plan in accordance with the best available data with Boston tide gate and the City of Salem Public Works and the City of Salem governmental operations.

- Judith Kohn: We also asked for an annual update from the developer to the ConCom post construction. As much as the City can monitor pre-construction would be helpful but wouldn't be in the order.

Greg St. Louis: The looser condition is that the developer will review best available technologies in 2030, 2050, and 2070.

- Raime Schneider: Given that we won't be starting construction until the middle of next year, is it possible to start this not in 2030?
- Greg St. Louis: 10 years from date of occupancy.

A motion to issue an order of conditions with special conditions as discussed and agreed to by the developer is made by Dan Ricciarelli, seconded by Bart Hoskins, and approved 5- 1, with Gregory St. Louis voting negative.

. APPROVAL of MINUTES

November 15, 2022, Meeting Minutes

December 20, 2022, Meeting Minutes

A motion to approve meeting minutes for November 15, 2022, and December 20, 2022, is made by Bart Hoskins, seconded by Tyler Glode, and approved 6-0.

III. OTHER UPDATES

OSRP Public Forum

Kate: There is a public forum in January. It is the first one of this plan. If the Commission has comments or would like to participate, I encourage you to do so. ConCom has conditioned in the past for open space signage for areas adjacent to or abutting ConCom owned land. Looking into that further.

- Tom Philbin: I took a ride around the City and there is a lot of conservation land and land available for trails. My hope is to get people volunteering and working on them to build a network of trails.

Tom Philbin: Kate, can we have an update on Forest River and the boardwalk project there?

- Kate Kennedy: We have a signed MOA, and we are hoping to start soon. We are waiting to hear back from Home Depot to hear back from their staff. We recently have been talking about a temporary closed sign.
- Jeff Cohen: I also happen to be the liaison to the Commission on Disabilities. The bridge at Forest River being discussed was a big topic. They felt it was dangerous for all people. I am happy you guys are committing efforts because that trail in general is very wide and level and if the bridge was not unsafe it is unlike many of our open spaces that are accessible to people with mobility challenges, so thank you.

IV.ADJOURNMENT

A motion to adjourn is made by Tom Philbin, seconded by Bart Hoskins, and passes 6-0.

Meeting adjourns at 9:45 pm.