



# CITY OF SALEM CONSERVATION COMMISSION

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## NOTICE OF MEETING

Notice is hereby given that a meeting of the Salem Conservation Commission will be held on **Tuesday, November 16, 2021 at 6:30 p.m. via remote participation, in accordance with Chapter 20 of the Acts of 2021.**

## MEETING MINUTES

*Chair Greg St. Louis opens the meeting at 6:47 pm*

### I. ROLL CALL

*Present:* Greg St. Louis, Judith Kohn, Bart Hoskins, Tom Campbell, Dan Ricciarello, Scott Sheehan, Tyler Glode

*Also in attendance:*

Commission staff: Kate Kennedy

Recorder: Hannah Martin

### I. REGULAR AGENDA

- A. 342 Highland Avenue – DEP #64 -725** - Public Hearing *Continuation* - Notice of Intent for Anthony Guba of Al Prime Energy. The purpose of the hearing is to discuss the project proposal to raze any remaining improvements and pavement on vacant lot and construct a new gas station and convenience store; work includes fueling islands, underground tanks, utilities, pavement, and landscaping. The project proposal is within an area subject to the Wetlands Protection Act MGL c131§40 and Salem's Wetlands Protection & Conservation Ordinance.

Mr. Guba with Al Prime shares site plan and details updates, based on peer review, since last meeting.

Updates include:

- Addition of a demolition plan, existing driveways being removed ahead of construction, adjusting curves, adding trees, adding sidewalks along Barcelona Ave, updated drainage system.
- Previous plans appeared like landscaping would be added along riverfront, though landscaping changes will not be made.
- Abutters driveway runs along property line; working to maintain that for abutter despite it sitting inside the riverfront area. Other option was to build a retaining wall along riverfront, though team has determined this would be not be the most aesthetically pleasing option. Additionally, would not improve the overall natural use of habitat.

Landscape plan has not yet been updated. Waiting for all other plans to be finalized before having the landscape architect update.

Review of peer review: 27 comments, of those the majority were either housekeeping or related to utility

(water, sewer, etc). Additional suggestions include adding off site catchment area and redesigning stormceptor to include potential submerged condition.

Questions about dewatering were determined to be unnecessary even at seasonal high ground water. If dewatering is determined to be needed in the future it would be done under Massachusetts regulations/standards.

Chair St. Louis notes the need to confirm grades at Highland Avenue on north side of exit driveway, contour 126. Appears there will be issues at ADA ramp across the driveway. Same at contour 124 and 123, entrance driveway.

- Mr. Guba clarifies that they are waiting for Massachusetts DOT permit for both driveways. Everything on Highland Avenue will be done in coordination with DOT. Anticipating this to be a flat depressed curve to provide indication.

Judith Kohn questions applicants willingness to commit to a maintenance plan.

- Bart Hoskins adds suggestion of condition around the survival of vegetation. Looks like plan includes the removal of current vegetation. Will be important to monitor new vegetation and watch for invasive species.
- Mr. Guba confirms applicant has no problem with this. Suspects the planning board will have similar concerns. Likely better to have one requirement/condition between the two boards opposed to two slightly different one.

No comments from the public.

*A motion to close the public hearing is made by Hoskins, seconded by Ricciarello, and passes 7-0.*

*A motion to issue an Order of Conditions subject to Standard Conditions and supplemental conditions, including supplemental landscaping plan to be finalized following issuance of Mass DOT highway permit, final permits from planning board, as well as landscaping condition to maintain all vegetation for a period not less than three years, made by Hoskins, seconded by Sheehan, and passes 7-0.*

- B. 9 Franklin Street – DEP #64 -729 - Public Hearing Continuation - Notice of Intent for Patrick Shea, 11 Franklin LLC, for the property located at 9 Franklin Street. The purpose of the hearing is to discuss the proposed twelve (12) unit multi-family development and associated site work 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.

Scott Cameron shares and details the site plan. Highlighting how a portion of the property falls in coastal flowage.

Site plan outlines construction of 12 townhomes with access from Franklin Street. Details include:

- Accommodation for fire truck turnaround.
- Two car garage parking under each unit. 6 guest parking spaces.
- Patios in the rear of each unit. Constructed out of semi permeable pavers.
- Extending sidewalk to Franklin Street. Pavement to be refreshed.
- Existing building at 11 Franklin Street to remain. No grading work needed on this portion of the property. Owner of 11 Franklin Street has agreed to a landscaping easement.

- Flood waters from property will have no change. Rear water is currently getting trapped. Currently assessing drainage to Franklin Street. Drain system reaches a man hole then suddenly turns into the Atlantic through a tide influenced pipe.

Land was approved by the commission for industrial use a few years prior. New proposals reduce the intensity of the use to residential. Relativity passive and consistent. Greats a strong transition between residential and commercial abutters.

Chair St. Louis: Should a flood gate be installed?

Mr. Cameron: Currently looking into options. Bill Ross also brought this up. Has had mixed experiences with tide drains. Will be happy to report back after connecting with City of Salem engineering department and Bill Ross.

Chair St. Louis: Are there any plans to provide notice to residents that the area could be subject to sea level rise?

Mr. Cameron: No current plans to provide notice. Property would require flood insurance, therefore residents would be aware.

Scott Sheehan: Any plans for drains in the garage?

Mr. Cameron: No flood drains in garages. Not required for this type of construction.

Mr. Cameron: Currently working on response to submit to Bill Ross. He will then issue final letter and we will work through what the conditions look like. Once settled on that, Mr. Ross will meet with engineering staff at City Hall. Not concerned about any major changes or concerns. Feel like we are in good shape.

Chair St. Louis: Are there any plans to excavate soil from property?

Mr. Cameron: Not expecting a lot. Most of the property is set and ready to accept construction. Stockpile area is set in the back of property as far away from any resource as possible. Asphalt would be removed from site. Going to need a staging area for materials that come in but typically do not sit long.

No public comments.

*A motion to continue the public hearing to December 21 is made by Glode, seconded by Hopkins, and passes 7-0.*

## **II. OLD | NEW BUSINESS**

### **A. 9-11 Franklin Street – DEP# 64-682- Certificate of Compliance**

Chair St. Louis: Believe this was tabled from last month. Last month there was a request to continue. Work was never completed.

*A motion to issues Certificate of Compliance is made by Glode, seconded by Campbell, and passes 7-0.*

### **B. 16 Nurse Way – DEP# 64-613- Certificate of Compliance**

Sean McDonnell, with Griffin Engineering, representing applicant. Looking to close out order conditions. Work has been completed. Holding compliance until entire subdivision is complete. Believe the site is complete

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enough to move forward.

Chair St. Louis: Is there a separate order of conditions of the road for this one?

Tyler Glode: I'm fairly certain but now 100% sure.

Chair St. Louis: Are all of the other orders of the condition met? All roadway construction complete? Typically we would issue temporaries. Then a final certificate when all work is completed.

Dan Ricciarelli: Is the entire lot in the buffer zone? And where is the wetland signage?

Mr. McDonnell: Signage was installed after this plan was completed. Wetland markers on fence posts on property. Believe condition called for markers on retaining wall.

Chair St. Louis: Is road way construction otherwise complete? What about walking paths?

Mr. McDonnell: I believe so. Currently working with clerk of the works. Working to complete last items on the lists: cracks in sidewalks, brush cleaning, etc. Condition was only on 16 Nurse Way, not 18 Nurse Way. 16 Nurse Way should be completed by December 21 meeting.

Chair St. Louis: Suggesting we release 18 Nurse Way and table 16 Nurse Way until next meeting

#### **C. 18 Nurse Way – DEP# 64-611- Certificate of Compliance**

Judith Kohn to make site visit to 16 Nurse Way following concerns around plantings.

*Motion to issue Certificate of Compliance is made by Glode, seconded by Ricciarelli, and passes 7-0.*

#### **D. Violation Corrections - 115 Swampscott Road**

Brian LeClair representing LCC.

Kate Kennedy shares update on violation. Including vegetation clearing on Swampscott Road. LCC came before the commission in 2018 and was given verbal permission to manually clear phragmites. Looking to discuss best way to approach this going forward.

Owner is more than happy to deal with this as the commission sees best. Possibly a minor activity permit, no cutting with machinery (only weed wackers), no uses of chemicals or an intent to spread.

Chair St. Louis: Is there any desire to plant something new here to complete with the phragmites? Or is the plan just to mow it down? Phragmites will keep coming back.

Brian LeClair: Reality is that it is very difficult to get roots out. Original plan was to cut and cut until ultimately the roots die. Not expecting any new planting to mitigate the phragmites.

Chair St. Louis: Is there a process for dealing with the cut stalks?

**Brian LeClair:** Currently just left there. Told that was ok when cut by hand.

Chair St. Louis: Need to make sure we are not cutting ones that have already seeded. Leaving ones that have already seeded on the ground would only add to spready. Doesn't seem like ground cover is very substantial.

Commission concludes that they can not condone continued harvest without a plan to address the issue. **Brian LeClair** and owner agree to look into what action local golf courses take here and come back to the commission with further thoughts and possible proposal.

#### **E. Wetlands Policy Public Forum**

Kate Kennedy shares executive summary. Public form is on November 23, 2021. First time presenting to the public. December consultants in working group will be presenting. Looking for feedback and insight in the meantime. Feedback will be critical and very helpful.

Commission agrees to submit feedback to Kate Kennedy or Tom Devine, via email, by December 21, 2021 meeting.

#### **F. Salem Housing Road Map – Community Forum Outreach**

Kate Kennedy shares recap of project. Input is welcome for public forum on housing. Helpful to be mindful that housing and development connect with the conservation commission and the reuse their work to protect. Being held November 30, 2021 at 6:30 p.m.

### **III. APPROVAL of SCHEDULE**

#### **A. Conservation Commission 2022 Monthly Meetings**

Commission agrees to hold vote for physical vs digital site plans until December 21 meeting.

*A motion to approve the 2022 monthly meetings is made by Ricciarelli, seconded by Sheehan, and passes 7-0.*

### **V. APPROVAL of MINUTES**

- A. September 21, 2021 Meeting Minutes**
- B. October 19, 2021 Meeting Minutes**

*A motion to approve the minutes is made by Hoskins, seconded by Glode, and passes 7-0.*

### **VI. ADJOURNMENT**

*A motion to adjourn is made by Glode, seconded by Ricciarelli, and passes 7-0.*

The meeting ends at 9:06 p.m.

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.