

**Salem Conservation Commission
Minutes of Meeting**

Date and Time: Tuesday, May 19, 2020, 6:30 p.m.

Meeting Location:

<https://us02web.zoom.us/j/86984949985?pwd=d2hSRkVnWHBZN2tKS2xaUXJyUjlrUT09>

Meeting ID # “869-8494-9985” Password “797335” Participants can dial a toll-free phone number at 877-853-5257 to join the meeting. When prompted, enter meeting ID # “869-8494-9985” and follow the instructions to join the meeting. Password is “797335”.

Members Present: Chair Gregory St. Louis, Tyler Glode, Scott Sheehan, Bart Hoskins, Tom Campbell, Dan Ricciarelli (arriving late)

Members Absent: Malissa Vieira

Others Present: Brittany Dolan, Conservation Agent

Recorder: Stacy Kilb

Chair Gregory St. Louis calls the meeting to order at 6:37PM.

I. NEW BUSINESS

A. Discussion and vote on the use of electronic signatures during the State of Emergency

This would allow Brittany Dolan to electronically sign documents on behalf of individual Conservation Commissioners up through 45 days after the end of the State of Emergency. Ms. Dolan would type Commissioners’ names in, “this was authorized on this date,” and then the vote would be recorded at the Registry of Deeds. Salem does have DocuSign but Ms. Dolan has not used it. She is going by what the DEP has provided as guidance. The Chair would prefer DocuSign; the City has obtained it. This would also protect the Agent.

A motion to allow the use of e-signatures by the Agent is made by Sheehan, seconded by Ricciarelli, and passes in a roll call vote with all in favor.

Tom Campbell	Yes
Tyler Glode	Yes
Bart Hoskins	Yes
Greg St. Louis	Yes
Dan Ricciarelli	Yes
Scott Sheehan	Yes

II. REGULAR AGENDA

A. Forest River Pool and Bathhouse (DEP #64-693) – Continuation of Public Hearing - Notice of Intent for the City of Salem, 98 Washington St., 2nd Floor, Salem, MA. The purpose of the hearing is to discuss the proposed construction of a new pool, rehabilitation of the existing bathhouse, shoreline restoration activities, and associated activities in Forest River Park within an area subject to the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

Jack Vaccaro and Anthony Donato, Project Engineer are on the call. Tom Scarlata is also on the call. Materials that have been sent are reviewed.

Now Provided:

- Grading and drainage
- Landscaping
- cross-sections

DEP requested clarifications on the stormwater report; an informational package was submitted to the Commission last week but it has not been reviewed by all Commissioners.

Mr. Vaccaro addresses questions:

Tom Scarlata, Circulation of pool water and splash pad:

- Spray deck will use potable water, run through a manifold with a separate meter; 10 spray gets 2-4 gpm for a maximum total of 40 gpm; interdrains connected to infiltration system. Mary Jane Lee [another Salem park with a splash pad) goes into storm drain, not sanitary system
- Chair St. Louis notes conflicting regulations
- Use of splash pad: actuators run 2-3 mins at a time, water is not flowing 100% of the time. Also, will be open Memorial Day through Fall; it will also not be running during rain
- Anthony Donato reviews how the flow from the splash pad will be handled
- Drainage from pool and spray deck are interconnected; discharges through a cul tech recharge system. The system, grades and profile are outlined. Grading and drainage plan is shown. Riprap calculations are included, having been requested previously. Class 2 riprap is proposed
- Max amount put out by splash pad is well within capacity of storm water system
- Sizing is per hydrocad analysis; again if raining the splash pad would not be in use. Anything draining into infiltration system from splash pad during a storm is accounted for; not including the 40 gpm however this would not be generated during a storm anyway
- Chair St. Louis notes the rate capacity for splash pad is not enough for flow coming into it; depending on grading, there could be 6" of water in it (concerns about small children). It is not intended to pond but may not have the capacity to avoid that. A pool grading system w/trough collects water so it will not pond; with potable water, Applicant also does not want it to fall under jurisdiction of Health Code

Mr. Vaccaro notes the resource areas involved; this has a low impact on the resource area and meets all WPA Performance Standards. Disturbance is minimal, 20 linear feet on each side (for a total 40 linear feet) of the coastal bank. There will be 2250 square feet of grading on the beach. The beach will be restored with more native materials. There is land containing shellfish, though it is not open to harvesting; 700 square feet of this could be impacted. LSCSF, or the entire pool deck area, will see the most impact.

The DEP letter from Hancock Associates is outlined. Comments and responses are outlined by Mr. Donato:

- Plan set: a full set has been provided and is described
- Velocity calculations: Riprap and rational method design calcs for piping included. Chair St. Louis asks if this is a cobble beach subject to tidal influence on riprap; this is above mean high water
- BMPs were not used so this does not meet the Stormwater Standard 2; requesting a waiver b/c discharges to LSCSF. Also will be net reduction in runoff from the site due to use of porous pavement
- Location of test pits: these are now shown
- Recharge calcs for subsurface and rain gardens now provided
- Pretreatment to BMP: Storm sceptor system is being installed prior to cul tech system. Bioretention systems include a grass strip
- Recharge volume calculations provided
- BMP's equipped w/shutoff valves
- Erosion control plan included
- Long term O & M Plan included

The system is capable of handling 12 gallons/second, or 700 gallons/minute. The Velocity Zone Elevation for the site is 17 but from the bottom of the infiltration system is 12. Scott Sheehan asks about open bottom draining. There is a B soil type onsite; the Velocity Zone is described. Tyler Glode asks about other elevations and these are described.

The public hearing process and issuance of the Order of Condition are discussed. The Chair will review the hard

copy Plans before issuing an Order of Conditions, but the public hearing will be closed for now.

A motion to close the public hearing is made by Tyler Glode, seconded by Bart Hoskins, and passes 5-0 in a roll call vote.

Tom Campbell	Yes
Tyler Glode	Yes
Bart Hoskins	Yes
Greg St. Louis	Yes
Scott Sheehan	Yes

B. 0 Story St Subdivision Lots A, B, & C and construction of roadway (DEP #'s TBD)

Continuation of Public Hearing – Notice of Intent for Stephen Lovely, Castle Hill Group LLC, 14 Story St, Salem, MA. The purpose of the hearing is to discuss the construction of a roadway with utilities and an onsite stormwater management system with grading at 0 Story St an area subject to the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

Continuation of Public Hearing – Notice of Intent for Stephen Lovely, Castle Hill Group LLC, 14 Story St, Salem, MA. The purpose of the hearing is to discuss the construction of a single family dwelling located at 0 Story St, Lot A (Map 23, Parcel 2) within an area subject to the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

Continuation of Public Hearing – Notice of Intent for Stephen Lovely, Castle Hill Group LLC, 14 Story St, Salem, MA. The purpose of the hearing is to discuss the construction of a single family dwelling located at 0 Story St, Lot B (Map 23, Parcel 2) within an area subject to the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

Continuation of Public Hearing – Notice of Intent for Stephen Lovely, Castle Hill Group LLC, 14 Story St, Salem, MA. The purpose of the hearing is to discuss the construction of a single family dwelling located at 0 Story St, Lot C (Map 23, Parcel 2) within an area subject to the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

Note: This item is expected to be continued as it has not been before the Planning Board yet.

A motion to continue all above items to the June 16, 2020 meeting is made by Scott Sheehan, seconded by Tyler Glode, and passes 5-0 in a roll call vote.

Tom Campbell	Yes
Tyler Glode	Yes
Bart Hoskins	Yes
Greg St. Louis	Yes
Scott Sheehan	Yes

C. 38 Bayview Ave (DEP #64-696) - Public Hearing – Notice of Intent for Christopher Funk, 38 Bayview Ave, Salem, MA. The purpose of the hearing is to discuss the proposed installation of a floating dock within an area subject to protection under the Wetlands Protection Act MGL c131§40 and Salem Wetlands Protection & Conservation Ordinance. This item will not be opened at this meeting.

Note: This item will be continued to the meeting on June 16, 2020 as it was not published in The Salem News five business days prior to the meeting.

Dan Ricciarelli joins the meeting at 7:16PM.

D. 42 Bayview Ave (DEP #TBD) – Public Hearing – Notice of Intent for Robert and Elaine Cook, 42 Bayview

Ave, Salem, MA. The purpose of the hearing is to discuss the proposed installation of a pile held floating dock within an area subject to protection under the Wetlands Protection Act MGL c131§40 and Salem Wetlands Protection & Conservation Ordinance.

Note: This item will be continued to the meeting on June 16, 2020 as it was not published in The Salem News five business days prior to the meeting. This item will not be opened at this meeting.

E. 23 Congress St (DEP # TBD) – Public Hearing - Notice of Intent for Andrew Shelby, Boston Gas Company, 40 Sylvan Rd, Waltham, MA. The purpose of the hearing is to discuss the proposed installation of a new gas main within Congress St and Pickering Way within an area subject to protection under the Wetlands Protection Act MGL c131§40 and Salem Wetlands Protection & Conservation Ordinance.

Note: This item will be continued to the meeting on June 16, 2020 as it was not published in The Salem News five business days prior to the meeting. This item will not be opened at this meeting.

III. OLD/NEW BUSINESS cont.

A. Vote on previously heard items

a. Request for Determination of Applicability – 71 Loring Ave

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

Tom Campbell	Yes
Tyler Glode	Yes
Bart Hoskins	Yes
Greg St. Louis	Yes
Dan Ricciarelli	Yes
Scott Sheehan	Yes

b. Request for Determination of Applicability – Swampscott Conservancy Trail

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

Tom Campbell	Yes
Tyler Glode	Yes
Bart Hoskins	Yes
Greg St. Louis	Yes
Dan Ricciarelli	Yes
Scott Sheehan	Yes

B. Minor Modification Requests:

1. 40 Osborne Hill Drive - DEP #64-673

Presenting for the Applicant is Matthew Sirois of the above address. He would like to add fencing, a hot tub. and pavers.

The Chair notes that this is a large development where homeowners sometimes come in requesting minor modifications once the Developer has turned over the properties; occasionally the Developer will come to the Commission presenting these as upgrades.

Some houses have roof drain systems, but of the 100+ houses something like 40 need such systems. Systems were called out and this will not damage any system; this is a backyard project. Glode asks if there are setbacks for a hot tub; there is nothing Conservation related, other than that water must be dechlorinated before discharge. The

Applicant understands this.

A sample copy of fencing proposed has been included and the fence is described. The same fencing will be used at 42 Osborne Hill Dr. The fencing will not go into the existing wall; a separation to allow wildlife under the fence is not felt to be necessary.

A motion to approve the minor modification is made by Dan Ricciarelli, seconded by Tom Campbell, and passes 6-0.

Tom Campbell	Yes
Tyler Glode	Yes
Bart Hoskins	Yes
Greg St. Louis	Yes
Dan Ricciarelli	Yes
Scott Sheehan	Yes

2. 42 Osborne Hill Drive - DEP #64-672

Presenting for the Applicant is Helio Duarte; the modification is the fence that will enclose the backyard. A Plan is shown.

A motion to approve the minor modification is made by Tom Campbell, seconded by Dan Ricciarelli, and passes 6-0.

Tom Campbell	Yes
Tyler Glode	Yes
Bart Hoskins	Yes
Greg St. Louis	Yes
Dan Ricciarelli	Yes
Scott Sheehan	Yes

3. Hawthorne Cove Marina: Change in amount of dredge material

Dan Robbins with GEI Consultants and General Manager Noah Flaherty are present.

Mr. Flaherty outlines the history of the project. Discrepancies between stated dredge amounts and actual amounts were noted; GEI was engaged and a mid-dredge survey produced. Some issues were noticed and the contractor removed pending the investigation into their work.

Mr. Robbins states that the Order was issued in April 2016 with a 2018 Extension, now extended through April of 2021. Dredging performed from Oct./Nov. of 2019 and in Jan. 2020 showed some discrepancy. GEI completed a hydrographic survey that found that the over dredge limit had been exceeded in a couple of small areas totaling 5600 cubic yards of material, in an area of 42,000 square feet, or 15% of the square footage area. The contractor was removed from the job and they are evaluating the dredged material. The areas that were mistakenly dredged were reportedly due to the contractor misunderstanding; they thought they had to dredge deeper to have the scow not bottom out. The areas dredged were shallower than the adjacent, recently dredged areas. The request is to allow the 5600 cubic yards of over dredged materials to be disposed of, and allow work to continue in the next dredge cycle, which occurs from Oct. 1 through Feb. 14 each year. A new contractor will be hired to complete the dredging. Mr. Robbins also notes that dredging completed was all brought to the authorized disposal site. Location was correct, but the dredge went deeper.

Chair St. Louis asks if they are going through the Army Corps of Engineers process. They are communicating with Army Corps and DEP regulators. Areas of deeper dredging are not of any benefit to the client. Material is being disposed of at Mass Bay Disposal Site; they are requesting that the Army Corps allow the extra 5600 cubic yards be disposed of. The whole project will be about 36,000 cubic yards.

Ricciarelli asks why going deeper was not planned for; historical site dredging is outlined. Tide cycles come into play. Glode asks about cut sections and the proposed dredge elevation line. Areas in blue on the visual are where dredging went deeper than planned. Dredging of the municipal marina is also described; the increased depth here is not a problem. The type of material dredged was mud, silt, sand and clay.

Sheehan asks for clarification on work done; this is an after-the-fact request as this area of dredging has occurred but additional dredging to the overall project remains. Potential discrepancies were noted midway through. Noah Flaherty notes that they are pursuing the contractor for these issues and will hold them accountable. The work interruption with COVID also delayed the data-gathering process for submission. Sheehan also about the sampling plan from 2015 for deep water disposal as some Cities are experiencing PCB contamination issues. No issues of this nature have come up. The Army Corps' permit was extended last year for two years, until 2021, based on onsite sampling and testing. The City of Salem had a different permit from the Corps rescinded b/c PCB limits in the harbor exceeded limits so must be disposed of by land.

A motion to approve the minor modification is made by Bart Hoskins, seconded by Dan Ricciarelli, and passes 6-0.

Tom Campbell	Yes
Tyler Glode	Yes
Bart Hoskins	Yes
Greg St. Louis	Yes
Dan Ricciarelli	Yes
Scott Sheehan	Yes

C. Discussion of open Orders of Conditions and upcoming applications for Colonial Rd Site

Present for the Applicant:

Scott Cameron, Civil Engineer, The Morin Cameron Group

Shawn P. Smith, PE, LEED AP, Vice President of Development, RJ Kelly Company

Ben Mayer

Ann M. Marton, President, Director of Ecological Services, LEC Environmental

- Protocol: expedited permit/construction. Site is between Jefferson Ave/Canal St. and is a historic chemical manufacturing Plant
- Converting uses to warehouse; 2 open orders on Property from 2015 when last before them. This is the rail spur to the intersection on Colonial Rd.
- Site overview
- Removing pavement, striping, reconstruction of loading docks
- Will be additional pervious footprint
- Grades will be mostly the same due to AULs
- Full stormwater report will be provided; existing will be retrofitted

Open Orders: #1

- 64-573; removal and cleanup of soil onsite. Work is believed to be complete pending documentation; LSP says it is complete
- Other Order is #64-270 is from 1999. Applicant requested two Certificates of Compliance in 2015, closed out one the Commission asked them to do more work on the other. However, they opted not to as were closing on the property. Project was primarily demolition and a small addition, including removal of 3 small buildings and repaving. There was to be an addition of an office in the riverfront area as it was before the 1997 floodplain adjustment and Forest River mitigation; there is floodplain on the property now. As part of mitigation, they proposed landscaped areas to decrease pavement
- There remain concerns about what was and was not done re stormwater improvements; it is clear they did not do any landscaping

- Use is changing from chemical manufacturing to less intense (warehouse). Intent is to go through application and demonstrate compliance
- Proposing a June 2nd Application with new NOI to Commission; concurrently would like Certificates of Compliance for both projects, noting how they comply, work was never done, or how they are addressing issues not addressed via new application
- Feel that old orders do not apply anymore

Both Orders have expired; the procedure is discussed. Chair St. Louis asks about an outfall; work to be done there was not completed. Details of the previous owner/project are discussed. Compliance will be documented; they are trying to minimize curbing throughout redesign of paved area. It is again noted that old Conditions may not make sense and that there is a set of entirely different circumstances, both practically and from a regulatory standpoint. This will be a full redevelopment and the Chair prefers they meet new standards rather than redevelopment standards. Glode agrees. There is no motion but the Applicant is still requesting two Certificates of Compliance and will be before the Commission with an NOI in June.

IV. APPROVAL OF MINUTES:

February 18, 2020

A motion to approve the minutes from the February 18, 2020 meeting is made by Bart Hoskins, seconded by Tyler Glode, and passes 6-0.

Tom Campbell	Yes
Tyler Glode	Yes
Bart Hoskins	Yes
Greg St. Louis	Yes
Dan Ricciarelli	Yes
Scott Sheehan	Yes

V. ADJOURNMENT

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

Tom Campbell	Yes
Tyler Glode	Yes
Bart Hoskins	Yes
Greg St. Louis	Yes
Dan Ricciarelli	Yes
Scott Sheehan	Yes

The meeting ends at 8:20PM.

Know your rights under the Open Meeting Law M.G.L. c. 30A §18-25 and City Ordinance Sections 2-2028 through 2-2033.

Respectfully submitted,
 Stacy Kilb
 Clerk, Salem Conservation Commission