

CITY OF SALEM CONSERVATION COMMISSION

*The Salem Conservation Commission held its regularly scheduled meeting on **Tuesday, April 20, 2021 at 6:30 PM via remote participation.***

Approved MINUTES Salem Conservation Commission Minutes of Meeting

Date and Time: Tuesday, April 20, 2021, 6:30 p.m.
Meeting Location: Zoom or call-in
Members Present: Chair Gregory St. Louis, Scott Sheehan, Malissa Vieira, Tyler Glode (arriving late), Bart Hoskins (arriving late) (5)
Members Absent: Tom Campbell, Dan Ricciarelli (2)
Others Present: Kate Kennedy, Conservation Agent and Tom Devine, Planner
Recorder: Stacy Kilb

Chair Greg St. Louis calls the meeting to order at 6:36PM but there is not yet a quorum. Tyler Glode arrives at 6:43PM.

I. ROLL CALL

II. REGULAR AGENDA

- A. 462 Lafayette Street** – Public Hearing – Request for Determination of Applicability for Helen Sides, 462 Lafayette Street, Salem, MA. The purpose of the hearing is to discuss the proposed renovation of an existing house within an area subject to the Wetlands Protection Act MGL c131§40 and Salem’s Wetlands Protection & Conservation Ordinance.

Helen Sides, Architect, presents the project. She discloses that she is also on the Planning Board and Design Review Board. Cresene Sanglap, owner, is also here. The proposed work is described as a small addition on the back of the house.

- FEMA map, property is within setback.
- Photos are shown; deck and stairs have been cut back. An 8’ x 5’ second bathroom will be added where the deck overhangs.
- Deck Footings can be reused.
- Plans are shown.
- Cresene Sanglap was informed that she did not need flood insurance. Chair St. Louis comments that the FEMA Flood Map appears to place the property in a 100-year flood plain with elevation, which can affect how the Commission proceeds with the Application. If within the floodplain, the structure should be built above elevation 16. This is discussed.
- This is an above-grade building expansion; existing footings will be used if that is important.
- Chair St. Louis comments that the Sono tube size for habitable structures has increased in

- previous years; Ms. Sides notes that a structural engineer has been consulted.
- Property location and FEMA map is discussed. The structure is in the buffer zone and appears to be otherwise outside the resource area. There are no restrictions regarding work in the buffer, however the Commission does discuss climate change and sea level rise, and appropriate solutions.
- Chair comments that structure is piles and no enclosed space shall be at grade, ensuring unobstructed flow of water into coastal floodplain.

A motion to close the public hearing is made by Tyler Glode, seconded by Malissa Vieira, and passes 4-0 in a roll call vote.

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

A motion to issue a Negative 2 and a Negative 6 Determination is made by Tyler Glode, seconded by Malissa Vieira, and passes 4-0 in a roll call vote.

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

- B. 21 Hemenway Road** – Public Hearing – Notice of Intent – for Ana and Sean M. Monahan for property located at 21 Hemenway Road, Salem, MA. The purpose of the hearing is to discuss the proposed repairs of existing seawalls, site work, and landscaping, within an area subject to the Wetlands Protection Act MGL c131§40 and Salem’s Wetlands Protection & Conservation Ordinance.

Scott Patrowicz represents the Applicant. As there is no DEP File Number for this item, he requests that it be continued without opening to the May meeting.

A motion to continue to the May 2021 meeting is made by Malissa Vieira, seconded by Scott Sheehan, and passes 4-0 in a roll call vote.

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

- C. Bridge Street and North Street Intersection – DEP #64-719** – Continuation of a Public Hearing - Notice of Intent for Linda Calnan, SiFi Networks, 55 Madison Ave, Morristown, NJ 07960. The purpose of the hearing is to discuss the proposed construction of a telecommunications shelter and diesel backup generator within an area subject to the Wetlands Protection Act MGL c131§40 and Salem’s Wetlands Protection & Conservation Ordinance.

Linda Calnan presents the project.

- Changes requested last month have been made and approved by the Building Department.
- Jim Buhrdorf, EF2 outlines the changes.
- Overall site plan (not changed)
- Foundation redesigned to be out of flood zone; doorway now at 11'.
- 1.5" curb now proposed around foundation, to protect area from leaks.
- Elevation views are shown, as well as Plan view of foundation. Raised foundation is now proposed and is described.
- The design of the foundation and perimeter are discussed, along with containment capacity. The Chair asks to see the math. The Applicant can provide this to the Agent.
- Stairs to the pad will be integrated into the foundation on the south wall.

There are no comments from the public.

Bart Hoskins has arrived as of 7:17PM but will not vote on this item.

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

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

Special Conditions:

- Curbing to be modified as discussed.
- Changes to be run by Agent.
-

A motion to issue an Order of Conditions, subject to standard and the above special conditions, is made by Malissa Vieira, seconded by Tyler Glode, and passes 4-0 in a roll call vote.

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

III. OLD/NEW BUSINESS

A. 117 Marlborough Road – DEP #64-363 – Request for Certificate of Compliance

Tracy Misuraca represents the Applicant; a title search disclosed two Orders of Conditions with the same DEP number. No as-built plan was available at the last meeting but has now been created by Chris Mello of Eastern Land Survey and submitted to the Agent. As built plans are shown. No deviations from the original Order were found. Mr. Mello noted that the dwelling was smaller, along with the deck, the walkway was larger, and the driveway relocated, all done before the client bought the property from the builder.

The Chair requests that the remains of the silt fence should be pulled out if the site is stabilized. Ms. Misuraca notes that the closing is scheduled for the 22nd and asks if the Certificate will be ready by then; unfortunately it is mailed to each of the Commissioners individually and multiple signature pages submitted. The Agent then informs the Applicant when it is ready. A note from the Agent can suffice as the actual Certificate will not be available for the closing. The procedure to show the buyer that the Certificate just needs to be signed, is discussed.

A motion to issue a Certificate of compliance is made by Bart Hoskins, seconded by Tyler Glode, and passes 4-0 in a roll call vote.

Greg St. Louis	Yes
Tyler Glode	Yes
Scott Sheehan	Abstain/no audio
Malissa Vieira	Yes
Bart Hoskins	Yes

B. 20 Colonial Road – DEP #64-699 - Request for Certificate of Compliance

Will Schkuta represents the Applicant. Everything was built in compliance with the Plans.

There are no comments from the Commission or the public.

A motion to issue a Certificate of compliance is made by Tyler Glode, seconded by Bart Hoskins, and passes 5-0 in a roll call vote.

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

C. 50 Fort Avenue -SESD – DEP #64-576 – Request for Certificate of Compliance

No one is present from SESD for this item.

D. Request for funding for consultant services to support the update of Salem's wetland's policy, and funding for staff and member training.

Tom Devine, as usual, only comes back to ask for money and the ensuing hazing upon making the request.

- Chair Greg St. Louis is advocating hiring a consultant for this update. Research and internal meetings have been done, and a working group formed. They have gone as far as they can without an expert.
 - The scope would be to have a consultant lead public forums and be the expert who translates technical information so that all laypeople can understand and provide feedback, as well as to draft the policy, whether an ordinance update or wetlands

regulations. This could cost up to \$40,000.

- The Chair does not want to spend all the Commission's funding on just this, so Tom Devine and the Planning Department have proposed that the Commission pays for 25% of the cost. The request to the City Council is for \$30,000, and they are requesting that the Conservation Commission pay \$10,000.
- Chair St. Louis notes that this has become a widely discussed topic with legal ramifications, and that having an expert on hand can shoulder that burden for the Commission.
- Malissa Vieira: would this be a person in a full-time position? No, rewriting regulations happens from time to time. The advantages of having consultant on board for next 6 months are outlined. Should be a bulletproof regulation, not appealable by DEP etc.
 - Outside consultant - getting better deal than before Pandemic b/c do not need to pay travel time for remote meetings.
- Funding for staff and member training is also being requested. If any members of Commission or staff want training, dollars go further due to no travel.
- Amount previously voted upon?
- Approving again with a new agent would be a re-affirmation. The Agent may seek reimbursement of MACC fundamentals for Conservation Commissioners. She also joined a working group for updating local bylaws, ordinances, regs incorporating climate change and adaptations.

A motion to approve the 25% RFP cost for rewriting regulations is made by Malissa Vieira, seconded by Bart Hoskins, and passes 5-0 in a roll call vote.

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

A motion to reaffirm up to \$500 for Commission members and \$100 for staff, for training, is made by Tyler Glode, seconded by Scott Sheehan, and passes 5-0 in a roll call vote.

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

E. National Grid- Boston Gas Company – notification of exempt public utility maintenance

- Kate Kennedy, Agent, notes that typically these are filed but wanted to notify the Commission.
- Chair St. Louis notes there have been issues w/stockpiling of materials in flood and buffer zones, as well as staging next to drainage inlets and channels, causing sediment to enter stormwater system so we have jurisdiction if there are problems.
- The Public Utility exemption holds only if replacing in kind in roadways, but if they are upgrading facilities in diameter or low to high pressure, exemption does NOT apply.

- Commission has sought to ensure National Grid continues to use best practices in these items.
- Depending on where they are working will influence whether Commission tells them to apply.
- Tyler Glode asks if they apply are they still exempt? They are required to notify us of their exemption. That is what this is.
- Gas line pipes are being replaced but existing will be left in place. Bay View Ave is on southeastern tip of The Willows, a single family housing neighborhood, entirely within the flood plain. Whether or not the exemption still applies is discussed. If capacity is being increased, or pressure is being increased, they must appear before the Commission. Previous projects are discussed.
- Kate Kennedy will reach out and get details on the size of existing and replacement pipe and share with St. Louis.

Scott Patrowicz mentions the Hospital sign at Dove Ave. and Jefferson.

- Permit still active? Unknown, a lot of work is done but not finished. It is unknown if footings will need to be replaced or only the above ground part, hence the request for a study. This is in the flood plain and 100' riparian zone so he is proposing a temporary investigation. If same sign and footing as investigation, will ask for minor activity to replace in kind, but this is unknown. Unclear if there is a building permit for the sign as it stands.
- Chair notes area is already disturbed, and has no problem with this, but suggests pulling building jacket and if they have an existing Order, weather minor or needs to be amended, Commission should know where to look for it in the future. Mr. Patrowicz will pull together all permits pulled by Salem Hospital over the past 30 years.

Commented [SK1]: This does not appear to have been on the agenda. New business?

Commented [KK2R1]: Yes, New Business

Commented [KK3R1]: @Stacy Kilb , Yes, "new business"

The Commission has no comments, and no vote is required, but the client would feel better with a vote.

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

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

Discussion of what gets sent to Commissioners and when, in preparation for the meetings occurs. Outstanding signatures are also discussed.

Tom Devine comments that 50 Fort Ave. may be acted upon if they have the information they need, but can be tabled if not. Chair St. Louis requests to delay it until the next meeting, as he wants a physical copy in front of him.

IV. APPROVAL of MINUTES

- a. February 16, 2021 Minutes
- b. March 16, 2021 Minutes

V. ADJOURNMENT

A motion to adjourn is made by Scott Sheehan, seconded by Tyler Glode, and passes 5-0 in a roll call vote.

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

The meeting ends at 8:10PM.

Persons requiring auxiliary aids and services for effective communication such as sign language interpreter, an assistive listening device, or print material in digital format or a reasonable modification in programs, services, policies, or activities, may contact the City of Salem ADA Coordinator as soon as possible and no less than 2 business days before the meeting, program, or event.