

**Salem Conservation Commission
Minutes of Meeting**

Date and Time: Thursday, November 16, 2017, 6:30 p.m.
Meeting Location: Third Floor Conference Room, City Hall Annex, 120 Washington Street
Members Present: Chair Gregory St. Louis, Scott Sheehan, Bart Hoskins, Tyler Glode
Members Absent: Gail Kubik, Tom Campbell, Dan Ricciarelli
Others Present: Ashley Green, Conservation Agent
Recorder: Stacy Kilb

- 1. Bridge Street Reconstruction Project—DEP #64-637—Continuation of Public Hearing—Notice of Intent for the City of Salem, 120 Washington St, 3rd Floor, Salem MA. The purpose of this hearing is to discuss proposed roadway and intersections improvements along Bridge Street from Boston Street to Flint Street and along Goodhue Street within an area subject to protection under the Wetlands Protection Act MGL c131§40 and Salem Wetlands Protection & Conservation Ordinance.**

A motion to retain a peer reviewer is made by Glode, seconded by Hoskins and passes 4-0.

A motion to continue this item to the December 14, 2017 meeting is made by Sheehan, seconded by Hoskins, and passes 4-0.

- 2. 48 Bay View Avenue—Public Hearing—Notice of Intent for Kris Klein, 48 Bay View Ave, Salem, MA. The purpose of this hearing is to discuss proposed raising of an existing single-family dwelling approximately two feet in height to install a new foundation and gain extra height on the ground floor; site work to create a two-car driveway and a new walkway; and removal and replacement of an existing fence with a stone wall at 48 Bay View Ave within an area subject to the Wetlands Protection Act MGL c131§40 and Salem Wetlands Protection & Conservation Ordinance.**

Here for the applicant is Susan St. Pierre as well as Kris Klein, the owner. Two thirds of the site is Land Subject to Coastal Storm Flowage (LSCSF). The dwelling and the project are described. The sides and top of boat ramp are top of coastal bank, and a 100 foot buffer zone encompasses most of the site. An existing conditions plan is shown. The abutter on the other side of the fence is also present.

The applicant wishes to raise the structure 2' in height in order to use the basement for living space. They have been before the Zoning Board of Appeals (ZBA) as it is an existing nonconforming lot, and also the Planning Board for a Flood Hazard Overlay special permit. There is work to be done on the porch and on the foundation as well as work to create parking at the front of the house. The fence will be removed and replaced with a low stone wall. A drain will be put in along with a dry well in the front of the property. The rear of the property is currently all paved. Not part of this NOI, but as a future project, they would like to fill in the boat ramp, remove the asphalt from the back, and create a lawn area.

Glode asks about the driveway that is currently there – it is alongside this property but it belongs to the abutter. The applicant uses it via informal agreement; there is no easement. There will be a new curb cut but Ms. St. Pierre is not sure if this has been approved by the appropriate City departments yet.

There will be pavers for parking in front, adjacent to the abutters. The walkway will be either pavers or concrete. They will jack up the house then build the foundation and lower the house. There may be small equipment used. Not included on the plan, but hay bales will be placed at the top of the boat ramp. The stone wall is described.

An unusual situation with the property line is discussed. In most of the U.S., owners of waterfront property own up to the high water line, but here in Massachusetts ownership extends to mean low water, subject to public rights. However, a plan was filed on this property and someone in the neighborhood tried to claim all the tidelands in the cove. No deed said they owned that land, so a trust was made though no ownership exists. Thus, this Applicant's property line may not extend to the boat ramp.

Ms. St. Pierre requests to waive the requirement of an as-built when requesting the Certificate of Compliance. She also requests allowing an architect to sign off certifying that the project was built according to plan rather than an engineer. The Commission states that this is acceptable for them, but the building department will likely require that the foundation plan be approved by an engineer.

A motion to close the public hearing is made by Sheehan, seconded by Hoskins, and passes 4-0.

Motion to issue an Order of Conditions is made by Hoskins, seconded by Glode, and passes 4-0.

Special conditions:

- Install silt socks or straw bales on downgradient limit of work
- Driveway will be pavers
- As built- plan requirement to be waived, letter certifying compliance with the approved plans can come from architect

3. Old/New Business Cont.

- **27 Pierce Road, DEP #64-563: Request for Certificate of Compliance.**

Mr. Bill Manuel from Wetlands & Land Management presents. Agent Green has visited the site. The work is complete and two years of monitoring have been done on the restoration area. The restoration area is now thickly vegetated. An amendment was made to the Order of Conditions in 2015. The addition was already constructed by then, the foundation was in along with detention basins, but the driveway deviated from the approved plan. An as-built was provided at that time, and the restoration plan was formalized. The applicant waited two years to make sure the vegetation stabilized.

Mr. Manuel is seeking waiver of the as-built because it was provided two years ago, and is seeking a Certificate of Compliance. Chair St. Louis notes that when the project was originally permitted, he asked if applicant was comfortable with him voting and being involved because he felt he should be considered an abutter, but the Applicant agreed with the Agent that he is far enough from the site to not be considered an abutter under the Wetlands Protection Act. The Applicant is still comfortable with him voting.

There is some discussion as to why the cedar posts appear to be 8' outside of the restoration area. This is unclear; it may be to allow the applicant to mow in a straight line. In any case, they are there to prevent lawn creep.

A motion to issue the Certificate of Compliance and waive the as built is made by Hoskins, seconded by Glode, and passes 4-0.

- **Canal Street Flood Mitigation, DEP #64-596: Request for Minor Modification.**

Chuck Dam, Salem Engineering Dept., and Brendan Pyburn, Woodard and Curran, are present. The Little League field flood mitigation project as approved is outlined. The requested change is upgrades to the parking area.

Existing conditions are outlined. Untreated runoff currently sheetflows into Bordering Vegetated Wetlands

(BVW). The original permit design captured and treated one area of pavement before discharge to the pond; however, currently people park on the grass, so a parking layout that is better for pedestrians and vehicles has been designed. Impervious surfaces will increase. However, all water coming off there will be treated before discharge. The existing area will be captured by the already oversized unit. Some deep sump catch basins are located along the bottom edge of the parking lot; TSS removal units are described.

All erosion control for the project is installed but is described again, to remain in place throughout construction. Chair St. Louis asks about the bioretention cross section and Mr. Pyburn outlines, describing the soil media and its placement. The Chair asks about perforated underdrains and this is described.

Glode asks about the existing pond and BVW. It seems odd to the Chair that the DEP did not have a problem with them using the pond as part of a stormwater system. Glode says they should re-check contours and asks about curbing. Curbing is designed to capture the runoff where possible.

Chair St. Louis asks about Catch Basin 3 and Manhole 2; the consultant elaborates, but the Chair says this cannot be done as the sump would be re-suspended. A manhole should be added at the end of the parking stall to alleviate the problem. An Operation & Maintenance (O&M) plan that City will take care of bioretention swale is part of the original permit; nothing has changed in that regard. The bioretention swale is described.

Snowplowing is discussed. The bioretention areas cannot be used for snow storage. A parking space or isolated areas could be used. The park is generally not used in the winter so it may not be an issue.

The bioretention pond was oversized in the original design and has 3000 cubic feet of volume but only needs 600 cubic feet for water quality. Otherwise the area is coastal; it is mostly pavement or parked-on ledge with lots of surface stones. Glode asks about certain contours and Pyburn elaborates.

Drainage area associated with the baseball field is already in place and has not been changed.

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

Glode asks about an outfall pipe and the Consultant elaborates. Drainage and snow storage are further discussed. How to prevent people from parking in undesired areas is discussed.

Procedures for acceptance of a minor modification are outlined.

A motion to approve the minor modification is made by Hoskins , seconded by Glode, and passes 4-0.

Conditions: No snow storage in bioretention areas
Add manhole as discussed

- **Thomas Circle Sewer Extension, DEP #64-397: Request for Partial Certificate of Compliance.**

Brian Cassidy represents Pamela Mason, the applicant. She would like to close the sale of her house but it currently has an open Order of Conditions. The closing is scheduled for tomorrow Nov. 17, 2017, so a partial Certificate of Compliance is being sought tonight.

Agent Green provides the Commissioners with a copy of the approved plan, and the buffer zone is outlined. Only a corner of this lot is within jurisdiction (buffer zone). The other lot that is under this Order of Conditions is substantially in the buffer zone. Lot logistics are outlined. Special conditions are discussed. Glode feels the project was straightforward with nothing unusual. Green says that there were issues with clear cutting of an area that was to remain undisturbed, however it was on the other lot, and it was the developer, not the homeowner,

who clear cut it, in 2008.

Chair St. Louis notes a wall next to the driveway; this lot has a driveway easement. Sheehan asks about a Partial Certificate of Compliance; this means that the Certificate is limited to this parcel only, not the entire lot. Conditions have been met for this plan on this lot. The Chair notes that the other property has been transferred at least once, with an open Order of Conditions.

Glode asks about the sewer easement and this is discussed. The logistics of issuing this particular partial Certificate of Compliance are discussed. No site inspection was conducted, but the Chair has been to the site since completion and it is vegetated.

There are no members of the public present and thus, no comments.

A motion to issue a partial Certificate of Compliance for lot 733 only is made by Glode, seconded by Hoskins, and passes unanimously 4-0.

The Commission suggests that Mr. Cassidy advise the applicant to reach out to her neighbors, as they should appear before the Commission for a full Certificate of Compliance.

- **Meeting minutes—August 24, 2017 and September 21, 2017.**

A motion to approve both sets of minutes is made by Hoskins, seconded by Glode, and passes 4-0.

- **Discussion of 2018 meeting schedule.**

The Commission will meet in August and not have a recess that month, as they are now only meeting monthly.

Further discussion is tabled to the next meeting.

A motion to adjourn is made by Glode, seconded by Hoskins, and passes 4-0.

The meeting ends at 7:30PM.

Respectfully submitted,
Stacy Kilb
Clerk, Salem Conservation Commission

Approved by the Conservation Commission on March 8, 2018.