

Salem Conservation Commission
Minutes of Meeting

Date and Time: Tuesday, October 20 2020, 6:30 p.m.
 Meeting Location: zoom or call-in
 Members Present: Chair Gregory St. Louis, Tyler Glode, Vice Chair Bart Hoskins, Dan Ricciarelli, Malissa Vieira, Scott Sheehan
 Members Absent: Tom Campbell
 Others Present: Brittany Dolan, Conservation Agent
 Recorder: Stacy Kilb

I. REGULAR AGENDA

A. Lead Mills Conservation Area – Continuation of a Public Hearing – Request for Determination of Applicability for Don Morgan, Marblehead Conservancy, Marblehead, MA. The purpose of the hearing is to discuss the proposed tree removal at the Lead Mills Conservation Area within an area subject to the Wetlands Protection Act MGL c131§40 and Salem’s Wetlands Protection & Conservation Ordinance.

Don Morgan presents. Salem’s “tree people” agreed to remove; tree warden will oversee the project in this RDA

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

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

A motion to issue a Negative 2 and Negative 5 Determination is made by Dan Ricciarelli, seconded by Bart Hoskins, and the motion carries 6-0.

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

B. 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.

Applicant requests to continue to the Nov. 17, 2020 meeting.

A motion to continue to the November 17, 2020 meeting is made by Bart Hoskins, seconded by Tyler Glode, and the motion carries 6-0.

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

C. Overlook Acres - DEP #64-702 – Continuation of a Public Hearing – Notice of Intent for Peter Lutts, Overlook Acres, LLC, 5 Biscoe St, Beverly, MA. The purpose of the hearing is to discuss the proposed 290-unit, multi-family apartment complex consisting of four apartment buildings, a clubhouse, and a commercial/retail use building located at 383, 379, and 387 Highland Ave, 4, 10, 14, and 16 Barnes Rd, and 9, 12, 14, 15, 16, and 18 Cedar Rd within an area subject to the Wetlands Protection Act MGL c131§40 and Salem’s Wetlands Protection & Conservation Ordinance.

Dan Ricciarelli recuses himself from this item.

Present for the Applicant:

Scott Cameron, Civil Engineer, The Morin Cameron Group
Rich Kirby, Wetland Scientist, LEC Environmental

Mr. Cameron provides updates to the Plan:

- July iteration of the Plan; building 3 has been completely relocated
- The Planning Board process is described; that Board asked the Applicant to focus on preserving the wetlands
- Current, revised Plan is shown and was submitted over a week ago
 - Location of building 3 has changed and is now completely outside 100’ buffer zone; parking and solid waste disposal have also been relocated.
 - Unit counts reduced from 290 to 282. Parking and impervious footprint also reduced
 - Building 4 has also been set back from the wetlands and angled; it is now 100’ + from the wetland
 - Building 1 is also angled and farther from the wetland.
 - Parking along edge of driveway/wetland have been removed in various areas; some retaining walls have been replaced with vegetated slopes
 - Infiltration systems relocated to behind Building 4 in a fill area for more efficient groundwater recharge, preserving native soil
 - Workout trail is described
- Previous and revised Plans and BVW, Wetland and Buffer zones are shown
- Footprint of historic fill, which ranges in depth from 20-24’ to 2-4’. Buffer zone is outlined, as is limit of work
- Cleanup of fill means it is in limit of work
- Workout trail is described
 - Areas of impact are described (some temporary, originally fill area meant it was 25%)
 - Structural changes are outlined (permanent impacts, 13% of buffer zone)
 - Closest point of work is 50’ but permanent alteration will not occur closer than 84’

Rich Kirby adds a response letter was drafted to address public comments, mostly educational re WPA, Ordinance, regulatory authority of Conservation Commission. E.g., Why does delineation on plan set differ from GIS maps?

(field vs. desk).

The Commission was sent the comment letter via Dropbox; Sheehan and Glode comment that they have read it.

DEP Comments:

- Isolated BVW and need for 401 Water quality compared to drainage submitted
- Richard Kirby outlines the requirements for this; Project qualifies for simplified review under Army Corps of Engineer so there is no 401 water quality jurisdiction at the site
- Not much attention paid to intent of design; with IVW intent is to maintain the hydrology. Isolated wetland has surface runoff going to that; with Plan, treated stormwater runoff goes there to maintain hydrology. They are not using wetlands for prohibited stormwater treatment; this will occur upstream
- Methods section outlines creation and maintenance, monitoring of Isolated Wetland
- Test pits: Soil testing was done for areas that could be reached; hand augering as well to develop a representative soil profile and compare overburden/natural soil over bedrock. Soil is very shallow in most parts. Peer Review set condition that prior to Building Permit issuance, test pits would be drilled to ensure stormwater system data is accurate
- Revised Plans submitted to DEP? Package was sent but they may not yet have it

Tyler Glode:

- Building 4 open space: fenced in “backyard space” - is this considered open space or backyards? Will be considered open space but hoping to make it an amenity space. Not yet fully designed, hoping to make it a patio area. Lawn w/dense landscaping is proposed for that area; fencing is for safety due to slope
- Lines shown are balconies over open space
- New dumpster location is outlined

Scott Sheehan:

- Updated storm water report?
- Where is snow storage? This is outlined and discussed

Bart Hoskins:

- Will there be an AUL in place after remediation?
- Frank Ricciardi, Weston and Sampson, LSP answers that the site will be made safe for residential development. Fill is being tested and remedy will make it safe; AUL or deed restriction, too premature to know, probably some combination of remediation but will be governed w/Mass Contingency Plan
- Investigations on remedial options have just begun; capping options are described
- Wonders about steep riprap slopes and stormwater; is there room for adding drainage/rain gardens to improve water quality during infiltration? This is all curbed, Applicant preferred a curbed, closed system w/emphasis on minimizing footprint of project. More sprawl w/passive stormwater management. Many tiny areas would be difficult to maintain. To offset, Applicant is installing underground systems, however not relying on that to do all the work, most pollutant removal load is done at level of (things similar to catch basins). Also added in ways to get water into ground via vegetative means
- Flooding/peak flow/maintenance of hydrology & groundwater recharge are important
- Infiltration provided onsite is a couple thousand feet more than what is required; infiltration is further described. Best soils for infiltration are being used
- Roof drainage and runoff are described
- Water quality unit is a hydrodynamic system utilizing a swirl system w/trap at bottom for sediments and gas trap on top for floatables. Contec system will be used; they now own Storm Scepter, the industry standard
- TSS removal - all designed for higher 1” runoff, normal would be ½” runoff, greater than 80% TSS removal, not including pretreatment via catch basins. Still meeting 44% pretreatment standard. TSS is generally higher, in the 90’s, 80% prior to infiltration, comments Chair St. Louis. Deep sump hooded catch basins mean 44% as opposed to 25% required

Bart Hoskins asks Frank Ricciardi, LSP:

- Waste/car waste - remediation in wetlands? Frank Ricciardi - did not encounter groundwater in fill, only below 30' in one boring and only a couple feet of water, so it is very deep in body of fill area so no groundwater remediation is necessary. Type of fill in place is also not typically soluble
- Hoskins wonders about MCP requirement for wetland sampling but feels due diligence would be to do additional investigation
- MCP guidelines go by seasonal groundwater
- Timeframe for evaluating waste material?
- Chair St. Louis notes that tester would have to come before ConCom if more extensive testing is needed
- Invasive plants downslope from fill - is there a plan in place for removal/subsequent enhancement? Looking to establish native meadow w/native seed mix in this area to prevent invasives from migrating there, so proposed is once a year mowing in the fall once herbaceous layer has gone to seed, keeps out woody vegetation and spreads seed in native meadow. This is best solution to provide a different plant community from what is there and keep out invasives
- Hoskins comments that one challenge is finding someone who can mow it without going "scorched earth;" Glode comments asking if meadow mix was proposed behind Building 4, worried it will turn into lawn/amenity space above riprap, rather than meadow. The Landscape Plan calls out seeded lawn; would need to minimize large woody vegetation due to the infiltration system underneath, but meadow w/small bushes would be fine. Conservation wildflower mix would be OK according to Glode, just not a manicured lawn if considered open space. What should be planted and how it should be maintained are discussed
- Retaining walls/rock slopes will be conservation mix, 20' up to building can be mowed more periodically says Chair St. Louis, Glode agrees
- Chair St. Louis: re invasive removal - please knock back to wetland boundary to the extent possible

Scott Sheehan:

- Dog park? None proposed. Initial neighborhood meetings indicated that it did come up but there was no strong interest, so Applicant did not pursue

Chair St. Louis:

- Tree canopy preservation around wetland Flag 26/27 (upland area between 2 finger lakes). Submission does not indicate quality of vegetation there; Applicant should overplant that area
- Mr. Cameron notes that someone went in and hogged out gravelous soil. There are mature trees there, probably consistent w/younger trees in the area, had not planned to do anything there and there is too much overstory and not enough soil in the area to introduce plantings

Written comments submitted:

Alvi Ibanez, 20 1/2 Barnes Rd, also submitted attachments; those comments are available on ConCom Sharepoint website

- Discrepancies: Map from OAD (Overlook Acres) different from DEP map. Map #2 differences are outlined, please do own delineations re wetlands and buffer
- One area full of water; concerned about vernal pools/endangered species/OAD claims they do not appear in wetlands in question but no studies have been done. Requests ConCom to do own study
- Stream feeds pond and wetlands, OAD claims it is not perennial but Oliver map shows it is
- Look into contamination and not take word of OAD in this matter
- ConCom please study these issues

Greg St. Louis asks the Commission to discuss these items.

- Wetland boundary reviewed previously under ANRAD; ORAD previously established, so not under our purview at this time, but Commission has rec'd endangered species priority habitat mappings, available online. Those areas are predominantly toward Swampscott/Marblehead, not along Highland Ave
- Re: perennial nature of stream, this was discussed during ANRAD process; guidance utilizes USGS mapping

as much as stratified drift and subsequent streamstats modeling, and it is not shown that those resources are there

- Vernal pools have been protected along Western side of Highland Ave. but as they are 500-1000' away, are not in ConCom Jurisdiction, so none are discussed in this project
 - Tyler Glode has reviewed streamstats and gen map, agrees that NHESP acknowledges endangered species but not along Highland Ave.
 - Scott Sheehan agrees w/Tyler Glode, when they did the ANRAD there was a thorough site visit before agreeing to wetland boundaries. NHESP is straightforward. Not to say state should not update mapping, but they are underfunded and have 350+ communities. Can't rely on DEP mapping

Steve Kapantais, 23A Wisteria St.

- Part of wetland area deeded to City? Restrictions on 1 acre donated to City as wetlands (file attached and in shared folder). Please complete deed search for land owned by City/restrictions on it
- Delineation of wetland boundary/discrepancy by Developer and map in state system. ENG please overlay on state system for Commission review
- Contamination: Land considered contaminated in 1975, owner commented add'l contamination on Barnes Rd. Request ConCom proof that contamination removed or soil testing/peer review
- Water behind building #1 - City ENG maps, perennial river requiring 200' buffer, please review
- Encroachment into 100' buffer zone: do not allow encroachment into this zone

Chair asks if the Applicant is aware of deed restrictions/transfer of land to the Commission?

- No. Document provided is a meeting minutes record of 1984 under "new business," so the Chair is guessing if there was an Order attached and if it was recorded, that the transfer would have gone through, but does not see the governing document
- As it is adjacent to other City owned properties, has the Applicant considered conservation restrictions to the City? Mr. Cameron says, outside of substantial changes to Plan w/emphasis on buffer zone, they did discuss measures that could be worked in to mark out 25' setback zone around wetland with permanent markers, may be open to a condition on permit in perpetuity to further reinforce and protect buffer zone
- Difficult to say right now with NCP process underway. Chair approves of permanent markers even if annual mowing takes place, to avoid lawn creep or dumping. Would prefer them to be the metal sign posts vs. cedar as the latter can rot after a few years. Markers should be at the limit of annual activity. Mr. Cameron: fence posts along limit of work or obvious visible areas will have markers
- re Delineation: Previously approved during ANRAD process
- re Contamination: Contractor must comply w/all NCP guidelines and LSP of record w/all state guidelines
- re Stream Delineation: Discussed in previous letter
- 100' buffer in regulations, there has been internal discussion re improving Ordinances/Regulations, creating coastal and inland regulations, this can be worked on but is not in place for this project/this winter
- Glode reiterates it has been discussed, Sheehan would like to discuss status later. Buffer zone is not a resource per say, so Applicant must protect the resource from adjacent use, assuring that this happens is ConCom's job. W/out engineering controls, buffer would provide filter strip for runoff. Between curbing and 90% TSS removal, Applicant meets protection criteria required

Steve Kapantais, 23A Wisteria St. (2nd letter)

- Project will encroach on every linear foot of buffer zone. Developer claims 14% but driveways encroach up to 50%
- Concerned about traffic/emissions
- Applicant rec'd transportation of crushed rock which produces up to 8000lbs CO2
- Contamination is yet TBD
- Stormwater/drainage not compliant w/state law
- Does the project have a positive, neutral or negative impact on the environment?

Test Pits

- Glode asks if peer review did not acknowledge test pits w/in infiltration?
DEP said test pits are required under stormwater management handbook, and ConCom will and PB should have required that test pits be conducted prior to construction; City should be present to ensure adequate offsets to ledge, and proper depth.
- Glode outlines test pit requirements; no individual unit needs more than one test pit; Mr. Cameron is mainly concerned - does not dig test pits in footprint of stormwater system, especially where so little native soil, don't want to dig up what's there b/c once touched it loses in situ infiltration properties, so bottom of bed inspection is the best way to proof excavation as suitable. Required on all projects, same process as for septic system
- A lengthy and technical discussion on hydraulic conductivity ensues. The Applicant considered asking for a waiver for recharge, given the conditions on site, but felt any Commission would ask him to "do better"
- MCP is discussed again/Glode comments that standard dust controls are proposed throughout the project? Yes, these are standard conditions
- LSP will have to monitor MCP
- Stormwater drainage Plan being compliant w/state law. IVW, etc? Scott Cameron notes previous concern was heard and did make adjustments to Basin 2 outside the footprint of Isolated Wetland, this in an area altered, not the one to be preserved. Chair discusses IVW and flow to the main wetland is also discussed

Chair Anderson notes that any opportunity to remove known contamination should be taken. He is proud of the work the Commission has done re Salem Oil and Grease, where contamination sat for 100 years and is now removed. This is a benefit to the community. Scott Sheehan agrees. "Benefit" is a broad question - is this positive for the environment? The Applicant has been responsive to Citizen concerns re moving out of the buffer zone, and cleanup is a positive.

Yes, Bill Ross requested riprap calculations for outfalls, and they are in info on plans, drawn to scale there.

Conservation Law Foundation

- Residents have environmental concerns
- Reiterates concerns as above
- Requesting that the Commission deny the project until concerns are answered:
 - Contamination and soil sampling
 - Determination & classification of waters
 - Habitat for protected species

Chair St. Louis replies that there is no special permit under Commission review, so not applicable to tonight's review. The statement that there is evidence of past contamination has been discussed earlier, and the Development team can discuss whether there "is occurring" contamination currently happening onsite.

Frank Ricciardi notes they are assessing the situation, and as of right now contaminants are consistent w/fill material but data is still being gathered so no evaluation is available yet. There is no ongoing activity adding to the contamination, currently. Meeting minutes from 1975 and '77 Commission show that the Commission voted on something, but it is not clear what.

CLF is saying "work was not done;" but the Commission doesn't know if work was conducted and accepted, or at the time there was insufficient information. There was no enforcement Order recorded, in the 1970's record keeping was different than now. The point is highlighted that the current Commission looks forward to the contamination being removed and dealt with.

Determination of waters was discussed 2 meetings ago, during the ANRAD and ORAD process; taking a picture of

water during drought is not a criterion for determining that it is perennial. The Chair notes that there is known data specific to determining it is not a river.

- Chair notes many Applicants skip the ANRAD and come in w/NOI. ANRAD is due diligence to establish the criteria they are designing to. Wetlands are identified, surveyed, obligate and facultative species, evidence outlined, all were reviewed during spring/typical breeding season. Pond by definition is not considered part of river. Perpendicular to stream beds, where stream enters a pond it is literally a perpendicular line to mouth of river where it enters the pond, not necessarily 200' into the pond
- NOI results in ORAD valid for 3 years but can be extended similar to the Order for an NOI valid for 3 years. ANRAD is similar to ANR process in Planning Board, locks criterion so Developer can design around them to ensure that no one determines that there's a new wetland that did not exist a month ago, and if wetland dries up b/c of drought, the boundary would be the leading edge of what they are designing to
- All this took place ahead of current deliberations. ORAD is still valid through 2022 as it was filed in 2019. Permit extension acts due to COVID?
- Glode: Stream perenniality better captured by USGS Stream Stats info

Linda Ferraresso, Aurora Ln - letter

- Mentions Planning Board requests and new layout
- Concerned about encroachment on buffer zone and Vegetated Wetland
- Dumpster leakage contained?
- Snow storage near building 1 too close to Buffer zone
- Loss of natural resources

Chair St. Louis:

- Commission has been discussing revision of regulations to make inland wetlands more protected than even coastal wetlands
- Dumpster item addressed in Peer review; there is a separate drain going to a treatment unit
- Snow storage was discussed; graded to slope back to paved areas. O&M manual will add note for spring cleanup, calls for debris and litter to be picked up in parking lot, will be expanded to say parking lot and abutting buffer zones

Kathleen Cohen, 27 Forrester St.

- Objects to encroachment on wetlands

Frank and MaryAnn Silva

- Discrepancies - referencing previous email from Alvi Ibanez Sept. 15
- Chair recaps that letter - touched on ORAD BioMap priority habitats, USGS map stream guidelines, vernal pools & associated areas w/in 500' and 1000' and MCP criteria as discussed

Jeanie Mossa, 6 Lemon St. Ct

- Save the wetlands; we do not need condos that will replace nature
- References same email from Alvi Ibanez

Mary Whitney, 356 Essex St. Unit 2

- Project too large for site, destroying connective open space
- Independent study of wetlands and buffers must be connected
- Vernal pools nearby and onsite
- Timing of delineation

Chair St. Louis

- Density of development highlighted as zoning concerns, not under Commission purview
- Commission when rewriting its regulations will suggest that the Planning Dept. review its criteria

- Re abutting City property, they try to garner support of abutters re connecting pathways to highlight open space and allow for passive recreation. Confusing as to whether she finds open spaces desirable for access. Commission has promoted trails and viewing platforms to highlight and advocate resources to the public
- Review of resource layers = site is not within any protected surface water etc. Not within any of those areas, which would be regulated by another body

SAFE (Salem Alliance For the Environment)

- Concerned w/resilience in face of climate change
- Consider environment and green building options
- Review wildlife and other concerns

Ward 3 Councilor Patti Morsillo

- Encroachment on wetlands - includes but not limited to Overlook Acres
- Concerned about development and climate change, though not opposed to adding housing
- City does not protect its inland wetlands despite coastal efforts

Chair St. Louis

- Knows this Ward has protected vernal pools specifically on Highland Ave as well as issued comment review letters on referenced projects trying to make coastal resiliency and inland flood control projects
- Glode comments that the Commission does offer delineation and wetland ID courses that a number of Commissioners have taken

David Freni, 5 Wyman Ave

- Requested copy of phase 1 EFA Sept. 9, has not received
- Environmental Scientist
- Concerned about lack of research into contaminants during phase 1 (not testing, historical research)
- Concerned about past contamination (same letter as submitted to Planning Board)
- Concerned about lack of transparency/lack of Applicant action on researching prior contamination
- Insinuates that testing only began after public outcry; should have been first thing to be done, not last
- PB allowed Developers to answer in meeting but he is still confused by Developer response

Chair St. Louis notes that there are a number of real and rhetorical questions

- Mass DEP lookup will show any release tracking number for any site, can Google this, will show accompanying Phase 1 documentation for a site
- Done this now, there are a number of files posted on DEP re this site, any and all testing conducted under MCP guidelines are mandated that there are reporting criteria, rather immediate or 120 day notification criteria. When ANRAD filed in front of this commission, it discussed past uses onsite and that cleanup activity would be required. Cannot speak to PB comments or request for documentation made of City but it was not a surprise to this body that remediation would be required for a habitable condition

Christine Caton McGill

- Concerned about light pollution/light trespass
- Parked vehicles cause streets to narrow/access of emergency vehicles will be impeded
- Complains of removal of evergreen between her home and hospital
- Concerned about habitat loss
- Housing crisis should be solved in ways other than new development

Chair St. Louis

- Wonders if a copy of the letter can be forwarded to the hospital (email to him, he can forward it to others as well) in order to handle offsite issues
- Final lighting plan should include photometrics that provide cutoffs at all property lines and wetland boundaries. Additional cutoffs may be highlighted where required. Bart Hoskins notes, not in our

jurisdiction, but night sky compliant lighting is desirable. Many vendors say they are compliant by default; PB has cutoffs

- ENG Dept has been conditioned to review and approve all utility upgrades including potable and sanitary, this Commission is duplicative/going w/PB peer review

Chair St. Louis reminds commenters that jurisdiction is limited to the WPA so please limit comments to that. Also, letters have been read into the record when they usually are merely distributed to Commissioners. The Conservation Commission also supports updating its regulations.

Steve Kapantais, 23A Wisteria St.

- Thanks Chair and Board for their review
- Appreciates future consideration of changes
- Re contaminated soil, testing of fill material has been discussed, below fill material is where original contamination happened; will testing be done at that level?
- Boundary between fill and native material exists; will sample all as part of MCP process
- Chair comments if Plan changes coming out of MCP those activities will have to come before Commission

Dan Ricciarelli signed in but not done w/Overlook Acres

Councilor Patti Morsillo

- Thanks Scott Cameron for pointing out liquids from dumpster
- Notes work done by PB and Developer to pull buildings out of buffer; they have been responsive to PB concerns
- Eliminate 27 parking spaces within the buffer as project has more spaces than would likely be utilized by residents

Scott Cameron:

- Concerns about the location of parking: options were explored, but would put parking below a threshold the Applicant is comfortable having enough onsite; impervious footprint in buffer has been reduced extensively and where cars are parked or driven, there is a robust stormwater management system in place, exceeding requirements
- Chair notes, regarding parking spaces: Would be a minor modification to be handled administratively on the Conservation Commission end if fewer parking spaces

Bart Hoskins asks about the riprap areas. Scott Cameron notes riprap slopes and retaining walls are counted as structural even though riprap can provide a small degree of habitat space.

- Bart Hoskins asks about between 2 and 3, what is the status of parcel?
- Not part of ownership, it is a separate property
- No way to rearrange parking to get it out of the buffer zone. 1.5 spaces per residential unit is the zoning threshold and not something they are comfortable going below
- Chair St. Louis notes the area at wall 12 is on top of the infiltration area, so must be built up
- Other parking spaces near building 3 could be pushed out of the buffer but would result in more pavement, not worth it to physically move a parking space as it is all going into the treatment system

Chair notes special conditions:

- *Permanent markers spaced at 50' intervals along the resource area (may be discussed w/ conservation agent) following grading activities*
- *Conservation mix provided at toe of slope of riprap and wall areas (as opposed to meadow mix)*
- *Invasives to be removed between development and resource area. Hoskins asks about specifying a timeline as, if it ends, invasives come back.*
 - Richard Kirby wants clarity about the specific areas to be cleared of invasives as would need to clear

cut to remove in most cases. Chair notes, if bittersweet in canopy of trees that the Commission wants to maintain, it should be treated. Phragmites is pervasive. Mr. Kirby: Removing bittersweet from trees remaining in the buffer may be an approach. Trees to be saved can be determined at a preconstruction meeting, i.e. native poplars and red maples along wetland boundary, preserve and remove vines, but do we want to remove vines from black locust or Norway maple, which are invasive trees? Hoskins was thinking just in areas the Applicant is altering

- *Restrict use of pesticides and fertilizers w/in buffer zone? This is in standard conditions*
- *Area upgradient of rock wall will be meadow mix, not lawn*
- *Restrict use of pesticides and fertilizers within buffer zone? This is in Standard Conditions*
- *Debris and litter removal of areas abutting parking lot should be done ASAP*
- *Glode clarifies: Area behind building 4 will not be lawn, as shown on plans, but conservation mix on toe slope and meadow mix elsewhere*
- Hoskins: Condition re removal of contaminants? 21E process just getting started, we don't have data to examine. *Project should report back on 21E process when this is available*
- *Condition at least 1:1 replacement/mitigation/enhancement of wetland resources lost in remediation.* Frank Ricciardi says reports, etc. to be submitted will be public record and will also be reported to ConCom. If any encroachment, BVW or Wetland Resource areas, will be reported also
- Hoskins: ConCom is not in a position to know status unless it schedules a report back. Chair: Testing is underway now, add'l reporting of state should be filed by April of 2021; Commission should request informal update in April. Hoskins wants to know if potential groundwater/surface water discharge has been investigated; MCP not good about it, LSP's have latitude whether or not to do it
 - LSP Frank Ricciardi assures the Commission he will be examining it and outlines the process
 - *St. Louis: Is there language/timeframe available to provide Commission with an idea of when an update would be available? April for wetland data and remediation plans; if remediation results in changes to the wetlands, Applicant must return before Commission*
 - *Chair suggests that condition highlight that any work, not limited to testing, clearing, filling, grading, outside proposed limit of work as shown on C5 (limit of work Plan); that any substantial such above activities will be subject to review and amendment as necessary following subsequent MCP permitting and activities*
- *Chair: Snow removal required when snow storage areas are at capacity; none is allowed over retaining wall areas; this language is a standard condition but worth highlighting*
- *Dumpsters enclosed? Fence should be shown, this will be a condition, that it should be enclosed to prevent migration of debris*
- *Test pits/ bottom of bed inspections done/ witnessed by city prior to installation/ construction of detention areas*
- *Add a Condition referencing previous Peer Review and comments from stormwater review be commissioned for consistency*

Scott Sheehan moves to close the public hearing, is seconded by Tyler Glode, and the motion carries in a roll call vote.

Tyler Glode	Yes
Bart Hoskins	Yes
Greg St. Louis	Yes
Scott Sheehan	Yes
Malissa Vieira	Yes
Dan Ricciarelli	Recused

Sheehan moves to issue an Order of Conditions with the above special conditions, is seconded by Bart Hoskins, and the motion passes in a roll call vote.

Tyler Glode	Yes
Bart Hoskins	Yes
Greg St. Louis	Yes
Scott Sheehan	Yes
Malissa Vieira	Yes
Dan Ricciarelli	Recused

D. 0 Story St Subdivision Lots A, B, & C and construction of roadway – DEP #64-704, #64-705, #64-

706, & #64-707

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.

Present are:

Stephen Lovely, Applicant

Chris Mello, Eastern Land Survey

Discussion of lots A and C. These are the only lots in question today.

Chris Mello, regarding Lot A :

- Dwelling is shown, mostly out of buffer zone
- Home proposed w/driveway and utilities from Cleveland St.; these will be out of buffer zone
- Erosion controls shown
 - Minimal grading, house will take advantage of hill
 - Chair: Grading appears to maintain existing flow paths? Yes; grades are described . Driveway is 16' wide; Chair suggests placing a crushed stone trench on downgradient slope of driveway to mitigate add'l water. A 2'x2' infiltration trench on right side of driveway can be installed to infiltrate surface water
 - Why so steep in that area? This is to utilize grade and avoid building retaining walls
 - Distance between contours 22 and 30? 60' or 10%. Chair notes if above 12%, it gets steep. Options are discussed
 - Install drip edge if no gutters on building

Lot C

- House and utilities will be in buffer zone
- Grading and erosion controls are described
- Resource area markers will be installed in 2 locations
- Driveway is flat
- Chair asks about driveway/roadway/wetlands - this is outlined
- Current paving on the lots is described; removal of pavement is discussed
- Silt barrier should encompass removal of pavement; this is pointed out
- Glode asks about right of way access and this is clarified
- Siting of house is discussed
- All construction in lot C is buffer zone activity

- Sheehan: Plan is to remove a lot of impervious surface from Lot A, but w/construction in Lot C are there plans to capture rainfall from impervious surfaces? Provision of infiltration trench on right side at end of driveway, along w/drip edges, as on Lot A, can also be done to alleviate runoff
- Chair suggests that homeowners get in trouble here, suggests putting split rail fence 10' off the resource to avoid lawn creep. Applicant is amenable to this but wonders if it can be less than 10' in a few parts as it is tight.
- Hoskins: Terraced land of Lot B is filled wetland? In not only the buffer but what used to be wetland? Hard to tell. Feels it is a significant encroachment; wonders if there has been delineation or soil testing
- Mr. Lovely notes an RDA/ORAD was done/approved by Bill Manuel of Wetlands Management. Paving has been there for years, borings have been done, test pits are outlined. Indicates some fill, so that is probably the case, but not in the recent past
- Ricciarelli: Test pit 700 has been submitted in a prior application
- 1915 for Lot C, long before WPA
- Glode: Cleveland St. as paper road/ public street is discussed, as related to wetlands. Where properties end is in question. Property would end, at end of stairs, they would own underlying portion but end of street is not "up for grabs," vehicles have right to pass
- Applicant feels Cleveland St. is "developed"
- Cleveland St. right of way dimensions/paving are discussed; Glode is concerned about emergency vehicle access. Chair states if Fire Dept., Planning Board or Police Department wants hammerhead or cul-de-sac, so be it, but otherwise, tear out pavement unless otherwise directed
- Chair looks for motion to continue Lot B and roadway as they are not being discussed tonight
- Plans re drip edge, infiltration, erosion control will be amended before next meeting

Chair opens to the public. Brittany Dolan outlines written comments

Linda Tardiff, 15 Story St.

- Concerned about development and proximity to wetlands
- Claims Cleveland St. lot was denied previously due to this proximity and b/c Arthur Ravi was dumping on the lot
- Attachments included
- Pat Chasse has been doing construction work at night, and has filled wetlands on her property, which was deeded to her by Mr. Higgins
- Debris and trash on property, wonders if it has been surveyed
- Concerned about loss of wetlands/flood mitigation
- Additional, non-jurisdictional issues are outlined in the letter but are available publicly

Catherine Bradbury, 15 Story St.

- Concerned about buffer zone
- Edge of wetlands when not in drought much closer to houses
- Concerned about erosion after tree removal on embankment/0 Story St. would need to build retaining wall
- Ricciarelli asks about Lot C Elevation - this is discussed, 10-11' above resource area
- Relief/retaining wall Lot C and 14 Cleveland St? Proposed retaining wall on Chasse/Bradbury property between 3-6' high to accommodate elevation change, on property of Lot C

A motion to continue Lot B and the roadway is made by Ricciarelli, seconded by Sheehan, and passes in a roll call vote.

Tyler Glode	Yes
Bart Hoskins	Yes
Greg St. Louis	Yes
Scott Sheehan	Yes
Malissa Vieira	Yes
Dan Ricciarelli	Yes

Glode wonders about other letters submitted. There was one other read at a previous meeting. Fencing is discussed.

Joan Lovely, 14 Storey St., wife of Steven Lovely

- Describes houses are for their adult children
- Removal of pavement will be a benefit
- Cottonwood trees on Lot A will be preserved; preservation efforts are described
- Chair adds they may want to drop granite blocks/add trees to prevent overplowing/vehicles driving over topsoil
- Also move hydrant so it does not get hit; Applicant is open to this

Councilor Patti Morsillo

- After all went through w/Overlook Acres, would be hypocritical to not speak out about buildings in the buffer zone. If was important on Highland Ave, it is just as important here
- Applicant says it is not possible to build out of buffer zone, there are no exemptions about building in buffer zone, just stormwater mgmt. Single family homes are exempt from stormwater, 1-4 units you do what is most practical, only comply w/stormwater mgmt above 9 units
- Hoskins: exceptions have been made for decks, driveways, etc, but not for entire homes and appurtenances, this is a step beyond all that. Instead of ripping up paved area, could homes be moved into that area?
- Mr. Lovely knows Lot C is in the buffer zone, but feels that mitigation is the removal of 10K square feet of pavement there, which will become open space and provide stormwater management
- Chair does not want to belabor the point, but highlights:
- Criterion under NOI process for limited projects, and a single family home is a limited project under WPA, he quotes relevant section. Criterion and those that establish a limited project are meant to not chastise smaller single family homeowners that will be mowing backyards and doing basic work
- Salem has seen many times, to its detriment, whether it is Applicants or Abutters or state, seeking superseding orders that end up removing local conditions applied by this or other local entities, then ConCom loses control, and limited project in state eyes may move forward as it is buffer zone only project
- Much discussion on value of buffer and resources, he does not want to diminish these, but this is a filled criterion, there is a benefit to community remove pavement, safe way to mow lawn w/out dumping clippings in waterway, downtown Salem seawall and pavement have been there 200 years
- He feels it does not pose a hazard to the resource, not a heavy lift for the Applicant, and if shot down, he could go to DEP and have ConCom decision overruled. ConCom has pushed back on a number of project, North River still infuriates him b/c state operated and prioritized different things than ConCom
- Zoning should be doing zoning work, and local bylaw should be protecting the resource; if lots are desired to not be developed, zoning should be changed. Not looking to undo decisions previously made by others
- Glode: Existing pavement to be removed in buffer zone: 10,000 SF, approximately. Glode notes impervious asphalt is detrimental in general, built area vs. removal of pavement, he is in support of project
- Sheehan: 2 different DEP file numbers, will stand alone. Have to condition Lot A on removal of asphalt, Lot C would be separate. ORAD and resource areas, recharge are discussed further
- Dan Ricciarelli questions the placement of the garage, could it be placed to the side to allow a straight pull in rather than 90 degree turn? Logistics of this are discussed
- Fence and resource area are discussed
- Glode reiterates benefit of removing pavement, significant even after addition of houses and driveways, suspended solids and pollutants will drop

A motion to close the public hearings for items A and C is made by Hoskins, seconded by Ricciarelli and passes in a roll call vote.

Tyler Glode	Yes
Bart Hoskins	Yes
Greg St. Louis	Yes
Scott Sheehan	Yes
Malissa Vieira	Yes

Dan Ricciarelli Yes

A motion to issue an Order of Conditions for Lot A, subject to special conditions as discussed, is made by Tyler Glode, seconded by Bart Hoskins, and the motion carries.

Tyler Glode	Yes
Bart Hoskins	Yes
Greg St. Louis	Yes
Scott Sheehan	Yes
Malissa Vieira	Yes
Dan Ricciarelli	Yes

Removal of pavement is on Lot A.

A motion to issue an Order of Conditions for Lot C, subject to special conditions as discussed is made by Tyler Glode, seconded by Bart Hoskins, and passes in a roll call vote.

Tyler Glode	Yes
Bart Hoskins	Yes
Greg St. Louis	Yes
Scott Sheehan	Yes
Malissa Vieira	Yes
Dan Ricciarelli	Yes

E. 24 Fort Avenue – DEP #64-xxx – Public Hearing – Notice of Intent for City of Salem, 98 Washington St, Salem, MA. The purpose of the hearing is to discuss the proposed repairs to the existing Salem Deep Water Berth located at 24 Fort Avenue within an area subject to protection under the Wetlands Protection Act MGL c131§40 and Salem Wetlands Protection & Conservation Ordinance.

Seth Lattrell of the Planning Dept. and Port Authority Deputy, presents the project. Repair work is described; funding for improvement had been obtained but shifts in pier structure were noted.

- Historically used for coal ships for the old power plant, now operated by the City though owned by the Power Plant, will be conveyed to the Port Authority
- Cause of pier deflection was identified, placed limitations on use, no cruise ships this year so immediate improvements not needed, but want to implement before next cruise season

Curtis Cheney, Collins Engineers, Project Engineer

- Section views shown
- History of structure described; 2015 concrete platform installed, sheet piles and timber wharf
- Interior sheet pile system has deteriorated, impacts of this are described
- Install new supports on masonry side, strengthen those on timer side, remove others to allow it to deflect freely and be supported with stability
- Chair asks if it was not riveted/pinned on left side; beams were bolted to timber bearing blocks on a steel angle, but did not provide lateral support
- Lattrell notes that interior beam on sheet pile was not meant to be main load support; it was not necessary but it was not anticipated that sheet pile wall would shift; not sure what cause of shift is but can eliminate and stabilize inshore piece
- Capacity will be reduced but it is not meant for the original cargo handling it was designed for anymore
- Additional details are shown and discussed
- Chair wonders why put timber anything instead of lagging into seablock. They are lagging into masonry. Reasoning/work is described
- Chair is still concerned that if lateral shearing occurs again, tensile strength of timber is less than concrete. No longer relying on timber block, steel angle doweled into concrete, setup and new support is described.

There will be more lateral support

- Both ends are pinned. No timber will be bolted to concrete; will still be there though
- A piece of concrete will be poured on top of granite block. Locations of timber and concrete are discussed at length
- Lattrell notes that repair is “temporary” or short term, pier itself will not last 50 more years, trying to fill gap while figuring out what to do w/overall facility, new berth will probably happen in next decade
- Impacts: 50 square feet of LSCSF, intertidal but not classified as coastal beach or bank, within designated port area, performance standards are less. Comment letter from DMF recommended debris boom, included in proposal, oil spill kits on any landside equipment
- Work is mostly behind sheet walls which will provide turbidity mitigation
- Work will be done mostly landside mostly by hand; marine contractors may also bid though

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 in a roll call vote.

Tyler Glode	Yes
Bart Hoskins	Yes
Greg St. Louis	Yes
Scott Sheehan	Yes
Malissa Vieira	Yes
Dan Ricciarelli	Yes

A motion to issue Order of Conditions with standard conditions is made by Ricciarelli, seconded by Sheehan, and passes in a roll call vote.

Tyler Glode	Yes
Bart Hoskins	Yes
Greg St. Louis	Yes
Scott Sheehan	Yes
Malissa Vieira	Yes
Dan Ricciarelli	Yes

II. OLD/NEW BUSINESS

a. Discussion on creation of log bridge within Forest River Conservation Area

Dick Simmons from Swampscott Conservancy is present.

- Link established between Swampscott and FRCA, trail has been set and blazed
- Only issue is a crossing; one user created trail does not go over bridging of brook, whereas connector trail does
- Trail and brook crossing are described
- Corduroy bridge discussed for crossing
- Bart Hoskins asks about proximity of the green trail to train tracks; it is about 20' above them
- A site visit will be arranged
- Mr. Simmons is willing to set up a trail map from Salem Campus if the Commission desires
- Chair mentions Forest River Trail Study; Mr. Simmons has seen this
- Metal placards, which are slightly reflective, are preferred for blazes
- Conservancy is happy to pay for dots, would be put on trees with nails. Commission can share the cost
- Eagle Hill Clearing: Well intentioned, building memorial for friend who has passed, but this is not a good use of Conservation land. Brittany Dolan notes no trash or debris, cleaned up but clearing of vegetation/stumps has occurred. Trees have been replanted with mulch. This is also the site of some burnings. Makeshift flagpole is also there
- Area in question is further discussed

- Friendly enforcement through City should happen
- Glode wonders, if veteran-related, some other options offsite exist
- ConCom will pay for placards on Salem side
- RDA should be put in for cutting of new paths; Commission can waive or pay filing fee

b. Ratification of Emergency Certification for seawall repair at 8 Harbor View Terrace

- Chair and Agent have authority to authorize emergency work, then Commission votes at next meeting
- Footing on seawall is deteriorated along entire length, especially at one corner
- Proposing reconstruction of footing
- Commission has no issues with the work

Ricciarelli motions to ratify the emergency certification, is seconded by Glode, and the motion passes in a roll call vote.

Tyler Glode	Yes
Bart Hoskins	Yes
Greg St. Louis	Yes
Scott Sheehan	Yes
Malissa Vieira	Yes
Dan Ricciarelli	Abstain

c. 16 Nurse Way – DEP #64-611 – Request for Minor Modification

Tabled until next meeting

d. FY21 Community Preservation Plan – Request for Comment/Input

Due Friday, comments may be submitted to Brittany Dolan by email

III. APPROVAL OF MINUTES

a. September 29, 2020

Tabled to next meeting

V. ADJOURNMENT

A motion to adjourn is made by Ricciarelli, seconded by Sheehan and passes 4-0.

Tyler Glode	Yes
Bart Hoskins	Yes
Greg St. Louis	Yes
Scott Sheehan	Yes
Malissa Vieira	Yes
Dan Ricciarelli	Yes

The meeting ends at 11:53PM.