

Salem Conservation Commission
Minutes of Meeting

Date and Time: Tuesday, November 17, 2020, 6:30 p.m.
 Meeting Location: Zoom or call-in
 Members Present: Acting Vice Chair Tyler Glode, Vice Chair Bart Hoskins (arriving late), Tom Campbell, Malissa Vieira, Scott Sheehan (5)
 Members Absent: Chair Gregory St. Louis, Dan Ricciarelli (2)
 Others Present: Brittany Dolan, Conservation Agent
 Recorder: Stacy Kilb

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

I. ROLL CALL

II. REGULAR AGENDA

A. 61 Memorial Drive – Continuation of a Public Hearing – Request for Determination of Applicability for Theresa Kennedy, 61 Memorial Dr, Salem, MA. The purpose of the hearing is to discuss the proposed reconstruction of an existing deck and addition of a floating walkway and floating dock within an area subject to the Wetlands Protection Act MGL c131§40 and Salem’s Wetlands Protection & Conservation Ordinance.

Christopher De Resende, contractor, presents the update:

- No Chapter 91 on record has been found, but there may be one as older licenses may be in the Registry of Deeds
- A Chapter 91 may need to be obtained but homeowner has requested that first half of deck, on land, be allowed to move forward as her disabled husband uses the deck
- Plans and drawings of deck are available

Glode asks if this should be split into two RDA’s, one for the deck and one for the dock; the dock may or may not have a Chapter 91. Procedural matters are discussed.

Special Condition: Work on floating dock may not proceed until Chapter 91 issues have been resolved

There are no public comments.

A motion to close the public hearing is made by Scott Sheehan, seconded by Tom Campbell, and passes 4-0 in a roll call vote.

Tom Campbell	Yes
Tyler Glode	Yes
Scott Sheehan	Yes
Malissa Vieira	Yes

A motion to issue a negative 2 and negative 6 Determination is made by Scott Sheehan, seconded by Tom Campbell, with the special condition that the floating dock is not approved until Chapter 91 status has been clarified. The motion passes 4-0 in a roll call vote.

Tom Campbell	Yes
Tyler Glode	Yes
Scott Sheehan	Yes
Malissa Vieira	Yes

B. Palmer Cove Park – DEP # 64-700 – Public Hearing – Request for an amendment to the current Order of Conditions issued to Kathleen Winn, City of Salem, 98 Washington St, Salem, MA. Purpose of the hearing is to discuss the proposed improvements to Palmer Cove Park within an area subject to the Wetlands Protection Act MGL c131§40 and Salem’s Wetlands Protection & Conservation Ordinance.

Kathy Winn, Deputy Director of the Planning Department, is present.

Naomi Cottrell, Landscape Architect, presents:

- FEMA map detail
- Master Plan and Phase 1 improvements were previously shown; jurisdiction of 100’ buffer to Coastal Bank; DEP requested they review LSCSF (Land Subject to Coastal Storm Flowage) with Commission
- VE and AE zones are outlined; LSCSF covers almost the entire park; this has been shared with the DEP
- Master Plan Build Out is shown and changes highlighted to mitigate concerns re LSCSF:
 - Grading plan: swale added, community gardens pulled back from property line
 - 21E issue w/reportable conditions is on site, working w/LSP from Tighe & Bond to guide process. Recommended to fill some area of community garden, and this is shown
 - Elevated lead and site of a former landfill w/no closure documents on record - there is a cap but DEP requested another foot of clean fill on top
 - Pervasive throughout the site; main concern was gardening activities
 - Specific soil management plans must be followed and are outlined by LSP
 - 2’ of clean fill exists on site; additional 12” will mean there will be 3’ but planting beds will contain an additional foot to 18” of soil
 - Orange snow fencing (visual barrier) will be below the 1’ of additional fill, with filter fabric (structural barrier) below, to delineate subgrade below garden area
 - Gardeners have been gardening here with in-ground and raised beds for a decade; soil tests have shown no elevated contamination levels. Lead is mostly in deeper layers. DEP’s issue is that this was registered as a landfill, but no documentation shows that it was closed, hence the soil management plan changes
 - Changes to Phase 1 Improvements now include work by On Point building; secondary basketball court will now be installed later but other improvements will still be made
- Drainage inlet tying into existing stormwater system is further described; changed to First Defense filtration system, specs submitted
- Glode asks about swale design; this is outlined

There are no public comments.

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

Tom Campbell	Yes
Tyler Glode	Yes
Scott Sheehan	Yes
Malissa Vieira	Yes

A motion to issue an Amendment to the Order of Conditions is made by Scott Sheehan, seconded by Malissa Vieira, and passes 4-0.

Tom Campbell	Yes
Tyler Glode	Yes
Scott Sheehan	Yes
Malissa Vieira	Yes

C. 57 Marlborough Road – DEP # 64-710 – Public Hearing – Abbreviated Notice of Resource Area Delineation for Paul DiBiase, Osborne Hills Realty Trust, PO Box 780, Lynnfield, MA 01940. Purpose of the hearing is to discuss the proposed delineation of wetland resource area boundaries and their associated buffer zones for the property located at 57 Marlborough Rd, Map 9, Parcel 1 within an area subject to the Wetlands Protection Act MGL c131§40 and Salem’s Wetlands Protection & Conservation Ordinance.

DEP has issued File Number 64-710

Bart Hoskins arrives at 7:03PM

Bill Manuel of Wetlands & Land Management presents:

- Area in question is at the end of Amanda Rd.
- 2019 ORAD (Order of Resource Area Delineation) to confirm flagged wetland resources in the red outline; roadway may change and there are additional wetlands beyond the transmission line, shown in green, that would be affected by roadway extension
- Area in question is shown; it is flagged with Q series flags; this is described
- Larger scale plan is shown and topography, wetlands are described. Q9-Q21 flags are jurisdictional but the others are not
- Small wetland is not protected locally; it is a federal wetland but not under WPA as bylaw is concerned with BVW. This is a depression in the landscape; soils at lowest point are glade/hydric, no evidence of standing water, but water table will come close to surface, seasonally. Wetland definitions are discussed

There are no public comments.

A motion to close the public hearing is made by Bart Hoskins, seconded by Scott Sheehan, and the motion carries 5-0.

Tom Campbell	Yes
Tyler Glode	Yes
Scott Sheehan	Yes
Malissa Vieira	Yes
Bart Hoskins	Yes

A motion to issue an ORAD is made by Bart Hoskins, seconded by Tom Campbell, and passes 4-0.

Tom Campbell	Yes
Tyler Glode	Yes
Scott Sheehan	Yes
Malissa Vieira	Yes
Bart Hoskins	Yes

D. 9 Winter Island Road – DEP # 64-711 – Public Hearing – Notice of Intent for Joel and Cathy Votto, 9 Winter Island Rd, Salem, MA. Purpose of the hearing is to discuss the proposed construction of an attached two car garage and associated activities within an area subject to the Wetlands Protection Act MGL c131§40 and Salem’s Wetlands Protection & Conservation Ordinance.

File number 64-711 has been assigned.

Susan St. Pierre presents for the Applicant:

- Project Site, concrete seawall along Juniper Cove
- Existing Conditions
- Wetland Resource Areas, Coastal Beach Tidal Flat, Salt Marsh, LSCSF, Coastal Bank
- Project Site enlargement
- Site Photographs (1 tree to be removed)
- Proposed Site Plan, proposed work is above Elevation 11 but still designated as LSCSF b/c of the map
 - Garage angled b/c of Chapter 91 jurisdiction constraints

- 1200' permanent impact, some offset by removal of existing driveway; will use pavers or something permeable for the driveway
- Glode asks about the scope of work; no work is being done on house, only adding the garage and driveway. Porch and bulkhead are existing
- Hoskins asks about the relevance of the Tree Ordinance; this is on private property within the 100' flood plain. Tree removal cannot be avoided b/c Chapter 91 line constrained placement of garage
- Glode wonders about adding a tree in the lawn area; this is possible but Joel Votto, the Applicant, would like to keep the area open for purposes of emergency access. Other options for tree replacement are discussed, possibly where the existing driveway is. The current tree is a maple. As is, the proposed garage is smaller than desired
- Glode is not opposed to a smaller tree species; options are further discussed.

There are no public comments

A motion to close the public hearing is made by Scott Sheehan, seconded by Bart Hoskins, and the motion carries 5-0.

Tom Campbell	Yes
Tyler Glode	Yes
Scott Sheehan	Yes
Malissa Vieira	Yes
Bart Hoskins	Yes

A motion to issue an Order of Conditions with standard conditions, and the special condition that the tree to be removed, be replaced with another onsite during construction, is made by Bart Hoskins , seconded by Tom Campbell, and passes 4-0.

Tom Campbell	Yes
Tyler Glode	Yes
Scott Sheehan	Yes
Malissa Vieira	Yes
Bart Hoskins	Yes

III. OLD/NEW BUSINESS

A. Biking in Forest River Conservation Area

No one is present from the Bike Committee. They want to know why biking is not allowed there and if it would ever be allowed. They have been told that this is conservation land, and they can come to the meeting to discuss this. Tyler Glode would not be opposed to hearing about installing a bike trail, but its development would have to come from volunteers and undergo the typical permitting process.

The person in question sees people biking in there all the time. Bart Hoskins mentions that biking is tough on the trails, creating a lot of wear and erosion, which is probably why it is not allowed there. However, the City does not have the resources to enforce this rule. Tyler Glode notes that separating designated bike trails is required for safety of hikers.

This item will be kept on the agenda for the next meeting, to solicit public feedback.

B. 2021 Meeting Schedule

The Conservation Commission will continue to meet on the the third Tuesday of the month.

IV. APPROVAL OF MINUTES

a. September 29, 2020

A motion to approve the September 29, 2020 minutes is made by Bart Hoskins, seconded by Tom Campbell, and passes 5-0.

Tom Campbell	Yes
Tyler Glode	Yes
Scott Sheehan	Yes
Malissa Vieira	Yes
Bart Hoskins	Yes

b. October 20, 2020

Not yet ready/no vote

V. ADJOURNMENT

A motion to adjourn is made by Scott Sheehan, seconded by Bart Hoskins and passes 5-0.

Tom Campbell	Yes
Tyler Glode	Yes
Scott Sheehan	Yes
Malissa Vieira	Yes
Bart Hoskins	Yes

The meeting ends at 7:40PM.