

**Salem Conservation Commission  
Minutes of Meeting**

**Date and Time:** Thursday, July 13, 2017, 6:30 p.m.  
**Meeting Location:** Third Floor Conference Room, City Hall Annex, 120 Washington Street  
**Members Present:** Chair Gregory St. Louis, Gail Kubik, Tyler Glode, Scott Sheehan, Bart Hoskins (arriving late), Dan Ricciarelli  
**Members Absent:** Tom Campbell  
**Others Present:** Ashley Green, Conservation Agent  
**Recorder:** Stacy Kilb

Chair Gregory St. Louis calls the meeting to order at 6:44pm.

- 1. 4-6 Atlantic Street—Continuation of Public Hearing—Notice of Intent for Mike Kantorosinski, 407 Essex Street, Salem, MA. The purpose of this hearing is to discuss proposed paving, porch replacements, and associated improvements at 4 & 6 Atlantic Street within an area subject to the Wetlands Protection Act MGL c131§40 and Salem Wetlands Protection & Conservation Ordinance.**

Rob Marini of Native Tec, 31 Moreau St. Lynn, presents. This is an existing house which is in the 100-year floodplain, and site work entails a new parking area. It was filed with DEP and has been assigned file number 064-0633, with no comments from the DEP. Proposed work is described; there will be 750 square feet of additional pavement, and the walk will be removed. An infiltrator will capture 1” of runoff. One infiltrator will be sufficient. The rest of the area will remain green. Sedimentation controls will be in place around the site. The location of the existing walkway is clarified.

Chair St. Louis asks about wetlands; there are none in the area, the house is just in the floodplain. The floodplain will not be filled and there is no need for compensatory storage. Hoskins arrives at 6:50 PM.

The Chair notes some discrepancies between the Plan being shown and the ones they have in their packets. An updated Plan will be submitted. Ricciarelli asks about the building orientation and Mr. Marini elaborates.

Chair St. Louis opens to the public but there are no comments.

*A motion to close the public hearing is made by Ricciarelli, seconded by Sheehan, and passes 6-0.*

*A motion to issue an Order of Conditions with standard conditions is made by Ricciarelli, seconded by Kubik, and passes 5-0 with Hoskins abstaining.*

- 2. Kernwood Country Club Tree Removal—Public Hearing—Request for Determination of Applicability for Kernwood Country Club, 1 Kernwood Street, Salem, MA. The purpose of this hearing is to discuss (after the fact) the removal of three trees and proposed removal of additional six trees at 1 Kernwood Street (Kernwood Country Club) within an area subject to protection under the Wetlands Protection Act MGL c131§40 and Salem Wetlands Protection & Conservation Ordinance.**

Scott Grover, Attorney, presents for the applicant. Several people from the Club are also present. Three trees within jurisdiction were removed without permission of the Commission, and it was only learned later that they were in the buffer zone. Now they are asking for a negative determination for those three trees and an additional six trees they want to remove to protect both the golf course and the wetland, as they could fall into the river and damage the riverbank.

The three trees already removed are described. There was no excavation for removal of any stumps; two were ground and sodded over, one stump remains. The removal of six additional trees is desired; all are in close proximity to the riverbank and are in poor condition. Some have fallen and are leaning on other trees. No stump grinding will be done;

they will simply be removed without altering the riverbank with stumps remaining. All trees removed previously and the proposed ones are being removed under supervision of a Golf Course architect to improve the Course as well as enhance the existing trees. Chair St. Louis asks what the qualifications of a golf course vs. landscape architect are. John Eggleston, Kernwood Grounds Superintendent, says most golf course architects have a landscape architect degree, they just specialize in golf courses. Ricciarelli asks about tree 6, which is a bit further from the river. The applicant says it is not as far as it appears. Jeff Shribman, attorney for the applicant, comments that it is right along the river, and part of it has fallen into the river; 5 and 6, if they fall into the river, will take a substantial amount of land with them. If they fall on to the golf course, they will take land with them as well as causing hundreds of thousands of dollars of damage to the greens.

Gail Kubik asks if any of the trees were or are actually diseased. Two of those already removed were; one was hollowed out and one was totally rotted. The third was not. The trees they would like to remove in the future are structurally deficient, partially due to their location along the river, so will not be replaced. Chair St. Louis notes that the loss of the root masses may also hasten the erosion of the bank. The applicant notes that in 1914 this was all open land, and the trees were all planted by previous presidents of the Golf Club.

The Commission still feels some anchoring of the bank to protect from erosion is necessary and some suggestions are made for planting.

Conditions of specific trees are discussed. The wording of the Determination will have an impact, as different trees are in different areas and there are short term and long term issues that should be addressed. The applicant should also plan for replanting; Hoskins notes it may be desirable to get input from someone with bank stabilization expertise. The logistics of the trees and their locations in the photos vs. on the aerial views are discussed. There was no enforcement action taken on the three trees already removed.

David Eppley, Ward 4 City Councilor, who is on the "Leaf-Oriented Resiliency and Arboricultural Expansion" (or LORAX) Task Force voices some concerns.

- Trees previously removed and trees to be removed should be replanted
- Notes that the LORAX task force is drafting a tree ordinance to bring to City Council that would involve tree credits and fines for any violations that take place in the future.

Jeanne Kempthorne on Dearborn St. applauds Commission for taking this seriously, but notes that a business as well established as Kernwood should have known they need to account for environmental impact of taking down hundreds of trees, which subjects all of us to increased dangers of flooding and losing carbon protection as well as habitat. Lack of environmental knowledge is alarming when applicant suggested it was originally open land – Massachusetts was clear cut for farming, so reforestation is restoration. She notes that many other organizations besides this Commission are interested, such as the LORAX Task Force and Salem Sound Coastwatch (SSCW), so is an issue of serious public concern. Kernwood should avail itself of the advice of public agencies, but also get advice from environmentalists, not just a Golf Course architect, and should be stewards of the land.

Julie Breskin, who lives a block from Kernwood, says at least 100 trees came down over the winter, and is concerned that even though only three were within Conservation Commission's jurisdiction, the logging of healthy trees was alarming. Additional traffic down Feld St. occurs due to the advice of traffic apps, though that is not this Commission's purview, she is also concerned about the above issues.

Chair St. Louis points out the applicant is a Chapter 61A property, which means their classification is agricultural. Thus, regarding the number of trees being removed, they must remain in compliance with the requirements of the state statute as far as what they can do on the property.

Chris Burke of 65 Broad St. notes that Kernwood was famous for its trees, which were notable. Kernwood has been a good steward of the land, but the USGA may not be sensitive to the historic trees and gardens there, and he hopes they will continue to be, and will allow the history of Kernwood to dictate vegetation management.

*Ricciarelli motions to close public hearing, is seconded by Hoskins, and the motion passes 6-0.*

A motion to issue a negative 2 and negative 6 determination for trees 1, 2 and 3 (and labeled on the individual photos) and the three already removed, is made by Kubik, seconded by Ricciarelli, and passes 5-0 with Sheehan abstaining.

Hoskins suggests consulting an arborist. Sheehan suggests replacement trees and Hoskins agrees. Replanting is discussed at length. The Commission did not make a determination for the remaining three trees and asks applicant to reapply separately if they still want to remove those trees. They should be prepared to provide a replanting plan should they want to remove those trees.

**3. Salem Hospital Road Rehabilitation—Public Hearing—Notice of Intent for North Shore Medical Center, Inc., 81 Highland Avenue, Salem, MA. The purpose of this hearing is to discuss proposed rehabilitation of the entrance road and sidewalks (108 Jefferson Avenue & Dove Avenue) to North Shore Medical Center (Salem Hospital), 81 Highland Avenue, within an area subject to the Wetlands Protection Act MGL c131§40 and Salem Wetlands Protection & Conservation Ordinance.**

The previous project (Salem Hospital expansion) approved by the Commission is discussed, and the Planning Board has requested that the Hospital spruce up what will be the new entrance. There will be no footprint expansion of the road or sidewalk, but is in the buffer zone, floodplain and riverfront. Resource areas are outlined.

This filing includes a satellite parking area at Jefferson Ave and Dove Ave and the road leading up to the emergency department and the access road, which will be upgraded. Work includes:

- installing a center median strip up the middle
- replacing all pavement
- replacing and resetting all granite curbing on both sides of road and on median
- upgrade lighting in median
- sidewalks will be upgraded
- work will go past heliport and around the bend so that the new road will be visible around the bend

At Jefferson Ave, that work is in the buffer zone of the flood zone, which is within jurisdiction under the local ordinance. They will be planting on what is currently a riprap segment.

No elevations will be changed, and impervious surface is not increasing. They will be rebuilding the surface, not just milling and repaving. Erosion controls will be in place and are described.

Utility upgrades will only occur up the center median; other upgrades have occurred previously.

The Chair opens to the public and a resident at 4 Madeline comments that upgrades are sorely needed.

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

A motion to issue an Order of Conditions with standard conditions is made by Sheehan, seconded by Ricciarelli, and passes 6-0.

**4. Boston Gas Company Compressor Building—Public Hearing—Request for Determination of Applicability for Boston Gas Company, 170 Medford Street, Malden, MA. The purpose of this hearing is to discuss proposed construction of a gas compressor building at 20 Pierce Avenue, Salem, MA (Boston Gas Company d/b/a National Grid) within an area subject to protection under the Wetlands Protection Act MGL c131§40 and Salem Wetlands Protection & Conservation Ordinance.**

Here for the applicant is Hanna Raditz of Concord Engineers and Scientists, who provides a project overview. She describes the project, a new boil off gas compressor building to house the existing and a new unit with associated equipment. Existing equipment will be moved and the existing building demolished, with no excavation involved. All structures are mounted on concrete blocks, and the entire site is already developed. Work is within the FEMA 100

year flood zone. The work area will be returned to pre-existing conditions, with no addition of impervious surface, and erosion controls are described.

Equipment will be elevated above the floodplain. There are no public comments.

*A motion to close the public hearing is made by Hoskins, seconded by Glode, and passes 6-0.*

*A motion to issue a negative 2 and a negative 6 determination is made by Sheehan, seconded by Hoskins, and passes 5-0 with Kubik abstaining.*

**5. 5 Sophia Road—Public Hearing—Notice of Intent for Thomas Berube of T. Berube Contracting Inc., 67 Wallis Street, Beverly, MA. The purpose of this hearing is to discuss proposed construction of a single-family home and associated improvements at 5 Sophia Road within an area subject to the Wetlands Protection Act MGL c131§40 and Salem Wetlands Protection & Conservation Ordinance.**

This item is heard out of order, ahead of Salem Hospital and Boston Gas, as a large contingent of the public is here for this item.

Ricciarelli recuses himself from this item.

Presenting for the item is Bob Griffin of Griffin Engineering. He describes the application. A lot created by ANR in the past year is currently undeveloped and is described. There is 240' of frontage on Sophia Road. A small, single family home will be built and is described; a retaining wall will be built. Elevations are outlined.

Test pits were taken near proposed infiltration chambers; there is 5.5' of fill on top of natural soils, so the area has been disturbed. Imported fill had a slow percolation rate, so the applicant is proposing 3 total infiltration chambers to capture runoff. In heavy rain some water will spill onto lawn and soak in. A drainage alteration permit was submitted but no feedback received yet from the engineer, but the project meets all requirements of the Wetlands Protection Act. A guardrail along property is on private property, and will be moved on to the public right of way.

Sheehan asks about the slope down to wetlands – it is scrub. The only trees to be removed will be in the footprint of the yard and house. The driveway will be asphalt; there is no gutter in the street. It is to be graded so runoff will head toward the lawn before heading down the hill.

Chair St. Louis opens to public comments.

Cynthia Smith 23 Ravenna Ave, OPPOSED, voices some concerns:

- Ecosystem impacts to the wetlands downslope of the house
- Privacy and local home values
- Habitat loss
- Structural integrity of the lot

Deb Dyer, 4 Madeline Ave, is also OPPOSED; concerns:

- Water on Sophia Rd.
- Erosion and damage/danger to the neighborhood in a rain event
- Loss of protection of neighborhood wetlands have been protected

June DeRoin, 6 Sophia Rd., OPPOSED:

- Also notes loss of habitat
- Mentions that someone had said the lot could never be built on
- Is concerned about water and erosion

Joyce Kenny of 285 Lafayette St. comments that the lot is near a park that is under the management of Salem and

Peabody (McGrath Park on Marlborough Rd.).

Sandra McMahon of 2 Madeleine Ave, OPPOSED:

- Concerned that construction will make the water situation in the area worse
- Is concerned about blasting; the Chair notes that a pre-blast survey must be done and that the threshold is similar to that for buildings

Tom Furey, City Council At Large, 36 Dulap St, OPPOSED:

- Concerned about wildlife
- Feels the project would be an encroachment on the neighborhood

Richard Purcell, 21 Ravenna Ave:

- Concerned about retaining wall (applicant describes this but it is noted that the appearance of the retaining wall is not under the purview of this Commission)

A site visit will be scheduled in the next week and will be posted on the City's Conservation Commission website. It will probably be the week of the 23 -29 of July. At least a week's notice will be provided. It may possibly be on a weekend or Friday afternoon.

*A motion to continue to the Aug. 10, 2017 meeting is made by Glode, seconded by Hoskins, and passes 5-0 with Ricciarelli recused.*

## **6. Old/New Business**

### **• 11 Nurse Way, DEP #64-616, Request for Certificate of Compliance.**

Work has been completed and grass is growing. Bob Griffin presents the project. Wetland markers were moved up as far as possible. A planned 225 square foot rear patio turned into a 100 square foot deck and 170 square foot porch along the front, with crushed stone under the deck for infiltration. The residence was constructed 25' from wetland, though it was planned at 31' from the wetland.

*A motion to issue a Certificate of Compliance is made by Sheehan, seconded by Kubik, and passes 6-0.*

### **• Review of proposed changes to Salem Sound Eelgrass Restoration Project, DEP #64-526.**

They would like to begin work in August. More information had been requested and received. An additional ¼ acre was administratively approved in March, and an additional ¼ acre is desired. The Board approves of the increase. This will be approved administratively like the last increase.

The Order of Conditions is somewhat ambiguous, as it could be interpreted as they have not expanded anything. They were allowed 21,000 acres, planted 5,000 acres, but it was over 40,000 acres. The Board asks Ashley to tell DMF "Thank you."

### **• Discussion and vote regarding annual funding request for North Shore Greenscapes.**

The Board owes \$1250 for their share of the bill.

A motion to pay the Conservation Commission's portion of the fee is made by Hoskins, seconded by Glode, and passes 6-0.

A discussion on how Barbara Warren and Salem Sound Coastwatch work with the Conservation Commission follows.

### **• Request for funding for annual GIS software subscription fee.**

*Postponed until next meeting.*

• **Meeting minutes—May 11, 2017 and June 8, 2017.**

*Postponed until next meeting.*

Discussion occurs regarding whether or not the Commission wishes to re-write its ordinance to include no-build zones or additional restrictions. Ashley will add this to a future meeting agenda.

Tree removal is discussed at length. Sea level rise is not covered in WPA, but local ordinance could include it, but would still not be able to affect building code. CZM and others may be creating standards for Land Subject to Coastal Storm Flowage, but right now there are none. However, CZM work may be strictly guidance, not requirements.

The fee schedule for violations is discussed. Some options for dealing with enforcement issues include:

1. Friendly letter requesting that the person who did the work come in and address the violation
2. Require that the un-permitted work be addressed in a certain timeframe
3. Enforcement Order on the deed.

Offsite mitigation is discussed. There is some question as to whether the LORAX tree ordinance may possibly conflict with Conservation Commission regulations; if an applicant wishes to remove trees, they would have to deal with both if the trees are in a wetland area. Ashley will provide Commission with copy of latest ordinance draft.

*A motion to adjourn is made by Ricciarelli, seconded by Hoskins, and passes 6-0.*

The meeting ends at 9:10 PM.

Respectfully submitted,  
Stacy Kilb  
Clerk, Salem Conservation Commission

Approved by the Conservation Commission on August 24, 2017.