



CITY OF SALEM CONSERVATION COMMISSION

NOTICE OF MEETING

*The Salem Conservation Commission held its regularly scheduled meeting on **Tuesday, June 15, 2021 at 6:30 PM** at the **City Hall Annex, 1st floor public hearing room, 98 Washington Street, Salem, MA.***

MEETING MINUTES

I. ROLL CALL

II. REGULAR AGENDA

- A. 35 Winter Island Road** – Public Hearing – Request for Determination of Applicability – for Richard Pabich, 35 Winter Island Road. The purpose of the hearing is to discuss the proposed removal of lawn and replacing with diverse native plantings, within an area subject to the Wetlands Protection Act MGL c131§40 and Salem’s Wetlands Protection & Conservation Ordinance.

Dan Ricciarelli recuses himself from this item.

A site plan and photos are shown.

Mr. Pabich describes his efforts to change his lawn from one requiring chemical fertilizers and frequent watering, to a more organic approach, which did not work. He and his wife have decided to remove the lawn entirely and replace it with natural plantings consistent with the area they live in.

Original plantings will be maintained except for a middle section. Grass will be replaced and a brick walk with some seating areas added. Two large arborvitae will be removed.

A landscape architect will employ a botanist to remove and take away the existing grass and plantings to be removed. All work has been done under observation of the tree warden. One tree had already fallen and was a hazard.

Organic lock aggregate paving will be installed; it is permeable but will now allow weeds to grow.

Chair St. Louis notes standard condition of silt fence or erosion control, and make sure all disturbed areas are stabilized.

There are no public comments

A motion to close the public hearing is made by Sheehan, seconded by Hoskins, and passes in a roll call vote out of habit, though we are meeting in person.

Cambell
Glode
Hoskins

Vieira
Ricciarelli - recused
Sheehan
St. Louis

A motion to issue a Negative 2 and Negative 6 Determination is made by Glode, seconded by Vieira, and passes with all in favor.

- B. 21 Hemenway Road – DEP #64-723** – Continuation of Public Hearing – Notice of Intent for Scott Patrowicz, representing 21 Hemenway Road, Salem, MA. The purpose of the hearing is to discuss the proposed repairs of existing seawalls, site work, and landscaping, within an area subject to the Wetlands Protection Act MGL c131§40 and Salem’s Wetlands Protection & Conservation Ordinance.

Mr. Patrowicz presents the project for Ana and Sean Monahan. The sea wall will be repaired and granite steps added.

- Existing Conditions. Blocks have fallen and revetment area slumped as it is on top of ledge. Another area in LSCSF has a lawn. Salt marsh grass will be added in one area as mitigation. Jurisdictional areas are shown.
 - Their wall and the abutter’s would not touch but would have a small gap, too small for waves to come through.
 - All loam will be excavated and backfill with geotextile fabric will replace it. The walls will need to be pointed.
- Kate Kennedy, Conservation Agent, made a site visit.
- Chair St. Louis mentions plants at the coastal beach area; an email was sent. There may be natural migration of salt marsh if there is existing root stock in the area to be cleaned up.
- Sheehan asks what is different from the previous presentation; nothing other than being in person.
- The Structural Engineer will report as the project is built.
- Some granite blocks will be added where they are only 3 high.
- Contractors to be used are listed and their work described.
- St. Louis: replanting of coastal bank – in keeping with DEP comments, salt marsh grasses must be planted as described therein. He is in favor of replacing the wall as previously discussed.

There is no public comment.

INSERT SPECIAL CONDITIONS HERE

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

A motion to issue an Order of Conditions subject to Standard Conditions and special conditions discussed is made by Glode, seconded by Hoskins, and passes 7-0.

- C. 9A Monroe Road (42.4974, -70.8945) – Public Hearing - Request for Determination of Applicability –** for Linda Calnan, SiFi Networks representing Jacobs Engineering Group. The purpose of this hearing is to discuss the installation of a fiber cabinet and two chambers (Cabinets 4, 18, 19), within areas subject to the Wetlands Protection Act MGL c131§40 and Salem’s Wetlands Protection & Conservation Ordinance.

Scott Sheehan requests that the next two items be heard along with this one; descriptions are read and notes for items C, D, and E appear below Item E.

- D. Jefferson Ave & Jackson Street Intersection (42.5148, -70.8993) – Public Hearing - Request for Determination of Applicability –** for Linda Calnan of SiFi Networks representing Jacobs Engineering Group. The purpose of this hearing is to discuss microtrenching and installation of handholes in public right-of-way, within an area subject to the Wetlands Protection Act MGL c131§40 and Salem’s Wetlands Protection & Conservation Ordinance.

- E. Clark Ave & Woodlands Road Intersection (42.4924, -70.9307) – Public Hearing - Request for Determination of Applicability –** for Linda Calnan of SiFi Networks representing Jacobs Engineering Group. The purpose of this hearing is to discuss – microtrenching and conduit installation in public right-of-way, within an area subject to the Wetlands Protection Act MGL c131§40 and Salem’s Wetlands Protection & Conservation Ordinance.

Linda Calnan presents for the fourth time. Shelters have been approved and the remainder of the project, including microtrenching, installation of hand holes, and above ground network cabinets will occur throughout the City. This Application is for work being done in buffer zone areas.

Bill McGovern, Operations Manager and General Contract of Meers Group is also present.

Glode asks micro vs standard trenching. Standard = remove asphalt, did, micro = big diamond wheel, hydro vaccum truck, wheel goes down 12” but 1-1.5” wide, sucks out materials, goes out to aggregate. They lay in microduct depending on the street; a large one is the size of a pen. There will be 6-10 bundled together, then the trench filled with MassDOT 2E flowable fill. Will be about 8” of cover on top of fiber optics. Flow fill cures, then 12” overlay so it will not even be visible. A local contractor will be used to do the mill-in overlay. (sp?)

There is a conduit tube like a straw; another company will come in and based on the design, use the hand holes to blow in fiber, much like glass is blown. These will be flexible tubes installed from a wheel. They will start slowly as it is a new process to New England, but can ultimately install 1000 feet per day, per crew, with multiple crews in the fall. They cannot work in the winter. There are over 800,000 linear feet to be installed, plus running it into houses.

Chair asks how do you attach to houses? They will use laterals. For each house or two houses, will be one lateral to service it, fiber access boxes (not every house will have one, some will be buried) will run trenching. Will do pilot on Jackson and Jefferson St. Run trench through City’s right of way to the property, if residents want service (700 signed up) then another vendor will hand dig in through yard where resident wants conduit run, and will blow in fiber. 8” of cover in private

property are required. They are also working with the tree commission. Utilities will be avoided. They will use the least invasive methods. Shelters approved feed 25 strategically placed network cabinets; 3 are in a flood zone area. Those cabinets provide connection for routes for fiber, providing redundancy. City Council approval has been obtained. They were awarded the project via RFP and have met with various City Departments.

Chair St. Louis wonders if it is detectable by metal detector. They will work with digsafes prior to construction and mark routes, and SiFi is also required to do as-builts.

Chair speaks as an Engineer, noting he is concerned that any future full depth roadway project will knock out service to the whole street. Goal for this year is to get A and B shelter feeder ducts in between, and redundancy will be in place. SiFi is in this for 30 years (30 years of maintenance provided).

Sheehan: what if they dig down 2' to redo street? Like all other utilities, sifi will be removed and replaced, just like others. They are OK with doing 2 installations if needed.

Chair: pavement mgmt. could repave a city 2-3 times, they provide surety to City that if they are not present, the City will not have to wait for them to replace conduits? Yes 30 year maintenance via another company, but they will establish a local office in this or a nearby community, must staff that office, residents can call Linda Calnan, they must respond within 3 hours.

Typical repair time: depends on circuit, but many times can cut it out and splice/rejoin, or at a handhole splice connection, can reroute to different splice connection.

There will be no change to grades, etc. of existing roadways.

Sheehan asks about the work to be done on each Agenda Item. They were told to separate out the work in this way.

Network cabinets are shown and described. The power design must come from National Grid; the process is described.

Only three cabinets are jurisdictional. What is covered by each Application is discussed. This is for the whole city but (if I understand correctly) the Applicant has just given examples on small areas for purposes of this Application.

Sheehan is concerned if we approve microtrenching and handholes for areas specified, will it cover also boxes in that area? Unclear how many of 800K linear feet are in buffer zone area. It just says "Jackson st" not anywhere in the City in the buffer zone. If every house in the City not notified, then Chair says residents have not been properly notified. 10 days and 5 days before trenches, residents must be notified by letter and door hanger.

Bigger picture: at discretion of Concom: can condition to encompass all areas in buffer zone but Glode says notification is the main concern. This is under WPA. Linda Calnan says they must notify every resident the 10 and 5 days. Comment at public hearing of ConCom is also an issue.

Chair:

- Response plan for saw cutting direct buried Comcrap?
- Proposed response for sawing through gas services w/out appropriate coverage? Digsafe does not give you a depth variance, must vac down or hand dig to spot utility 18" both sides of marks, take it from there.
- Any buried utility painted by digsafe (water is not digsafe, will be called separately) they must legally locate utility before trenching across it.
- Not going to mark up w/digsafe across the entire City, will be zone by zone.
- All work is in accordance with the DPW.
- Ex. Oct/end of Sept. they will not be anywhere near downtown
- There will be no above ground installation
- St. Louis is NOT in favor of technology, would condition to point they would be in a no-go scenario, so will not be voting in favor. Believes impacts will be ongoing and continuous during life of product esp re pavement, other utilities, working with tree commission, paving, all of City.
- Chair asks other communities that have SiFi, none in MA, that was part of MA RFP. Being done in Hartford Ct. Fullerton CA is the model for this, but those streets are different than Salem's, straight w/no bricks, cobblestone, or tracks and gutter system different.
- Sheehan: Hawthorn ST. will have work but Applicant was told to just give 2 examples, not submit every street in entire City in
- IN buffer zone, floodplain, riverfront? Tried to avoid everything but buffer zone given the streets. Chair: some areas are 100% wetland or in the floodplain. Limited to ROW trenching outside of private/public.
- Viera Worst Case Scenario: 30 year project, at that point, 100% of city has NOT yet been covered by SiFi, what happens? Goal is to have it all installed by end of 2022, depending on winter. Entire city in 18 months, ongoing maintenance for call s is for 30 years. EX. If you need to move your drain line, you will call SiFi just like you would call Nat Grid etc. to move their utility
- Will start with 1 crew, add a second and perhaps 3rd crew based on DPW permits. 1000' per crew per day = 3000' /day. 800K linear feet.
- Don't have to pay Verizon or whatever to use their infrastructure, they are installing their own. SiFi's expertise is in sewer system and underground utilities, that's why they got into this. Ricciarelli: preferable to be underground? Fiber optic says Glode, is not even possible to do on poles b/c it is somewhat fragile.
- Meers is doing such projects from here to CA, almost all underground. To offer ISP options for residents and City to have 10 gig availability.
- Time frame temp cover flowable fill to millin overlay. 1-3 days, not next year. Must be spaced so they don't impede thousands of feet of traffic.
- Ductwork will all be in the street, 2' off edge of pavement but has variance 1' either way. They will have no parking signs. Good luck.
- Trenching crew : 12-14 people, vac truck w/ground hand, operator on microtrencher, pothole crew will core hole, find and spot utility w/separate vac truck and give them the depth, 2-3 behind them to cleanup, flow fill truck shows up early afternoon, all while they are unwinding ductwork.
- Will an RDA cover them if they are in more sensitive areas? Have an NOI In place for those

areas?

- Chair thought this was an NOI, as it is IN resource areas. Does not understand why it isn't/ Glode. Every microtrench does not add up to an acre of disturbance. NOI would address that it is for the entire City, which we need to look at wetlands map, etc. (Sheehan). Design work is in place, would be a GIS level plan says Chair,
- Ricciarelli: blanket RDA Whole city ? Application does not ask for that, it asks for these specific locations. Because WPA does allow ConCom ability to make that decision, we can condition that under our Jurisdiction.
- Glode: NOI would be more applicable, allow them to notify all residents, (this has to be done anyway) WPA notification vs. notifying because. Also NOI would be "free publicity"
- Service from HQ or providing location? Shelters are the main aggregation hubs. National Grid will provide electric to 100 amp cabinets, hubs are 400 amps and connect w/direct fiber to Somerville and Cambridge data centers.
- Glode feels disturbance is limited but an NOI would be more applicable in general
- Vieira: Hartford Project progress? Unsure how it's going as it's not his project also not coastal.

Marc Livesey 68-70 Salem St. appreciates 7:43

How to go street to sidewalk? Will cut seam of concrete panel, run along edge of right of way. Use a walk behind saw, lay duct tube, etc. If they can't City Ordinance is that sidewalk panel must be completely replaced if damaged.

If owner needs to replace water line in street, if they cut SiFi line, does repair cost property owner? Depends on if they have called DigSafe, Ms. Calnan will check.

Steve Feinstein, represents buildings in Salem lives in Peabody

Who owns infrastructure? Network and 1.25" trenches. Network owned by SiFi, ISP service(s) such as Gigabit Now own ISP services. SiFi owns infrastructure, then a service provider (s) uses it. SiFi owns it - if City is still satisfied can rejoin for an add'l 15 or 30 years, SiFi MAY still own infrastructure after 30 years but will verify.

Chair: what is fiber blown in to microducts? It is blown in glass blown in by Adcom. How to dispose of it, for example? IF water main blows out an intersection and fiberglass is mixed w/soil removed from trench, are you disposing of 10 yards of hazardous waste or common fill? Glode: is hardened fiber optic shattering – basically glass, it can crack and would splinter. Ms. Calnan will find out. Sheehan feels this is beyond our jurisdiction, but bc we have had contaminated sites... Composition of fibers is glass. Light driven through a specific layout says Glode.

Mr. Feinstein: IF I want the service, how does it get to me? Do I pull a permit, ask the City? SiFi would provide a link or Salem Fiber City, connects to Gigabit Now who will explain how to sign up for service. But he is in a resource area, need to come to ConCom? Yes. If not included w/SiFi Basic infrastructure package, yes.

Chair: is there a local staging site? 15 Robinson Rd. off of Swampscott Rd. behind the golf course, leasing property from Michael Wise. Discharge/dewater there or at disposal site? Ideally straight to

disposal site, but will depend on traffic. Decant a wet load – load not that wet, can fit 800-1100 linear feet of material in vac truck, as heavy, wet material to keep blade cool/dust down. Silt fence will be at hut locations. Everything must be brought back within stated areas.

Glode: DPW Is expecting/overseeing this work? Yes. Fiber QA QC, construction QA QC will be onsite. Based on Pilot, DPW will allow them to move forward, or NOT.

Chair: application 9A is 3 cabinets and services, nothing to do with pilot, just located in buffer zones Application D Jackson St. is pilot and E is the first work zone but is representative of citywide. Chair suggests withdrawing and filing an NOI though the RDA's can be continued if they want to talk to legal council.

Glode: can we act for 3 cabinets under RDA then come back w/NOI for add'l? Moot point, says chair, if they don't get one they won't get others. Citywide app would encompass that work.

Jackson St./Jefferson St. intersection is buffer zone. This would provide DPW oversight and ConCom feedback prior to filing an NOI. They are currently working outside the buffer. If street is or about to be paved, working w/J Carroll to try to schedule to be in conjunction w/trenching before final paving.

Sheehan is OK approving each as filed subject to standard conditions b/c no impact. Must be clear that we expect an NOI for the larger City project. Many groups that may have input (SSCW, etc.) may want to provide. Ricciarelli and Glode agree. St. Louis: if time is not of the essence, notify abutters.

Notified under contractual obligation, not under NOI jurisdictional requirement, which is specific and requires certified mail, etc. If we approve something not properly noticed, state will say it's not valid.

Bart Hoskins leaves the meeting at 8:01PM.

How do we know if microtrenching goes thru AUL? Chair: we don't have enough info/notice to public which is required.

The Applicant requests to approve the 3 RDA's, separately.

A motion to close pub hearing, Sheehan, Campbell roll call

St. Louis Yes

Ricciarelli Yes

Glode Yes

Vieiera Yes

Sheehan Yes

Campbell Yes

Hoskins – absent

Potentially conditioned. What is in which jurisdictional area is discussed.

Conditions: Silt sacks in place. Orderly. Erosion control installed prior to construction inc. silt sacks, silt fencing, compost wattles, test pits over existing utilities inc. Digsafe as needed. Protection of storm drains and outfalls. Linear edge of resource area as delineated by MassGIS or local means. Any site repair must come before ConCom if jurisdictional. O & maintenance plan to be provided

C) A motion to issue a negative 3 specific to cabinet installation w/above conditions and a Negative 6 Condition is made by Sheehan, seconded by Glode, and passes in a roll call 4-2vote.

St Louis NO

Ricciarelli Yes

Glode Yes

Vieira No

Sheehan Yes

Campbell Yes

D) A motion to issue a negative 2 specific to cabinet installation w/above conditions and a Negative 6 Condition is made by Glode, seconded by Sheehan, and passes in a roll call 4-2vote.

St Louis NO

Ricciarelli Yes

Glode Yes

Vieira Yes

Sheehan Yes

Campbell Yes

E) A motion to issue a negative 2 specific to cabinet installation w/above conditions and a Negative 6 Condition is made by Sheehan, seconded by Ricciarelli, and split vote/reconsideration

Discussion:

Restricting scope of work to locations mentioned in Item description

St Louis NO

Ricciarelli Yes

Glode No

Vieira No

Sheehan Yes

Campbell Yes

Chair considers motion for POSITIVE 1 determination for RDA – they would be required to reapply for Clark/woodland intersection, entire City never came before ConCom, would need to do that.

Include in larger NOI

Glode, Vieira

St Louis Yes

Ricciarelli No

Glode Yes

Vieira Yes

Sheehan Yes

Campbell Yes

AS discussed, Commission approved C and D, but E may NOT move forward. NOI Application for Citywide project must be filed w/Commission.

III. OLD/NEW BUSINESS

A. 132-144 Canal Street – DEP #64-644 – Request for Extension of Order of Conditions

Dan Ricciarelli recuses himself from this item.

Steve Fienstein Mark Lipsky, owner of Canal Realty Development LLC, PUD to construct 2 buildings residential, incl one with retail below, opening one middle of next month, Starbucks standalone drive thru on corner of Ocean and Canal St. Broad St? Must extended Order of Co otherwise cannot get C of O

Site work is ongoing. Seeking 3 year extension but should be done end of this year. Chair notes they should push for City drainage project to move forward.

A motion to extend the Order of Conditions by three years is made by Glode, seconded by Sheehan, and passes 5-0.

B. Transmission Line Right-of-Way, Waite Street - DEP #64-701 - Request for Certificate of Compliance

Applicant has requested to continue. No motion is needed.

C. Collins Cove Living Shoreline – DEP #64-651 - Project Update and Request for Minor Change for Post and Rope Fence

Tom Devine of the Planning Department presents, and is not asking for money. Maintenance of the project has been ongoing since 2019, including volunteer time and some work paid for by this Commission. The Order will expire next month and a Certificate of Compliance will be sought. There is a need to protect the young marsh from dogs and people; fencing has been explored. For aesthetics and wildlife a post and rope fence, 6" diameter posts, 4' high, 2 rows of rope is proposed outside the marsh between the marsh and path. There is one 5' wide path through the marsh for access. IT is a good experiment b/c you can see erosion that happens w/out plantings. This will be left open. Chair: is the fence temporary, do we need concrete footings or just pile? Tom advocates for concrete footings so it will last for a few years. Narrow posts for construction fencing were put up/removed seasonally but came out. Hoping these will stay put/not be pulled out/leaned against. DPW will not maintain. Hoping to get 5 years out of the fence. Cedar would be the most long-lasting material among wood. When the fence is no longer needed, the hope is that the marsh will be grown in enough so people don't want to walk over it, or the marsh can handle it.

Word will be out about the fence installation, ward councilor info about it went out on social media. They are hoping to install the fence (installed by a CZM grant this fiscal year) so it must be done immediately. St. Louis: make determinations to allow paths to continue so no one feels slighted of

access. TDevine: it is just one spot for access, otherwise vegetated w/no clear access. It is just rope, so people and dogs could climb through/over. Ricciarelli thinks it could be lower w/only one rope. Tom: balance keeping it open/keeping a barrier.

Glode notes concrete will affect the pH of the soil, but probably not much. Installation of fence posts is discussed.

A motion to approve the minor change is made by Ricciarelli, seconded by Glode, and passes 6-0.

IV. APPROVAL of MINUTES

A. May, 2021 Minutes

p.7 New business – Sheehan: proposed North River trucking area cc jurisdiction? Clarify? (strike unedited section)

Also p. 1 6:30 not 6:0PM

A motion to approve the minutes is made by Sheehan, seconded by Ricciarelli, and passes 6-0.

V. ADJOURNMENT

A motion to adjourn is made by Sheehan, seconded by Ricciarelli, and passes 6-0.

The meeting ends at 8:51PM.

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.