

## **Salem Conservation Commission**

**Date and Time:** Thursday, June 13, 2019, at 6:30 p.m.

**Meeting Location:** Large Conference Room, City Hall Annex, 98 Washington Street

**Members Present:** Vice Chair Bart Hoskins, Tyler Glode, Dan Ricciarelli, and Scott Sheehan.

**Members Absent:** Tom Campbell, Chair Greg St Louis

**Others Present:** Darya Mattes, Conservation Agent Recorder: Lorelee Stewart

Vice Chair Hoskins calls the meeting to order at 6:38PM.

### **I. ROLL CALL**

### **II. REGULAR AGENDA**

- A. 17 Linden Avenue – DEP #64-XXX – Public Hearing --** Notice of Intent for Roger Boucher, 17 Linden Avenue, Salem MA. Purpose of hearing is to discuss proposed replacement of an 8'x12' dock at 17 Linden Avenue within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

Mr. Boucher states that the dock is falling apart and it is 33 years old and needs to be replaced. He needs a dock because he takes care of the pond behind his home; he specifically mentions that he cleans out beaver dams that block a pipe that was installed in the pond. The board asks if the dock is in the buffer zone. Ms. Mattes says it is in the resource area not the buffer zone. Mr. Glode brings up Chapter 91 and says if the waterway is navigable by a canoe it falls under Chapter 91. Mr. Glode asks if there is a Chapter 91 license tied to his deed about this being restricted. Mr. Boucher says the pond missed falling under the category of a great pond under Chapter 91 by ½ an acre when he looked into it in the past. Mr. Glode explains that there are 3 categories that fall under the Waterways Act, a great pond, a navigable waterway and a lesser third category that this does not come under. Mr. Glode says that this is a navigable waterway because the minimum threshold for a navigable waterway under Chapter 91 is being able to use a canoe or being on a migratory bird pattern. DEP has to weigh in on this. Mr. Boucher asks about grandfathering since it has been in the water for 33 years. Mr. Glode says no because the Waterways Act was passed before 1971. Mr. Boucher reviews for the board changes to the pond over the years including draining of the pond which caused houses to shift. He explains the changes in water level and the installation of a pipe. Mr. Glode asks if he knows if this dam is regulated by the Waterways Act by DEP or is it just a pipe. Mr. Boucher explains where the water comes from but doesn't know the answer. Mr. Glode states that the board won't be able to act tonight without a DEP filing number. He adds, if the waterway is regulated so much by human activity then you may get leniency. This could come up in comments by DEP. Mr. Boucher reiterates his need to maintain the water level by unblocking the beaver dam. Ms. Mattes states the only comment from DEP was about wanting a site plan; she sent one in earlier this week. Mr. Glode says to Mr. Boucher that he is working with a "navigable waterway" which falls under state regulations. He recommends a continuance to next month. Ms. Mattes will contact Mr. Boucher when more information comes back. Mr. Sheehan says Mr. Boucher only

needs a DEP number to obtain an order of conditions. Mr. Hoskins says you won't have to re-file your request because this is just a continuance. Do you want to request a continuance? Mr. Boucher says he does and that he wouldn't put the dock in before July 1<sup>st</sup> anyway. Mr. Hoskins opens the public hearing and a man asks if there is a website where you can look up Notice of Intent information. Ms. Mattes says there is and she will email him the information. Mr. Glode motions to continue the public hearing to July 11, 2019. Mr. Ricciarelli seconds the motion. Four (4) vote in favor, Mr. Glode, Mr. Hoskins, Mr. Sheehan and Mr. Ricciarelli, and none are opposed.

- B. 79 Columbus Avenue – DEP #64-XXX – Public Hearing – Notice of Intent for DEP** will Eric Cormier, 20 Cutter Street, Waltham, MA. Purpose of hearing is to discuss proposed reconstruction of a single-family home at 79 Columbus Avenue, within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

The petitioner is not present. Mr. Glode motions to continue the petition to July 11, 2019. Mr. Ricciarelli seconds the motion. Four (4) vote in favor, Mr. Hoskins, Mr. Glode, Mr. Sheehan and Mr. Ricciarelli, and none are opposed.

- C. 46 Columbus Avenue and the beach at Juniper Avenue and Beach Street – DEP #64-XXX – Public Hearing – Notice of Intent for the City of Salem, 98 Washington Street, Salem, MA.** Purpose of hearing is to discuss proposed removal of approximately 15 cubic yards of beach sand from the northeast corner of the beach at 46 Columbus Avenue, and relocation of the sand to the ocean side of the seawall at Juniper Ave and Beach Street, within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

David Knowlton, Director of Public Services discusses the city's plans to provide flood protection to the area of Columbus Ave. He says the city is making this an exploratory question to the board. The residents are concerned about wave action. We are looking at many improvements like tidal gates and a new seawall. He adds that they are looking for funding for these larger projects. What he wants to do now is remove sand from the northwest side because sand has built up and allows water to flow right over it. We want to take 15 cubic yards of sand out of the area and relocate it onto Juniper Beach. We want to know if this is permissible and the neighbors don't know yet that this may not be permissible. I am hoping for dialogue about what is permissible. Mr. Glode asks if this has been classified as a resource area? Mr. Knowlton says we are unsure. He adds that there are different types of grasses there. Mr. Hoskins adds that we are waiting for DEP number and comments. Ms. Mattes states that she spoke with someone from office of Coastal Zone Management who said that reducing the volume of a coastal beach is not permitted under the Wetlands Protections Act. Mr. Hoskins asks if there a net reduction in volume of the beach. He asks if it is the same beach from which sand would be removed and added; Ms. Mattes answers no. Mr. Sheehan wants to know if the work could be done as a dredge. Mr. Glode says that would fall under Chapter 91 and DEP will want a mitigation area. Would putting it on the same beach help? The board thinks it will wash back up.

Mr. Hoskins says we are waiting for comments from DEP and will coordinate with them directly. Mr. Hoskins opens the public hearing.

John Russell of 16 Memorial Drive testifies that tides are rising and sand is piling up. It was a ten foot wall but is now about 6 feet. Sand comes right up to the seawall and over. In our neighborhood minor storm with waves action goes into streets. In the storms in 2018, people lost houses and others were kayaking down Columbus Ave. We get cut off from emergency services and this is an imminent threat. This project seems like an easy fix before we can get more protections in place. For us this is every two or three years. If someone mentions a king tide we all take anti-anxiety medicine. This can be fixed easily and we are talking about both sides of the beach. He adds that they brought sea grass samples from the area tonight.

Kathy Piccone of 25 Beach Ave. says something must be done. She lives on the other side of the area but supports this project too. She asks why the sand would be dumped on Juniper Beach. She points out that Beach Ave also floods. She lists other streets impacted by flooding: Beach Ave.; Star Ave; Juniper Ave, Hosmer and Chevelle Ave and the playground. She thinks the City can put the sand between the Clam Shack and a cottage on a beach that is accessible by truck. She thinks the sand should be removed from Columbus Ave, but not moved to another vulnerable location. Knowlton replies that sand has been lost at Juniper Beach and we want to keep the sand. He discusses past clean-up efforts at Juniper Beach.

Patricia Burking of 44 Columbus Ave. says I don't understand when they mention the northeast corner and omit the northwest corner. Knowlton replies that this was the simplest solution. There are questions about whether Ms. Mattes has checked the sea grass area to see if it is protected. She has not. Knowlton says this was the most obvious area but we could modify the request for another area as well in the future. Another resident (does not identify himself) adds that everyone is wondering why it was just one side and wonders if it is intentional. Mr. Knowlton says that this seemed like a good place to start. Mr. Glode refers to the pictures and replies that this would be a lot of sea grass species to remove. He says writing letters to DEP as residents will help. He adds that finding a valid mitigation area will be challenging. Mr. Hoskins adds that maybe a more comprehensive plan may make sense.

Mike Robbin of 41 Columbus Ave says that Dead Horse Beach would be a good spot and is all part of the same area.

Steve Phipps of 65 Columbus Ave asks if you can spread the beach sand around because it is building up on one side. He adds that over the years the sand has migrated. He wants to know if it could just be re-graded.

Knowlton says there are challenges to just spreading out sand and that they are still exploring.

Cindy Jerzylo of 17 Bay View Ave shows pictures of the northwest corner. She shows pictures of 8 feet of water around her house on Columbus Ave. She adds that even with small storms the waves roll over the seawall. She doesn't understand why the city can re-grade one beach and not theirs. The Board discusses explains all of the different environmental beach resource areas. Mr.

Glode adds that they are classified differently and we can't answer any questions about your beach right now because there are many factors involved. Cindy Jerzylo adds that these beaches look the same to her. She asks if something can be done to mitigate this flooding if it protects property. Mr. Sheehan says there is always a way to do it but it is a long and complicated process. He gives an example from his work in Scituate. He says they got through permitting but did not get a right of way from the homeowners.

Ray Jerzylo of 17 Bay View Ave. asks how can we expedite a project like this and also asks how clean ups are done after big storms. He adds that he has seen trucks on television mobilize after big storms like the one in January 2018 and asks how they can do something so fast like that while we are having a meeting about it. Mr. Glode adds that some of the big storms are "Acts of God." Ray Jerzylo asks who decides if a storm falls into this category. He adds that his kids missed school because busses couldn't come and both his wife and he were working. Mr. Glode and Mr. Sheehan reiterate that there is a process and that it is very complicated. Mr. Jerzylo wants to know how to determine the wetlands distinctions Mr. Mattes replies that a wetlands scientist can come out to evaluate this for you. Another resource recommended was MassGIS Oliver which offers very specific detail -- can help provide a sense of what's going on, but for permitting purposes, the applicant will still need to hire someone. Mr. Jerzylo brings up an issue with a pipe at the Power Plant but the board says that is not within their jurisdiction. Mr. Hoskins states we will have to continue this with more information from DEP. This seemed like it would be a low level impact project and but could get bigger. We may have to modify the plans but we need to hear from DEP first. Coastal areas are very complicated but all of this information is public. We can discuss more with more information from DEP. Ray Jerzylo asks if they will have to do this all again for the sea wall. Mr. Sheehan outlines the process to put in a sea wall. He says it would be separate from this and would likely be expensive. It would be a much bigger process.

Steve Hinch suggests putting blocks at the wall for the winter as a barrier. The board suggests that might require permitting as well. Ray Jerzylo asks if the board represents the City of Salem. The board replies in the affirmative with an explanation that they are not city employees but are deputized by the state to administer the Wetlands Protections Act. Jerzylo informs them that kids play on the crumbling sea wall they are discussing.

Knowlton discusses aggressively pursuing grants. Hoskins adds that the City will likely have to phase the protections in because of funding.

Gail Seamen of 22 Beach Ave. asks about the science behind this and how will we know if what we do will work. She asks if Knowlton is a coastal engineer and he replies that he is not but there are people who can do this work.

Luis Legan testifies that the sand at either end of the seawall is built up so that water flows over it like a superhighway at each end of the beach.

Mr. Hoskins reads two written letters into the record. The first is from Ward One City Councilor Robert McCarthy who writes that he is in support of this project at Steps Beach because the beach is a mudflat at low tide and is not usable as a beach. He adds that the neighbors have a lot

of problems with flooding. The second letter is from Ned Fitch of 23 Beach Ave #1 and says please fill in the sand at low tide to assist with the tides ebb and flow.

Mr. Seamans of 22 Beach Ave testifies that he wants a solution but warns of dumping sand in another place where a different problem is created.

Mr. Hoskins summarizes by saying that this issue must be continued as nothing more can be done tonight. Mr. Glode motions to continue to July 11, 2019. The motion is seconded by Mr. Sheehan. Four (4) vote in favor, Mr. Glode, Mr. Hoskins, Mr. Ricciarelli and Mr. Sheehan and none are opposed.

**79 Columbus Avenue – DEP #64-XXX – Public Hearing – Notice of Intent for DEP will Eric Cormier, 20 Cutter Street, Waltham, MA. Purpose of hearing is to discuss proposed reconstruction of a single-family home at 79 Columbus Avenue, within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.**

Mr. Hoskin announces that an applicant absent earlier is now here and we will hold a public hearing.

Eric Cormier says he bought a home several months ago and wants to construct a garage under so the first story will be the garage with two stories above. The size has been reduced; a previous addition has been removed. We want to put it on the existing footprint. My engineer said that there would be no elevation changes if we built on same foundation. He adds that Ms. Mattes came out to view the site.

The public hearing opens.

Ray Jerzylo asks if the board is out of order because they took this item out of order for Mr. Cormier. He adds that some people who came for this agenda item earlier but left won't be able to testify. Mr. Hoskins responds and states that this hearing will continue to the next meeting anyway because there is no DEP number yet for this agenda item. He adds that the board can't act on this item tonight so if folks went home they can still comment at next public hearing. Ms. Mattes has a memo from the historic preservation planner and passes it to the board. She clarifies that this house is not in a historic district. Mr. Cormier states that he was not aware of what was required in terms of permitting, but was told that if there were no changes in elevation he would be fine. Ms. Mattes states that it had been permitted by the Building Department for plastering not demolition. She adds that she thought it was interior work. Ray Jerzylo asks if the public comment period was still open. Mr. Hoskins says it is and Mr. Jerzylo asks how he can get a copy of the memo. Ms Mattes will send it to him.

Mr. Hoskins asks Mr. Cormier if he wants a continuance until the board gets DEP comments. He replies that he does.

Ms. Mattes reminds him that he needs a plot plan and that DEP is waiting for him to submit that item. She asks him he is going before zoning. He is. She reminds him that if there are significant

changes he will have to come back. He acknowledges that he is aware of this. Mr. Glode motions to continue the hearing until July 11, 2019. Mr. Sheehan seconds the motion. Four (4) vote in favor, Mr. Glode, Mr. Hoskins, Mr. Ricciarelli and Mr. Sheehan and none are opposed.

**Gallows Hill Park (53 Hanson Street) – DEP #64-XXX – Public Hearing – Notice of Intent for the City of Salem, 98 Washington Street, Salem MA.** Purpose of hearing is to discuss proposed renovations to Gallows Hill Park, including trail enhancements, skate park reconstruction, baseball field upgrades, stormwater management, and improvements to existing parking lot at 53 Hanson Street within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

We are a consultant to the city for the renovation of this existing park badly in need of renovation. The soccer field is a separate project because the soil is contaminated. He gives an overview of the park with a playground, a skate park, an existing parking lot and baseball and a softball field in the upper corners with a water tower here. He points out that they are here because there are wetlands on site. He shows the board the location of the wetlands. Our work is in the buffer zone and everything else is out of our jurisdiction. The wetlands were delineated by Mary Rimmer of Rimmer Environmental. He discusses his preparation plan and describes clearing of vegetation to clear and expand the field for varsity baseball. Water drains to the baseball field due to past use as a winter skating rink. He shows where the infiltration basins are and the ridges that will help the water drain into them are located. Overflow after that would go into pipes or the city system. We are will be draining less into the city system than today because of infiltration.

He shows a three dimensional plan. The board asks questions about basins and plantings. Mr. Sheehan asks if this is a new roadway. He replies yes because this will be a plowable road. He adds that this area is a hotspot for activity, so the road also allows police access. He adds that there will be cameras added.

The board discusses the skate park and asks if it has a drain. He replies that it does it is essentially a big pool. They also discuss lighting and other project details including fertilizer runoff. Kyle says this system will allow us to have the water go to infiltration and treatment. Mr. Sheehan asks about bleachers. He replies that that they will use granite blocks as chairs. There will be a larger spectator's area he adds.

The public hearing opens.

Jean Thomas 82 Almeida Street says that in the past the water tank on the hill has leaked. He asks if there are provisions for what would happen if this occurs again. Kyle states that if large amounts of water were to come down from the tank it will go right into the pipes to avoid flooding. Mark Mazuzan asks if they will still be able to play Pee Wee football at the field. He replies that they will be able to play because there is a removable wall for off season sports like football.

The public hearing closes. Mr. Sheehan motions to issue the order of conditions with no special conditions. Mr. Glode seconds the motion. Four (4) vote in favor, Mr. Glode, Mr. Hoskins, Mr.

Ricciarelli and Mr. Sheehan and none (0) are opposed.

**D. South Essex Sewerage District (50 Fort Avenue) – Public Hearing – Request for Determination of Applicability for South Essex Sewerage District, 50 Fort Avenue, Salem, MA. Purpose of hearing is to discuss proposed installation of a concrete pad for the support of HVAC equipment at 50 Fort Avenue within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.**

David Michaelson, district engineer and Peter Pommersheim, project engineer at South Essex Sewage Treatment District speak about the need for mechanical upgrades. They are upgrading their plant effluent pump, a very large pump which pumps out large volumes of treated waste water out into the harbor. We have three pumps which generates a lot of heat. We are also upgrading our air conditioning system. This is critical to keeping everything cool and waste water pumping. Our current cooling system is a plant water cooling loop but that has failed. It was recommended to use an air cool condensing unit. This unit would be located on a pad adjacent to the pumps. We have looked into many locations for the unit, including the roof, but it is not constructed in a way we can do that. The place we need to put the pad is within the 100 foot buffer zone of the top of the coastal bank, about 25 feet from the sea wall. It is a concrete slab with dimensions of 10 feet by 25 feet. It is within an existing disturbed area, and a portion of the pad is within the recently updated 100 year flood plain. The pad will be elevated above the 100 year flood elevation. We are requesting a determination of applicability.

Mr. Hoskins asks how high the concrete pad will be. Mr. Michaelson replies that it will be approximately elevation 11 in the NAVD88 datum. Mr. Glode asks if it could it go on the other side. He answers that this is our loading area.

The board discusses trees and plans to replace trees. They strongly encourage replacing trees. Mr. Sheehan tells him that if there are significant changes in the size of the concrete pad we would expect you to come back. He agrees. The board discusses transformers and whether oil will spill. Mr. Michaelson replies that if they leaked they would shut off and SESD would know immediately. The public hearing opens and closes with no one testifying.

Mr. Sheehan moves to issue a negative two and a negative six determination. Mr. Glode seconds the motion. Four (4) vote in favor, Mr. Glode, Mr. Hoskins, Mr. Ricciarelli and Mr. Sheehan and none (0) are opposed.

**F. 164 R Boston Street – Public Hearing – Request for Determination of Applicability for Retail Business Services, 1395 Hancock Street, Quincy, MA. Purpose of hearing is to discuss proposed rehabilitation of the existing parking area at 164 R Boston Street (Stop and Shop), within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.**

Audy Osgood with DiPrete Engineering is here on behalf of the applicant, Retail Business Services. We are requesting a Determination of Applicability. This Stop and Shop is on the line of Peabody and Salem, at 19 Howley Street, Peabody. This site was originally permitted in 1997. DEP issued a Certificate of Compliance in 2014 which addressed ongoing maintenance on the site. Now they wish to do maintenance on some of the paving and curbing on site. No earth disturbance; just surface work on the parking lot. Discussion of drainage on the site.

Are you improving the catch basins? We will repair if needed but no major changes. Mr. Glode asks if the project will be mill and overlay or full-depth repair. Applicant responds that they are considering both options. Mr. Sheehan asks if it is over an acre. He replies that the whole site is 6.8 acres, so the parking lot is likely over an acre. The board discusses whether there an EPA stormwater permit is needed. He replies that they have a storm water prevention plan which is to be used on site and does not need approval. Mr. Osgood says that the applicant has been maintaining the site (catch basins, street sweeping) thus far. Ms. Mattes went to the site and spoke with the conservation agent in Peabody who suggested the retention pond might need maintenance during construction. She says the area was very overgrown and even though it was raining it was difficult to tell if water was flowing in. Mr. Osgood says that the Peabody Commission heard this yesterday and conditioned the project to proceed in accordance with original plans. The board discusses the underground drainage system which Mr. Osgood says appears to be working. He adds that we aren't changing anything and the drainage is working.

The public comment period opens and closes with no one testifying. Mr. Ricciarelli moves to close the public hearing. Mr. Sheehan seconds the motion. Four (4) vote in favor, Mr. Glode, Mr. Hoskins, Mr. Ricciarelli and Mr. Sheehan and none (0) are opposed. A negative 2 and negative 6 determination is proposed by Mr. Glode and seconded by Mr. Ricciarelli. Mr. Glode suggested adding to the letter a special condition that they maintain all storm water systems as conditioned prior to construction.

### **III. OLD/NEW BUSINESS**

#### **A. Strongwater Crossing (Osborne Hills Subdivision) -- DEP #64-549 -- request for Extension of Order of Conditions**

Diandra Diabase asks for a three year extension and adds that they are currently on stages 4 and 5 of a ten-phase project; they received a partial release from the Conservation Commission for stages one, two and three. This is the second extension, the first was in 2016. Mr. Ricciarelli moves to extend the Order of Conditions. The motion is seconded by Mr. Sheehan. Four (4) vote in favor, Mr. Glode, Mr. Hoskins, Mr. Ricciarelli and Mr. Sheehan and none (0) are opposed.

#### **B. 116/118 Leach Street – DEP #64-650 – Request for Certificate of Compliance**

The seawall has been completed at 116/118 Leach Street and the backyard has been graded. The board reviews photos. Ms. Mattes has been out to the site and the pictures indicate completion. There is discussion of what type of fabric was used behind the wall. The applicant does not know but the fabric was black. Mr. Sheehan moves to approve the Certificate of Compliance. Mr.



Ricciarelli seconds. Four (4) vote in favor, Mr. Glode, Mr. Hoskins, Mr. Ricciarelli and Mr. Sheehan and none (0) are opposed.

**C. 441 Lafayette Street – DEP #64-649 – Request for Certificate of Compliance**

Mark Mazuzan of 441 Lafayette Street speaks about his project. All of the steel underneath the dock has been repaired. JL Welding made the float. The board asks if the float has feet. Mr. Mazuzan replies that it does. Mr. Sheehan asks if he is stating the project was completed per the Order of Conditions. Ms. Mattes has been out to see the finished project. Mr. Ricciarelli moves to grant the Certificate of Compliance. Mr. Sheehan seconds the motion. Four (4) vote in favor, Mr. Glode, Mr. Hoskins, Mr. Ricciarelli and Mr. Sheehan and none (0) are opposed.

**D. 11R Winter Island Road – DEP #64-658 – Request for Certificate of Compliance**

Brian Jackson of 11 R Winter Island Road states that he has completed a project to replace a seawall on his property. The last one needed to be replaced because mortar had been pulled out. He adds that the backyard had been graded and now has grass growing there. He shows pictures. Mr. Hoskins asks if the blocks are stacked. Mr. Jackson says the blocks are stacked and that it works on the gravity system. He adds that each block weighs 2 tons, so if it moves we all move. The project was permitted in November. Mr. Glode moves to grant the Certificate of Compliance. Mr. Ricciarelli seconds the motion. Four (4) vote in favor, Mr. Glode, Mr. Hoskins, Mr. Ricciarelli and Mr. Sheehan and none (0) are opposed.

**E. 162 Federal Street – DEP #64-523 – Request for Certificate of Compliance**

Mr. Ricciarelli recuses himself, meaning that there is not a quorum of Commission members present. Ms. Mattes suggests that because this is not a public hearing and the Certificate of Compliance is based on her site visit report, another board member could sign the certificate later; the commission agrees. Applicant added 8 residential units. In the rear we did landscaping with an infiltration basin. That's the general overview. Mr. Glode confirms that everything was built to spec. Ms. Mattes says there was one note from engineer about a gate. The board decides this should not hold up the Certificate of Compliance. Mr. Glode motion to grant the Certificate. Mr. Sheehan seconds the motion. Four (4) vote in favor, Mr. Glode, Mr. Hoskins, Mr. Ricciarelli and Mr. Sheehan and none (0) are opposed.

**F. 53 Mason Street – DEP #64-217 – Request for Certificate of Compliance**

Greg Richard, attorney for the owner states that there was an Order of Conditions granted for this property in 1993. The work was commenced and completed. There is an affidavit filed by the daughter of the parents who started the work, stating to her knowledge the works was completed as it should have been. He adds that they have provided pictures. The work was primarily grading and filling the parking area. My client wants to sell the property and this issue came up in buyer's title conference review. I am seeking a Certificate of Compliance.

The board discusses whether Mr. Ricciarelli should recuse himself because he will be the architect for the new owner. Mr. Glode says he does not need to recuse because the board is simply closing out a previous Order of Conditions.

The board looks at buffer area in the pictures Ms. Mattes points out to them the 6 foot buffer between parking and the canal. The parking is unpaved and she adds that the new owner may want to come back because the parking area is not in good shape.

The board asks that he make the new owner aware of the perpetual conditions. Mr. Richard says it is in title report. Motion and vote: Mr. Sheehan moves to grant the Certificate of Compliance. Mr. Glode seconds the motion. Four (4) vote in favor, Mr. Glode, Mr. Hoskins, Mr. Ricciarelli and Mr. Sheehan and none (0) are opposed.

#### **G. 5 Sophia Road – DEP #64-634 – Request for Certificate of Compliance**

This project was a single family home with a retaining wall in back yard. We requested, and received, a partial certificate earlier this year; only plantings remained at that point. The grass is growing and the roof leader discharge is installed. The board reviews photos of the work and of the plantings.

Ms. Mattes says we looked at photos of the construction for the partial certificate, so this certificate only concerns the plantings. Mr. Ricciarelli moves to grant the certificate of completion. Mr. Sheehan seconds the motion. Four (4) vote in favor, Mr. Glode, Mr. Hoskins, Mr. Ricciarelli and Mr. Sheehan and none (0) are opposed.

#### **H. 74 Bay View Avenue, DEP #64-676 -- Minor modification to Order of Conditions**

An applicant doing grading and seawall repair at her home realized after the May Conservation Commission meeting that she needs a waiver from the standard condition against stockpiling materials in the buffer zone, because her whole property is in the buffer zone. The board wants to know if something will be reissued. They discuss requiring a revised Order, however, this would require re-filing and a new public hearing, which is very onerous for such a small change. They discuss the need that the applicant has for stockpiling construction materials during construction, limiting stockpiling to no more than three days and requiring that at the end of the project the stockpiled materials will be removed. Ms. Mattes will issue her a letter stating the minor change. No vote is needed on this matter.

#### **I. Discussion of the need for filing for street tree planting in the flood zone (LSF and LSCSF)**

Ms. Mattes says this issue came up because some CDBG funding was available for the City to replant trees in existing tree pits in the flood zone. She recommended filing an RDA. However, the City questioned this, saying they often replace trees in existing tree pits, and wondering if

they would have to return each time. She is wondering how to proceed, and whether the City really needs to file every time. Sheehan describes a tracking system from his work where they give one RDA to the town at the end of the year that covers all tree planting on the Air Force Base where he works. Mr. Ricciarelli feels that it should be one NOI for the year with an annual filing of an activity log. This would condition the planting, so that City employees are aware of best practices. However, the trees are all at different addresses -- would an NOI need a specific address? Hanscom Air Force Base all has one landowner, so maybe that's a different situation.

Discussion of whether it's possible to apply for an NOI that would apply to all City-owned street trees in flood zones. Ms. Mattes says this could be put in an application. Mr. Ricciarelli suggests that Bill Ross from New England Civil Engineering could help draft it, since he has done related work for the City in the past. The commission agrees that it should be an NOI so that it can be conditioned, and required the City to come back to the Commission. Discussion of whether the conditions would just be perpetual, or if the NOI would be extended every three years. Ms. Mattes mentions that this could come up in the Riverfront Area as well, but it is not likely to be an issue in other resource areas.

The NOI should be conditioned to require that someone from DPW appear at a meeting each year to report on the trees that were planted.

J. Discussion of funding for plant walk at Forest River Conservation Area this summer

Ms. Mattes discusses funding a plant walk at Forest River Conservation with Iris Weaver at a cost of \$150. The Commission has funded this in the past. Mr. Glode moves to approve the funds. Mr. Ricciarelli seconds. Four (4) vote in favor, Mr. Glode, Mr. Hoskins, Mr. Ricciarelli and Mr. Sheehan and none (0) are opposed.

**IV. APPROVAL OF MINUTES:** Mr. Sheehan moves to approve the minutes of May 9, 2019. Mr. Glode seconds. Four (4) vote in favor, Mr. Glode, Mr. Hoskins, Mr. Ricciarelli and Mr. Sheehan and none (0) are opposed.

**ADJOURNMENT**

9:07pm