

Salem Conservation Commission
Minutes of Meeting

Date and Time: Tuesday, January 19, 2020, 6:30 p.m.
 Meeting Location: Zoom or call-in
 Members Present: Chair Gregory St. Louis, Tom Campbell, Malissa Vieira, Scott Sheehan, Dan Ricciarelli, Bart Hoskins, Tyler Glode (arriving late) (7)
 Members Absent:
 Others Present: Brittany Dolan, Conservation Agent
 Recorder: Stacy Kilb

Chair Gregory St. Louis calls the meeting to order at 6:30PM.

I. ROLL CALL

II. REGULAR AGENDA

A. Amitié Offshore Submarine Fiber Optic Cable – DEP #64-715 – Public Hearing – Notice of Intent for Kevin Salvadori, Edge Cable Holdings USA, LLC, 1601 Willow Road, Menlo Park, CA 94025. The purpose of the hearing is to discuss the proposed installation of a submarine fiber optic cable in offshore waters within an area subject to the Wetlands Protection Act MGL c131§40 and Salem’s Wetlands Protection & Conservation Ordinance.

Alexia O’Brien and Christina Hoffman, ERM, represent the Applicant

- Install new transatlantic fiber optic cable connecting France to the U.S.
- Lands in Lynn, MA
- Route through Mass. waters is shown
- Will be laid on surface of ocean floor across Atlantic, but buried offshore as it approaches land, in shallower water. This is industry standard
- Cable the size of garden hose will run about 1.6 mi through Salem waters
- Route is further described; is on the route of a similar, previously installed cable (Hibernia, about 20 years ago)
- Project history is described; alternative routes were explored
- Environmental Impact Report filed last year and EEOEA Certificate of analysis adequacy was rec’d last year
- Chair asks about bottom surveys of the route; these are described. Vegetation or mollusk-type organism habitat? None in Salem; does cross area containing shellfish. This is described in NOI, there will be temporary impacts in the small path of the plow, will be rectified after installation
- Sea scallop/shellfish suitability areas are outlined
- Depth of water is 30’
- Chair: DMF has seasonal or other conditions? Not yet, but Applicant has been working with them since the beginning. Ms. Hoffman: Commented on EIR, brought up fish species present, discussed areas where cod cannot be harvested, regulations in place. Some time windows related to specific species were mentioned. Some species are sensitive during all 12 months of the year, but Secretary agreed that this project will have no impact, so time frame has not been specified
- Process of cable installation is described, path is cleared (Pre-Lay Grapnel Run) then marine plow pulled through. Route was chosen based on marine survey data and presence of soft sediments to bury the line. Channel will be less than 1’ wide, and will backfill onto itself as cable is laid
- Ricciarelli asks how cable would be repaired if broken? No structures get installed with the cable; if it broke it would just be fixed at that one spot
- No exact schedule is planned but once all authorizations and permits are in place it will be scheduled, most likely for latter half of 2021 or early 2022

- In open water, cable will be in 3,000' of water. Cable is laid on ocean floor, cable itself has some weight and has metal armor and additional layers of protection. This is described. Even in water 3000+ feet deep it is on the ocean floor

Chair St. Louis opens to the public but there are no comments.

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

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

A motion to issue the Order of Conditions, subject to standard conditions, is made by Bart Hoskins seconded by Malissa Vieira, and passes 6-0.

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

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

Bill Manuel from Wetlands & Land Management, presents

- Mentions previous verification of wetlands flags
- DEP had issues on abutter notification so this is once again before the Commission
- ORAD was put on hold for this reason, hoping to issue ORAD after this
- Delineation is shown and described; asking to confirm as BVW Q9-Q21; R1-R9 as IVW, not jurisdictional under bylaw or state regs, but yes as Army Corps wetlands
- Agent has no concerns but describes the various areas mentioned
- Soil types and plants are described; IVW is probably a hole in bedrock that has accumulated organic material

Chair St. Louis opens to the public but there are no comments.

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

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

A motion to issue the ORAD is made by Malissa Vieira seconded by Dan Ricciarelli, and passes 6-0.

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

C. 57 Marlborough Road – DEP # 64-716 – Public Hearing – Notice of Intent for Paul DiBiase, Osborne Hills Realty Trust, PO Box 780, Lynnfield, MA 01940. The purpose of the hearing is to discuss the proposed construction of a subdivision roadway, utilities, and associated drainage infrastructure within an area subject to the Wetlands Protection Act MGL c131§40 and Salem’s Wetlands Protection & Conservation Ordinance.

Bill Manuel, Wetlands & Land Management, presents.

- Subdivision subject to WPA and local bylaw
- Proposal to do 131 lot subdivision w/5000 linear feet of roadway, several wetland crossings originally
- Reviewed in 2019-2020 and better way to configure was found
- Planning Board is reviewing Modification of Definitive Subdivision
- Discussing buffer zone areas with ConCom tonight
- This is for road, infrastructure and drainage only, not future house lots
- Development and its phases are described; 5 phases almost complete, 6-10 upcoming
- Current proposal is illustrated and outlined
- Development is still 131 lots; drainage being reviewed by peer reviewer of Planning Board; a data request has been submitted and is pending
- Plan will require 4 areas of wetland impact; these are outlined
- All wetlands defined/all ORAD areas now confirmed
- Wetland Impacts:
 - 3 wetland crossings are necessary; impacts to wetlands/intermittent streams are described. Culverts and crossings are described
 - Total wetland fill of 8545 square feet proposed/ replication is proposed directly adjacent to fill area, 13,500 square feet of replication, so 1.6:1 ratio
 - R series wetland will be entirely filled due to road; 3200 square feet of wetland replication will occur to alleviate that
 - Wetland replication plan w/Planting specifications, monitoring schedule is included along with storm water management details
- Stormwater management: mitigating for peak flows and increase in impervious, reduction in peak flow rates of 2, 10, and 100 year storms
 - Obtain TSS removal w/deep sump catch basins, this is described
 - Peak flows mitigated by detention basins/infiltration areas
- Original subdivision required 4K cubic feet of infiltration; presently 7 homes have a roof water infiltration system; in phases 6-10, 10 additional homes will have this. In total, development will exceed the volume recharge requirement by 2.5X. Uncertain which lots will have it
- 5000 sf threshold: this is a limited project w/significant amount of upland isolated from roadways by wetlands, no choice but to cross wetlands to reach these upland areas; there is a regulatory mechanism to exceed this threshold
- Impacts are mitigated; with limited project Applicant must perform an alternatives analysis, which is outlined. Alternate scenarios would have involved much more wetland impacts or involve bedrock removal and associated impacts
- Improvements to Plan:
 - Modification represents an improvement for subdivision; open space increased by 25 acres for a

total of almost 119 acres

- Roadway length reduced by 1910 linear feet
- No additional homes proposed
- Deandra Drive and associated wetland crossing has been eliminated, as has another roadway
- PB is interested in a network of trails; Applicant has submitted trail design; approximation is shown and small wetland impacts outlined
- Trail wetland impacts are included in NOI; Mr. Manuel will return w/additional info

Chair St. Louis:

- How will unit count be maintained w/ ½ mile less road? Applicant received a variance to get smaller lots
- Alternatives 1 and 2: But this was already approved as a modification, so are alternates 1 or 2 a design ConCom already approved? Yes, ConCom previously approved Design 1 w/2 crossings in the middle of a large meadow. Chair says in reality, the permitted subdivision already approved has 20K sf of impact, this is reducing it by 10K sf. This is confirmed.
- Did ConCom previously modify this regarding first crossing? Unknown

Scott Sheehan

- Public parking for the trailhead? This is described; trails and parking are for general public
- Chair: Does Category 1 need to be modified w/Corps? Will need water quality certification and will need to file w/Corps
- 2006 storm sceptors in right of way? Yes
- Who will own the own the space, ultimately? Mr. Dibiase notes open space will be held by HOA created by Development, but open space will be open to public for benefit of citizens of City of Salem
- Bart Hoskins asks about a conservation easement/restrictions? Document approved in 2006 through ConCom and Planning references this. Applicant has no objection; Hoskins notes there are tax savings but it devalues the property. Mr. Dibiase comments that the property will remain in its natural state and could benefit from conservation restriction
 - Details of a conservation restriction are discussed
 - Mr. Dibiase notes PB is looking into giving City an option to take over open space if they choose; this is discussed
 - They have engaged with Recon Trail Design out of Maine, presented to PB, was well rec'd, they had some comments which will be addressed, he hopes to present this to ConCom as well
- Other Orders of Conditions to be closed out? Yes, several lots have ones that will need to be closed out
- 240 abutters were notified. DEP issued file number w/no comments (64-716)
- *Special Conditions:*
 - *Conservation Restriction on open space*
 - *Condition any approval subject to meeting criterion established under peer review*

Chair St. Louis opens to public comment but there are none.

A motion to close the public hearing is made by Dan Ricciarelli, seconded by Scott Sheehan, and passes 7-0.

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

A motion to issue the Order of Conditions with standard and the above noted special conditions, is made by Dan Ricciarelli, seconded by Bart Hoskins, and passes 7-0.

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

III. OLD/NEW BUSINESS

A. 21 Hemenway Rd – DEP #64-714 – Request to withdraw

This was the in-ground pool from the last meeting; the Applicant requested to withdraw. There is no public hearing.

- Chair thinks the Commission put a number of onerous conditions on the project that were above and beyond its jurisdiction, and must be mindful of its discussion in the future, even if we wish to update regs at some point. Infiltration was proposed in this area; even though it was not required, it was being provided. Chair felt the Commission put conditions on that would make it cost prohibitive to a single family homeowner. On appeal, the DEP might have appealed some conditions that were put in place. He does not like being appealed by the DEP.
- Glode asks which conditions were onerous
 - This was for an inground pool in a coastal environment but ConCom was imposing inland conditions on it, so some discussion points were not applicable/would not hold up
- Ricciarelli notes that Applicant proposed the infiltration, and should not have come in w/that proposal if it was not required
- Glode: Mathematics behind it should match stormwater handbook Mass. regs, but he would not have recommended anything further, notes everything about it, no requirement for infiltration, would have preferred to see math that way
- If you put in 3 Cultecs but then someone requires you to size them for something they will never need to do, why do it
- Engineers should do it by the books so there is less to question and Commission can go without the value-adds we sometimes seek without jurisdiction
- Ricciarelli: People provide things b/c they think they are doing something good, but can be complicated
- Chair appreciates discussion on this topic
- Cambell recalls neighbors being opposed to project; Brittany Dolan spoke to the Landscape Architect, who noted it may not have been a money issue, possibly a neighborhood issue, as many objected to the project, but the Commission can't be certain

A motion to withdraw the Application without prejudice is made by Dan Ricciarelli, seconded by Tyler Glode, and passes 7-0.

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

B. Forest River Pool – DEP #64-693 – Request for minor modification

Applicant has requested a continuance to the February agenda.

C. 9 Winter Island Road – DEP #64-711 – Request for minor modification

Susan St. Pierre

- Notes the Applicant was forced to modify design of the two car garage after the hearing

- ZBA variance from 15' front yard setback was granted, design was revised, and need minor modification here.
- Increases size of garage to 30' x 25' wide; Plan is shown
- Impacts: increases to LSCSF by 290', no performance standards
- Area they are extending the garage would have been driveway anyway
- Old driveway will be replaced with grass and plantings
- Some Commissioners feel roof vs. driveway is a benefit and Commission has no issue
- There are no public comments

A motion to approve the minor modification is made by Bart Hoskins, seconded by Tom Campbell, and passes 7-0.

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

IV. APPROVAL OF MINUTES

a. November 17, 2020

A motion to approve the above minutes is made by Bart Hoskins, seconded by Malissa Vieira, and passes 7-0.

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

b. December 15, 2020

Not yet ready

IV. ADJOURNMENT

A motion to adjourn is made by Tom Campbell, seconded by Dan Ricciarelli, and passes 7-0.

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

The meeting ends at 7:51PM.