



# CITY OF SALEM CONSERVATION COMMISSION

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## DRAFT MEETING MINUTES

Notice is hereby given that a meeting of the Salem Conservation Commission will be held on July 19, 2022, at 6:30 p.m. in-person at City Hall Annex, 98 Washington Street in the 2nd floor Medium Conference Meeting Room.

*Gregory St. Louis, PE, Chair*

Members of the public attending this meeting virtually will be allowed to make comments during the portion of the hearing designated for each agenda item. Members of the public will be asked to use the virtual "Raise Hand" function in Zoom to indicate that they would like to provide comment.

Dial \*9 on your phone's dial pad to raise your hand if you are using the toll-free phone number.

Click the "raise hand" button if you are using the Zoom application on your computer or phone.

## DRAFT MEETING MINUTES

**Greg St. Louis opens the meeting at 6:34 pm.**

### I. ROLL CALL

*Present:* Greg St. Louis, Bart Hoskins, Tom Campbell, Dan Ricciarelli, Tom Philbin, Tyler Glode (6)

*Absent:* Judith Kohn (1)

*Commission Staff:* Kate Kennedy (1)

*Minute Clerk:* Chelsea Titchenell

### II. REGULAR AGENDA

- A. 1 and 2 Lee Fort Terrace – DEP# 64-756 – *Continuation*** - Public Hearing- Notice of Intent – of BC Lee Fort Terrace LLC, 2 Center Plaza, Boston MA. The purpose of this hearing is to discuss the proposed replacement of 50 apartments with 124 apartments, associated garage, surface parking, outdoor community space and new public open space at the property located at 1 and 2 Lee Fort Terrace, Map 41, Lots 242 and 249, Salem MA. The proposed work is located within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

Ann Marton, of LEC Environmental Consultants, Headquarters at 380 Lowell Street, Suite 101, Wakefield, MA, shares a presentation. Highlights include:

*Know your rights under the Open Meeting Law M.G.L. c. 30A § 18-25 and City Ordinance § 2-2028 through § 2-2033.*

- Last before the Commission on May 17 and last before the Zoning Board in June 15, next will be July 27
- Filed a 45-day MEPA EJ Notice in June for expanded environmental notification form with MEPA mid-August
- Realize the commission has sent this out for Peer Review and understand the hearing will be continued
- Property Boundary in red is 3.42 acres in total
- Areas have land subject to coastal flowage at elevation 10 shown in blue
- Landlocked Commonwealth Tidelands extending 250 feet from Mean High Water to Collins Cove
- Proposing 124 units at 100% affordable.
- 1, 2, and 3 bedroom apartments
- Reduced footprint by 3,204 feet
- Shortened east and west wings from Fort Ave neighbors
- Shifted building westerly and away from existing tree line buffer to Memorial Park
- Still have 100 parking spaces (86 under building and 14 surface)
- Passive House design using low embodied carbon materials and all electric with solar PVs
- Many of the changes are done to landscaping

Monique Hall, landscape architect with BSC Group, continues the presentation. Highlights of Landscaping:

- Advertised meetings for community design and public open space areas to receive feedback and three community design meetings have been conducted
- Incorporated 6 new canopy trees and a soil buffer to give the sidewalk a buffered edge between the vehicle traffic and helps make the street feel a little smaller
- Focused heavily on understory trees for habitat and comments from ZBA and community design group – and understory to reinforce east buffer
- Public seating throughout including cafe tables, benches with arm rests, picnic tables
- Majority of the seating is planned along the east edge with existing trees and shade
- Three large trees remaining on site along the east edge
- Fire lane has been altered slightly and been brought closer to the building and now meanders closer to edge instead of straight shot, will be using concrete instead of asphalt for sidewalk with reinforced lawn
- Several locations saved for public art to be added
- Previously showed biorientation raingardens have been moved closer to Szetela lane as buffers
- Adding 1 additional bocce court (2 total)
- Terraces are now accessible from the garage
- Expanded victory garden
- Asphalt changed to color asphalt
- Multi-use lawn still remains

Mark Wixted, from Bohler Engineering, office 45 Franklin Street, Boston MA continues the presentation.

Highlights of Grading and Drainage:

- Grading and drainage have no substantial changes since last time mostly to public accessible open space
- Maintain more of the existing grades and still maintaining universal ADA design with no slopes over 5% and no ramps
- Site elevations account for future flooding and Sea Level Rise
- Meets all DEP Stormwater Standards and Reduction in impervious area from existing is 5,300 square feet. Changed when added in some hardscape landscape features, allowed stone dust paths and bocci courts but able to reduce paved areas
- Low impact development features such as bioretention areas
- Similar to last design

Ann Marton continues the presentation. Highlights include addressing local bylaw (ordinance):

- The garage level is at 10.6 or 10.5 , just over the floodplain elevation.
- All residential is at 21
- Lobby is at 14
- Decrease in impervious area compared to existing by 5,800SF
- 1.26 acres of publicly accessible open space inclusive of pollinator seed mixes and bioretention cells

Greg St. Louis: At the last meeting we talked about peer reviewing. What is the status of that?

- Kate Kennedy: There have been conflicts of interest that has made it difficult to obtain thus far. I would ask the Commission to extend the peer review or add it to the scope of what is going on. I have reached out to the BSC, Beals and Thomas and Tighe and Bond. Horsley Whitten has capacity issue. Group which has interest, but of course capacity might be an issue. Others in que to reach out to X1 Associates, GZA, Stantec, Weston and Sampson, TRC Environmental, and AECOM, and GPI.

Tom Philbin: I do have a few questions. So, you mentioned the stone dust, what is below the stone dust? Is it impervious?

- Monique Hall: It will be clean wash compact with gravel base
- Tom Philbin: And for erosion?
- Monique Hall: It will be stabilized.
- Tom Philbin: Any thoughts on permeable pavers?
- Monique Hall: Yes, it was brought up. We are trying to do something to accommodate wheelchair accessibility. With pavers we do have to reinforced laws for 16' of impervious.
- Tom Philbin: What is below the lawn?
- Monique Hall: Compacted fill

Tom Philbin: Is there anything for the long-term maintenance plan of rain gardens and bioretention swales?

- Monique Hall: We have a linear establishment and are expecting to have to seed those areas twice and provide a wide variety. Our current plan has 5 seed mixes. We will have two dried seed mixes and for wet and partial wet.
- Mark Wixted: That is included in the post construction stormwater maintenance plan and storm water report, so it is included.
- Tom Philbin: Is there any concern about salt water?
- Monique Hall: Yes
- Ann Marton: We have talked a lot about the seed mixes to make sure they work, but we also talked about the plants and looked at the list that UMass Amherst and CZM has for coastal tolerant species. They might not necessarily tolerate significant inundation. We are very particular to that as there could be salt spray and sea level rise, we want to be sensitive to that.
- Monique Hall: All the plants are somewhat salt tolerant

Greg St. Louis: The only other comment I will make is redevelopment in floodplain and emergency access. How do emergency responders get to vulnerable populations that are trapped? I appreciate that you included the garage in above the floodplain. But again, if we are looking at 2030 or 2070, is there an opportunity to look at some other tide gate level or something assuming the building will be here for over 50 years?

Public Comment:

Richard Stafford, 30 Boardman Street -I will add that with Mr. Hoskins comment earlier I received a text that people trying to listen in have had a difficult time.

If the site development is proposed meets the state stormwater management standard, would the building of three stories also be in compliance?

- Greg St. Louis: So Sir just for your reference, that would typically not fall under this board's purview or jurisdiction.
- Richard Stafford: I am only asking because of the stormwater.
- Greg St. Louis: The stormwater counts would be relatively the same.
- Richard Stafford: Would it be possible to increase the amount of pervious material in the onsite developed parking area?
- Greg St. Louis: That can certainly be looked at as part of the peer review. If the applicant wants to discuss ADA access in the parking area or pervious materials in the parking area, they can. Right now, it sounds like the switched from black asphalt to colored asphalt.
- Richard Stafford: Would the subsoil test be done in 2020 be consistent with the area previously being part of the Collin Coves Flats? There was kind of wetland boring that were provided in report.
- Greg St. Louis: They did provide structural borings but would not call soil tests as far as the trade of capacity. They did have marine clay at 13 feet. They do identify other urban fill in the cross section, so we are seeing that sort of redevelopment
- Richard Stafford: In each of the borings there is reference ash and given the proximity of the power plant, is there going to be further analysis of the flyash and if it is disturbed how will that be dealt with?
- Courtney Koslow, Development Director, Beacon Communities: We do have an LSP on the environmental group that is looking at all aspects of this material and we go by all the guidelines, specifically with the ash there was not anything identified as that being an area to be concerned with, but I can look into that.
- Greg St. Louis: I guess the answer is that you are saying this building is on piles and you're not likely to excavate below. So, the disturbance to any materials will be minimal. If they are driving piles the materials would be physically pushed to the sides say geopiles and there could be a 2-foot core and a chunk of material would be set aside.
- Richard Stafford: So, if material was discovered in that area would there be further investigation?
- Greg St. Louis: Yes, there would be a URAM and there would be documents that would govern the handling of them.
- Richard Stafford: And fly ash is considered a special waste in Mass, correct?
- Greg St. Louis: I am not quite sure.

Leslie Nicolini, 13 Fort Avenue, abutter to the project: (Recap of comments and not directly quoted) -When did you guys decide to change the layout of the building, as none of us were informed? Now the three abutters here will lose water views, as well as those across the street. I was wondering when you guys would be reaching out to let us know that you are changing. I have concerns about construction as well. Many of us now work hybrid and remote, so we also want to know what the noise pollution for the school and the people working? I am also thinking about the traffic that will happen and would love for you guys to address those.

- Greg St. Louis: The building footprint is still under review and is ongoing. The applicant might have plans for other public reviews, I am unsure about set meetings.
- Leslie Nicolini: Because we are the residents that live in this area it would be fantastic to be made aware what is going on and it feels like they are doing whatever they want and not caring about the community and the residents. So, I would just love for them to work with the people who live here.
- Courtney Koslow: In this moment there is an adjusted site plan and at the Zoning Board meeting next week, we will have some renderings that we are putting together. We have made some changes there that have responded to feedback, like pulling away from the closest abutters. And there are some changes that we would be happy to find time to talk between now and hat point and work through this. We have had a very large number of meetings with larger and smaller groups along the way. Things have shifted in ways that are trying to make the building smaller and have less of a pervious footprint.



- Leslie Nicolini: Can we also address noise pollution, traffic, construction with school, firehouse and residents that live here?
- Greg St. Louis: There is a noise ordinance by the City which is handled by the Board of Health, likely construction time restrictions, typically from 7 am to 5 pm, and then traffic, generally speaking, is not handled by the Conservation Commission.

Leslie – I am concerned about 7 to 5 construction going on by the school and will reach out to them and be part of those meetings.

Cindy Jerzylo, 17 Bay View Avenue: I am concerned about the mature trees that the developer wants to cut down to build this oversized development. Recently, I have been hearing a lot about heat islands which are a result of your overdevelopment of the highly populated and dense areas. With climate change on the rise we need to take this very seriously. I believe the developers will say that they will replace some of the trees, but they will not provide shade for another 25 to 30 years. And I am sure the trees being planted will be small. They will be cutting down mature trees. Are you as a board concerned about this at all?

- Greg St. Louis: The applicant did say they are proposing pb arrays throughout the site to address some of the climate change implications.
- Monique Hall: We do have information on the trees. For the three counts in the open space, we are removing 4 and preserving 3 shade trees and providing 16 new understory trees. For the residential area most of those will remain. We will be preserving 3 of the largest trees, providing 25 new shade trees, medium size trees 14 and the smaller upper story trees will be 35 for a total of 74. Throughout the site we are removing 24 trees, preserving 6, and planting over 100+ trees.
- Cindy Jerzylo: But the trees you are planting are probably only going to be a couple of feet high and the ones you are cutting down are likely 30 feet high, so what good will it do if you are planting two feet high trees and it'll take at least 30 years for them to get that mature?
- Greg St. Louis: I don't have the planting schedule in front of me, but I would say that most of the trees in the development are two-to-three-inch caliber trees that are 12 to 15 in initial height. Do you have a variety of trees that could reach thirty feet in the next couple of years?
- Monique Hall: That is correct. The shade trees that are larger will be 2-3" in caliper. The understory trees are about 10 gallon and 6 to 7 feet in height. The reason that they need to be smaller is because we are reinforcing the existing tree buffers along the East and West edges, and we are planting in between the tree roots, so intentionally planting smaller. But all the canopy trees will be mature in 5 to 10 years.
- Cindy Jerzylo: But do you think it will offsite the building that you are putting there and the shade that is there now. It is just a single story and now you are building this 5-story building and you (the board) aren't concerned about the heat island I keep hearing about. I want to hear from the board members.
- Greg St. Louis: We are concerned, and we have rewritten our language as this for one of the climate concerns to be addressed. The combinations of additional plantings and solar rays, which are heat capturing, are other materials here that are not explicitly vegetation that help address the heat island effect.
- Cindy Jerzylo: I think it is too big of a development for this area. You are going to take a lot away from that area and a lot of the neighbors in this area think the same thing. I hope that this board takes that into consideration.

Tom Philbin: As far the asphalt and impervious go, I want to know the reduction in square footage there?

- Ann Marton: It is 5,800 square feet less for reduction of impervious surface.
- Tom Philbin: Have you looked at the heat island effect and the amount of time it would take to equal what's there now? I believe the site has a lot of pine trees in the area.
- Ann Marton: The Pine trees on the edge are actually along Memorial Park and not on the property so those will stay and will not be coming down.
- Tom Philbin: The time to equal, what is the estimate?

- Monique Hall: It is hard to say because we have such a variety. But when we speak about materials we previously had asphalt paving and now have color asphalt, which is more color reflective
- Tom Philbin: The raingarden swales, is that being added to impact the heat output?
- Monique Hall: Correct, rather than having a landscape that is full of conventional lawn, we are covering the ground with ornamental grasses which will help retain some of the heat with understory trees and flowering shrubs. So it will be more shaded and planted at various levels and will be more of a forested area.
- Tom Philbin: So, it will be a conservation mix with higher plants, grasses, taller, ?
- Monique Hall: Correct

Greg St. Louis: The solar rays, are those located on the roof at this time? Covering 80% of the roof, or?

- Ann Marton: We will be maximizing it as much as we can once we have the mechanical systems.
- Greg St. Louis: Do you know the material at this time?
- Ann Marton: We usually do a light-colored GPO or something similar. We might not do white pvc, due to glare, but a light cream or light color for heat island effect.
- Greg St. Louis: There's a lot of asphalt shingled roofs here now. Reminder building height is not in jurisdiction and reach out to other appropriate departments.

Margaret Van Deusen, 391 Essex Street: Are the rain gardens that are replacing the biorientation area, are they sized to infiltrate the same volume of stormwater and are you able to capture and infiltrate the first inch of storm water?

- Greg St. Louis: That will all fall under the peer review that the Conservation Commission is doing. So, we will look at it in more detail.
- Margaret Van Deusen: Can you say today based on stormwater calculations if that first inch would be captured?
- Mark Wixted: Yes, there is a combination of rain gardens and bioretention areas. There wasn't a replacement if that was confusing. The stormwater system completely meets and exceeds the DEP standards. We are reducing the peak rate of runoff by and peak run off from the site by decreasing the impervious area. So it meets the State and Salem standards, but that will be reviewed by an independent engineer.

Flora TonThat, 30 Northey Street: I am very excited about this project. It is state of the art, net zero or close to net zero, and this building is a great opportunity for Salem to have another or yet another building that is special case of what we can do. I was at the Conservation Commission when the ward 2 social club came before them with their presentation, and this is even better. I love that you are planting shade trees at the street edge for pedestrians. Small things like the dog waste bags over time are going to make a big difference to the quality of life for everyone. I do like Richard Stafford's suggestion of increasing the pervious surfaces and maximizing that, such as what is at Forest River Park – the drive is pervious into the facility- maybe could do that. I think Salem should have a showcase and new developments meet or exceed each level and this is the best one I have seen, and I appreciate the effort and attention to detail. I think it is going to be great. Thank you.

Laurie Albury, 11 Beach Avenue: It has been really hard to listen to this meeting due to garbled audio. I find it frustrating since we are talking about an important topic, conservation and tideplains and floodplains. I am very concerned about this building being put here. I think Salem needs to look at this location. I am for affordable housing and how to make this work, but I am not sure that this is a good idea. FEMA is offering to buy properties out that are in floodplains and court rulings have recently been put out that people shouldn't be building here. I don't understand why we are investing money in an area that could be under water. I know you are looking at the 20-year mark, but as we saw the 100-year line came way earlier than we thought.

Greg St. Louis: We will be reaching out to a handful more consultants. To the extent you gather all materials to ensure the current set are all available to the peer reviewer and try to expedite that process.

- Ann Marton: Please let us know what you need from us, and we will respond immediately.

A motion to continue the public hearing to August 16, 2022, is made by Tyler Glode, seconded by Dan Ricciarelli, and passes 6-0.

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- C. 2 Cedarcrest Road – Continuation** - Request for Determination of Applicability – application of Julie Dandreo, Six Progress Corporation, 6 Vernon Street, Salem MA, for the proposed construction of a walkway and grading, located at 2 Cedarcrest Road, Map 21, Parcel 82, located within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

Jay Polakiewicz of Hancock Associates, 185 Center St, Danvers, Mass, presents for 6 Progress Corporation

- On the northern upper side of Cedarcrest Road, wetlands are across the street and demonstrate the 100-foot buffer zone.
- Work within the buffer zone includes a walkway to the proposed house, grading utility connections. The utility connections include overhead wires, a water service to the existing water main in Cedar Crest Rd, and a sewer connection to a proposed sewer force main which goes down to the existing system
- Erosion controls encompassing grading along the site and grading slopes away from the wetland areas.
- Any disturbed areas will be covered with loam and seed
- Respectfully request the board will consider a negative determination

Greg St. Louis: So as a reminder of the Commission this is one of the four lots. The other lot is across the street on the opposite side. This one lot is an RDA, the other three lots we suggested get a peer review. There was a site walk and I didn't see any issues.

Tom Philbin: Is this the lot we were going out to peer review?

- Greg St. Louis: The three downhill lots we already requested some initial revision that pushed the house forward.
- Kate Kennedy: We decided to not close on it in case they needed additional material so that they have access to that for the peer reviews, but it wasn't included in the scope.

A motion to close the public hearing is made by Tyler Glode, seconded by Tom Campbell, and passes 6-0.

A motion to issue a -2, -6 is made by Dan Ricciarelli, seconded by Tom Philbin, and passes 6-0.

- B. 13 Cedarcrest Road – DEP# 64-755, DEP# 64-754, DEP# 64-753 – Continuation** - Public Hearing- three Notices of Intent - of Julie Dandreo, Six Progress Corporation, 6 Vernon Street, Salem MA. The purpose of this hearing is to discuss the proposed construction of 3 single family homes, associated driveways, grading, walkway, deck, stormwater management, retaining wall and sewer line, located at Map 21, Lot 59 Cedarcrest Road, Lot 1 (DEP# 64-755), Lot 2 (DEP# 64-754) and Lot 3 (DEP# 64-753), located within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

Jay Polakiewicz of Hancock Associates, 185 Centre St, Danvers, Mass, presents for 6 Progress Corporation.

Highlights include:

- Continuation from two meetings ago, have adjusted the plans to address the concerns of the Commission and the public. Some of these plans have added notes.
- Noted no blasting will be allowed for the wall or foundation
- Wetland placards will be added to the fence on top of the wall by wetlands
- Inspection ports were added to the stormwater systems
- Snow storage areas were identified on the plans.
- Wetland Flags Numbers flag numbers were added
- Most of the revisions were made to the invasive species management, planning, and monitoring plan.

Kristin Farr of Hancock Associates, 185 Centre St, Danvers, Mass, continues the presentation. Highlights include:

- Some changes to the basics plan that address some of the comments
- Added in Hay Scented Fern, white Wood Aster, Hawthorne beam, common juniper, and various other species - to provide berries and seeds for wildlife and the others provide erosion and shading and stabilization of the network provides stabilization for the slope
- Included a couple of seed mixes -mainland restoration seed mix to dry sites and conservation wildlife seed mix. This is to be broadcast to the understory to supplement the best crops and additions there.
- Bittersweet management will have vines cut at ground level and treated with herbicide including the areas in the 25 foot will disturb zone.
- Did not see any Tree of Heaven
- John Dick's review asked for a wetland characterization report which has been provided

Greg St. Louis: What is the peer review status?

- Kate Kennedy: We received a quote from BSC for peer review. We are waiting for payment from the applicant to proceed with the review.

Daniel Dandreo, on behalf of applicant, of Six Progress Corporation, continues the presentation. Highlights include:

- Reviews transcription of the previous meeting when the project was last heard.
- Does not question wetland delineation line.
- Mr. Valera got involved and spoke at the last meeting and you can pick up a lot of stuff that he said at page 10 at the bottom, and he made a lot of misrepresentations.
- Movement of the retaining wall stated is not true.
- Behind lot 1 there was a substantial area between the 25-buffer line and the area being encroached.
- Would like at a tradeoff of 600 -700 square feet so that we could simply keep the wall kind of straight. It was never mentioned in the report
- Mr. Valera represented that the area was dry and concerned that we were in the resource area and adjustments were made. Adjustments were not made but they added numbers to the existing flags out there.
- Greg St. Louis has said the applicant is in the buffer zone but not the resource area.
- John Dick has not walked the site with Mr. Valera but did have a meeting and reported back that there is no dispute on the wetland line or the delineation of the resource.
- Upland about 5-6 feet above the lowest part of the wetland line
- The interest rate has gone up a couple of points and there are four families; their names are on the plans.

Since we started this proposal with you guys and now it is 200 bucks a month for four families, it's \$70,000 over the lifetime

- Division of the retaining wall is a good separation
- The only engineering going on besides the grading is the roof drains and the roof drains are not unique to this project or conservation projects
- This is a straightforward project with no dispute about the wetlands, drainage, or buffer
- Considering I did the entire Salems Mantra quarry plan, and it only took me three years to do and implement on behalf of Salem and Swampscott, I built the driving range and the adventure mini golf in the City of Salem. So, we have a good track record and I'm asking the Board to respect the scientists, respect the PE and the talent you have on this Board, and let us move forward at that time.

Tom Philbin: We had heard from a number of residents that were concerned in the area that the conservation land is very close to it and my concern was invasive species and having a third party look at this site and make recommendation and some sort of long-term plan for the area would be beneficial. I understand long term families, but my concern is that the land area and to have an outside peer review is within the permission of the Commission to do. I would feel more comfortable having a third party come in and do that.

- Greg St. Louis: I think a lot of people on the Commission know standard practices for invasive managements, for some of those discussed here this evening, would you be more comfortable that someone inspects the invasives management being performed as opposed to spending the money explicitly on confirming a design? I bring it up because I think it is actionable as opposed to having some issue beforehand where we all know they will paint the stems and cut and identify the invasive species. They have put more time into the plan itself. I would rather see someone with that background in invasive management inspect if for us.
- Dan Ricciarelli: Inspect the work as it is being done?
  - Greg St. Louis: Yes
- Tom Philbin: My only concern with that is you can treat it and do it once, but it will come back. There has to be a plan for that.
- Kristin Farr: My plan is to track the growth of new native species as well as the prevention of invasives. It is set to begin right after the construction is completed. Normally it's like a two-year type thing where you make sure that the plants are viable, or 80% viable or something along those lines. We could do that monitoring. We're showing reporting along the way with and reports saying how successful it was and long-term treatment if needed.
- Greg St. Louis: We all know invasives are invasive, so monitoring is needed.
- Kristin Farr: One of the other things we were trying to anticipate was that we could get a partial Certificate of Compliance when the houses were done and then complete it when the planting was completed.
- Greg St. Louis: That is mortgage company specific
- Kristin Farr: Yes.
- Tom Philbin: We would need a Certificate of Compliance for construction, partial for the houses to move in, and then close it out.

Greg St. Louis: The invasive management plan submitted is when the basic management is ongoing in the field and a third-party representative of the City will be present.

- Daniel Dandreo: Basically, we have two areas and, in my understanding, we are going to do a three-year planting guarantee. When we get out there and start doing the work we are only locking in the boundary and proposing what is going on in there. But if the condition is different and you or the neighbors want something tweaked, then it can be under the conditions. This isn't going to be that we get approved and that is it. This is going to be a three-year thing and if it needs to be adjusted it will be under the three-year conditions. I think if we get acceptance that these are the two areas, then we don't have to pin it

down to a hammer tonight to what we will do. We are proposing something but if the conditions change, that is fine. It is only the area that we are agreeing on. It isn't like an outside company coming in, we will be right there on top of it.

- Kristin Farr: I want to point out that on this plan the upper left corner is what we were suggesting for a planting plan. Under general notes it details that a restoration ecologist or wetland scientist should oversee all the work done on this plan. In the event that a specified planting is unavailable, suitable substitutes will be considered but would have to be submitted to you for approval. And the contract should remove all nonnatives and prior to planting the contractor will ensure that there is a uniform 6 inches of nutrient rich topsoil.

Bart Hoskins: I am liking the idea of separating the Certificate of Compliance for the construction and the invasive plan. I am not sure I understand the need for the peer review. I think having the performance standards and what we expect to see at the end of the three years and verified that is done seems like enough to me.

- Greg St. Louis: So, you agree with the proposed perpetual condition?
- Bart Hoskins: I think it is in line with what we have done elsewhere for mitigation and restoration. I know this is a particularly sensitive area, in part because our attention has been called to the buffer zone, but I guess I am more in favor of setting the terms for what the final outcome should be and letting the Certificate of Compliance be the impetuous for getting there. People can move in and start to live there but having the certificate hanging encumbers the property in a what and serves as an incentive to meet the standards.

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

Greg St. Louis: A reminder that most of the items I suggested as special conditions has been included in plans set as previously discussed by the applicant. As a reminder they were flag numbers, no blasting, three-year monitoring of plantings, an electrician system, grading across lots for one and two to be combined for potential reduction of the retaining walls, wetland signage at three plaques per retaining wall, and expanded invasive management plan.

A motion to issue an Order of Conditions subject to standard conditions and special order of conditions as discussed in the public meeting is made by Dan Ricciarelli, seconded by Tom Philbin, and passes 6-0.

- D. 57 Memorial Drive – DEP# 64-758 - Public Hearing – *Continuation* - Notice of Intent – of Justin Mattera, 57 Memorial Drive, Salem MA, for proposed stabilization of a disturbed embankment and relative upland site work, within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance**

Susan St. Pierre -on behalf of the applicant, shares a presentation. Highlights include:

- This project requires a waiver for the new buffer zones contained in the new ordinance
- Provision in Section 8 of the wetland ordinance states that the setback ordinance does not apply to Chapter 91 license if water dependent and the work is needed to protect the interest of the act, so a waiver has not been prepared
- Hoping to perform as soon as possible
- Collins Engineering has suggested doing the work as soon as possible for environmental and safety reasons
- Hoping to proceed with work while pursuing Chapter 91 license
- Part of the site is on property owned by the City and awaiting right of entry

Greg St. Louis: I agree that the provision of the bylaws specific to addressing a number of seawalls in Salem

and that was the purpose and intent. Where is the City property line?

- Kate Kennedy: Points out the property line and jurisdiction line on the plans.
- Susan\_\_: All the work is on the City of Salem property
- Greg St. Louis: As long as the license from the City is provided, I have no issues with that.

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

A motion to issue an Order of Conditions, subject to standard conditions, is made by Dan Ricciarelli, seconded by Tom Philbin and passes 6-0.

Susan: Is it possible for the Commission to advise the property owner to proceed with the work as soon as possible and make that part of the vote or in a letter?

- Greg St. Louis: I would like to say our previous letter identifies stabilizing as an immediate action, but there are other substantial improvements that are off your site. Maintaining temporary measures should be ongoing, pending laws.

**E. 67 Derby Street – Salem Harbor** - Request for Determination of Applicability- of Fort Point Associates, Inc., for work consisting of geotechnical borings and dredge sampling associated with proposed future dredging of Salem Harbor, located within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

Seth Latrell, representing the Salem Harbor Authority, speaks on behalf of the applicant. Highlights include:

- Representing work that is directly related to the offshore wind turbine development
- Crowley is currently not able to pursue permits for the property, but it is within our purview
- Includes geotechnical work and sampling

Richard Jabas of Fort Point Associates, located at 31 State Street, Boston, shares a presentation. Highlights include:

- Project site is at 67 Derby Street in the northwest corner of Salem Harbor
- Work being done just offshore of the former Salem powerplant
- Existing conditions have:
  - 42 Acres
  - Turning basins are about 18 acres with 32-foot depth
  - Water access from federal navigation channel;
  - Land access through Derby Street
- Borings and samplings will generally be just off the main portion of the project site.
- The purpose is to characterize the sediment and geotechnical conditions to help support the project design including the pier and wharf
- Determine dredge disposal location
- Sampling plan to support dredging for future large vessels
- 26 geotechnical borings
  - Located throughout in water portions
  - Characterize sediment qualities and constituents
  - Samples taken from barge and drilled into bedrock
- 15 shallow dredge samplings:
  - Characterize dredge material for management and offshore disposal
  - Use of 4 to 6" diameter corer up to 20 feet below the mudline
- Generally done along the existing piers

- Boring equipment will be a barge with boring equipment on it and a vibracorer for the shallow dredge
- Borings will occur within land under ocean, nothing will be upland or in shallow water
- Cumulative temporary impact area of up to 8 square feet
- No adverse impacts to functions and values of the resource area
- Work will comply with Land Under Ocean Performance Standards
- No discharge of any pollutants during construction
- Geologist/geotechnical engineer onsite during all activities for any sign of hazardous waste or a spill of hazardous waste
- Intent to start sampling in July, if approval is received and through September

Dan Ricciarelli: Can you describe the 8 square feet again?

- Richard Jarbas: Each sample is about 5 inches in diameter, adding to 8 square feet impact.

Tom Philbin: When you do the borings how are you going to prevent sediment from escaping into the ocean?

- Richard Jarbas: Based on my understanding, there may be a little bit, but other methods would have more.
- James Marchland of the PCA: So, the shallow samples are essentially a continuously vibrating thing. The test borings, we will be driving 4-inch casing down to the sea floor and advancing that. Within that casing the drill rods and samples will go through that. We will be extracting two-foot samples every 5 feet.
- Greg St. Louis: Is there any need to backfill these samples?
- James Marchland: The mudline is basically a soft sediment, so everything is kind of slow filling.

Tom Campbell: Will the work need to be conducted during low tide?

- James Marchland: We have a 9-foot tide swing, so the barge will ride up and down on the casing with the tides.

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

*A motion to issue -2 -6 is made by Dan Ricciarelli, seconded by Tyler Glode, and passes 6-0.*

**F. 14-16 Almeda Street – DEP#64-736 – Amendment-** A request for an amendment to an Order of Conditions of Applewood Construction, for minor grading and drainage revisions associated with extension of Almeda Street for development of two single-family residences. The work is to be performed in the vicinity of 14 and 16 Almeda Street (Map 14, Lots 116 & 117), Salem MA, located within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance

Bob Griffin- on behalf of the applicant, shares a presentation. Highlights include:

- Requested modifications to plans from the February hearing
- Added gaps to stones and pushed stones further away from the back of the pavement
- Proposing to rehabilitate 1,200-1,300 square feet of pavement and extend it by about 70 feet, which would be about 1,600 square feet of new pavement
- 2 new houses, both with drilled wells and connected to a sewer line in Almeda Street
- Tree box filter proposed with catch basin to pick up bypass and discharge at this location
- DEP took exception to the order and sent information request letter and the exemption only applies to the lots and not Almeda Street
- Provided amendment to DEP who has said it is acceptable



- Added the 25 foot no disturb zone and 50-foot mitigation zone to the plans per Kate Kennedy's request
- Provide the stormwater report and calculations for pre and post runoff comparison
- Looked at all 10 standards
- It is a redevelopment project due to rehabbing of the pavement, so those standards are applied to that portion
- All work meets storm water management standards
- The catch basin that was downstream of the tree box filter has been replaced by a forebay and that has been placed upstream as well to accomplish recharge
- One well has been moved
- Separated the site plans to show grading details separate from utilities
- No changes to road, sizes of the house, or retaining walls
- Still have a force main connection and wells in the backyards, though one has been moved further from the house
- The 2 forebays with one upstream and the other downstream with both discharging to riffraff areas
- Still a buffer zone project
- Recharge in the sediment forebays is met by DEP standards and we are significantly over these requirements as this is a B soil
- Meet the 80% TSS removal
- Existing pavement goes into the second forebay and only gets 25% treatment but still meets the standard
- Provided the required OMN plan, prevention plan, and the illicit discharge draft statement
- Added a detail showing the forebay with a granite curb to control water flow from the forebay to the tree box filter

Greg St. Louis: The Cities Engineering Department is fine with the drainage work occurring in the public way? Who is responsible for that?

- Bob: It is a private way and there will be a homeowner's association that will be responsible for maintaining the tree box filter and the sediment forebays. This has been approved by the planning board.

Tom Philbin: This was requested by DEP that you do this stormwater report and the standards?

- Bob: That is correct. The Conservation Commission issued an Order of Conditions and the DEP issued what they call an information request letter, taking exception to the stormwater management standards. They had a site walk and asked that we provide the stormwater report, revised plan, and revised report 3. We have provided all of that to DEP and provided that. They responded at the end of June that they were okay with this. They suggested that we apply for an amendment with the Conservation Commission, which is fine with us.
- Greg St. Louis: How is the lot a part of the subdivision?
- Bob: They are saying the work on the road is subdivision work. They said they think the work doesn't apply to the road.

Greg St. Louis: The one standard condition I would have is the the HOA is responsible for long-term maintenance and the HOA set-up that the two parcels are set-up under a general trust fund.

Public Comment:

Donald Harlow Powell, of 12 Alameda Street: He has questions if the application was legal and concerns that the owner had not signed today. One person sent over the property owner signature for the amended MI. He also said there was a letter sent of the July 17<sup>th</sup>, 2001, letter written by Deborah, the Conservation Chair, who already in 2001 showed multiple concerns about construction and blasting around this fragile area. My question is will this still be a part of this maintenance plan?

- Greg St. Louis: So, the Commission has reviewed the blasting in the past. The proximity of the existing home is closer than the proximity to the wetlands, so I imagine any blasting will be less than the building standard. Just for my knowledge base, I don't see many drinking water wells in Salem. Is that through the board of health?
- Bob: I think the well driller does have to register the well and provide a copy of the well construction records to the board of health, yes.
- Greg St. Louis: I will highlight that a lot of times the Engineering Department does have a regulation that if you are within 1,00 feet of something you are supposed to extend it.

Tom Campbell: How far down do they drill for the well?

- Bob: It is a guess; they are going down into a fractured ledge here. Typically, they are in 300 or 400, or less. They typically are looking for a minimum of 2 gallons per minute and most developers want to get 4 or 5 gallons out a minute if possible.

A motion to close the public hearing is made by Dan Ricciarelli, seconded by Tom Campbell, and passes 6-0.

A motion to issue an amended Order of Conditions, subject to special conditions made by Greg St. Louis for operation maintenance is made by Tyler Glode, seconded by Dan Ricciarelli, and passes 6-0

### **III. OLD | NEW BUSINESS (OLD - addressed at previous meeting)**

- A. 31, 33, 35; Osborne Hill Drive - Requests for Certificate of Compliance - DEP# 64-584, DEP# 64-586, DEP# 64-583
- B. Lot 2 Salem Footprint Power – DEP#64-552 – Notice of Project Change

Greg St. Louis: The items were removed it looks like?

- Kate Kennedy: Yes, the first was a Certificate of Compliance that we closed on in the last meeting. The second we discussed at the last meeting. In the beginning of August, we will be doing a site visit.

### **IV. APPROVAL of MINUTES**

June 2022

A motion to approve the minutes for June 16, 2022, is made by Dan Ricciarelli, seconded by Tyler Glode, and passes 6-0.

### **V. OTHER UPDATES**

Minor Changes SCOC (#064-057) 60 & 64 Grove Street and 1 & 3 Harmony Grove Road  
Flood Hazard Overlay District  
Preservation in a Changing Climate – Salem

Kate Kennedy: So, there is a bit of work around this area. Years ago, we closed a hearing on 60 Grove Street that was sort of across the way and they are now starting work along that whole area.

- Dan Ricciarelli: So, the problem is a lot of our special conditions?
- Tyler Glode: I don't know what our special conditions were.
- Greg St. Louis: They came before us with cleaning up the tannery and the mound pool. So, he presented this to us months ago to say this is all going to...

- Tom Philbin: So, it is minor changes to the report by the Commission.

Dan Ricciarelli: Have any specific changes been offered so far?

- Greg St. Louis: We are talking about how this relates to our new regulations. We are talking about a sign for flood elevation.
- Dan Ricciarelli: Doesn't FEMA set those?
- Greg St. Louis: FEMA sets the base.
- Dan Ricciarelli: So, building code wise it shows that 1 foot already exists, but it is actually 2 feet under cycle structure. Is that on top of that now?
- Greg St. Louis: This would be on top of it. So basically, the whole design would be managed by the Building Department and highlight additional standards that hopefully go with climate change.
- Dan Ricciarelli: It is interesting because FEMA changed the elevation
- Greg St. Louis: Because the math was wrong.

Greg St. Louis: Long and short of it, this starts to look at putting through the board above the existing floor plan and getting develops to put in tag gates or to raise parking lots. But 40 days of long-term housing when someone is at work and a flood is coming and maybe their car is stuck down there, and they aren't educated on the fact that the parking garage is going to flood that could cause confusion. We are reviewing what Boston did and we are working with Thomas.

- Dan Ricciarelli: But our mission isn't to protect people's cars.
- Greg St. Louis: Yes, but you also don't want cars leaking oil or sewer systems going through floor drains of a parking garage. But that is the timeline update

Preservation in a Changing Climate – Salem

Kate Kennedy: It is a day and a half long conference on September 12 and 13<sup>th</sup>.

## **VI. ADJOURNMENT**

*A motion to adjourn is made by Dan Ricciarelli, seconded by Tom Campbell, and passes 6-0.*

**The meeting is adjourned at 9:01 pm.**

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.