

**Salem Conservation Commission
Minutes of Meeting**

Date and Time: Thursday, November 8, 2018, 6:30 p.m.
Meeting Location: Large Conference Room, City Hall Annex, 98 Washington Street
Members Present: Chair Gregory St. Louis, Dan Ricciarelli, Gail Kubik, Scott Sheehan, Bart Hoskins (arriving late), Tyler Glode (arriving late)
Members Absent: Tom Campbell
Others Present: Darya Mattes, Conservation Agent; Ashley Green, outgoing Conservation Agent
Recorder: Stacy Kilb

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

I. ROLL CALL

II. REGULAR AGENDA

45 Traders Way and 40 First Street (DEP #64-655) - Continuation of Public Hearing—Notice of Intent for PETER LUTTS/PAVEL ESPINAL, 27 Congress St, Suite 414, Salem MA. Purpose of hearing is to discuss the proposed construction of a clubhouse with pool, patio and recreation area along with six (6) apartment buildings, two (2) of which will have first floor retail space, eight (8) parking garages, surface parking, landscaping, walkways, utility installation, and stormwater management systems at 45 TRADERS WAY and 40 FIRST STREET (Map 08, Lot 159; Map 13, Lot 0011) within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

The Public hearing for this item was closed at the previous meeting, however the Commission ultimately decided to continue to a future date, so the hearing must remain open.

A motion to reopen the public hearing is made by Tyler Glode, seconded by Scott Sheehan, and the matter carries.

Chair St. Louis has some comments for the Applicant, who is not present. He will pass those along through the agent. His concerns center on the CAD report and some housekeeping items.

A motion to continue to the December 13, 2018 meeting is made by Gail Kubik, seconded by Bart Hoskins, and the matter carries.

Salem Waterfront Improvements (DEP #64-657) – Public Hearing - Notice of Intent for the City of Salem, 98 Washington St, Salem MA. Purpose of hearing is to discuss proposed Salem Waterfront Improvements, including a new dock facility at 289 Derby Street, renovation of the Congress Street Pier, and a new dock facility at Central Wharf, within an area subject to protection under the Wetlands Protection Act MGL c131§40 and Salem Wetlands Protection & Conservation Ordinance.

This item is heard first. Presenting for the Applicant is Ron Morin. There are actually three separate projects under one application. They are meant to provide enhanced public access to the water.

289 Derby St. is at the South River basin, and is a float system moored to the seawalls. The system is described in detail. The new float will have an improved gangway and be accessible; it will be removed seasonally.

There is a 20x20 main float and 6x20 floats on either side. They will be of different heights to allow for putting in of kayaks and canoes. The public would be able to put in their own watercraft.

The renovation of the Congress St. pier is outlined. It is cordoned off and not safe to use presently. The existing pier will be removed and the entire thing reconstructed with a much smaller footprint. The existing pier floods during astronomical tides; the new pier will be above most of those. There will be a longer gangway down to a float; instead of the pier will be a 6x36 float extending back to the bridge. It will stay within the same footprint relative to the channel. Docks will presumably be timber. This will be a public landing and used by the Harbor Master, not just for the water taxi.

Chair St. Louis asks about the piles at Congress St. They are within the footprint of the original pier. The new dock facility at Central Wharf is outlined. This is owned by the US government and managed by the National Park Service. The east side of the Central wharf currently has an ADA compliant ferry landing, a barge with gangways. The new project would come on to a series of three 10x20 timber floats. This would allow boaters to tie dinghies for a few hours during the day. It is not intended for other vessels. There are no piles being added; the existing bulkhead will be used and a pipe sleeve system will be implemented. This is also for public access. The Harbormaster wishes to have this facility to encourage more transient use.

Chair St. Louis asks for 289 Derby St., if the City will have a vendor renting kayaks or if it is meant for unloading kayaks. Kayak rental has not been discussed. The park will be developed with some parking that would allow the unloading of small watercraft, being carried down. There is some discussion of parking and the Chapter 91 license. This portion of the river is not considered physically navigable; the channel ends at the bridge. An earlier master plan had a bridge proposed. Bridges are discussed.

The Chair asks about the chain setup; it is typical. The footprint will be in the water at low water, but not in enough water. The Applicant will have to pay a fee to the Army Corps of Engineers to offset the 18" of water required underneath, that can't be met. They charge a fee for going below their threshold. There is no vegetation in that area.

Chair Anderson opens to public comment.

Doug Karan, of 25 Winter Island Rd. asks about the project location and reasons for it. This is the new park on Derby St. and the improvements are to provide public access to the river.

A correspondence was received from DMF stating that 18" rather than 12" of water should be maintained underneath at low tide; as this is not possible, the Applicant will pay a fee in lieu of having 18" of water beneath the float at low tide, as previously discussed. Other options are described; they would not make sense.

Sheehan wonders about kayak access and general debris removal in that area. Debris poses a safety hazard. It is a general Operation & Maintenance item, and the City should follow up on increased use. This would be a continuing project. The logistics of debris removal are discussed. A complete set of construction drawings for all 3 sites including language regarding initial cleanup by the contractor who wins the bidding process, can be submitted prior to commencement of work

A motion to close the public hearing is made by Dan Ricciarelli, seconded by Bart Hoskins, and the matter carries.

A motion to issue an Order of Conditions with standard and the following Special Conditions is made by Dan Ricciarelli, seconded by Bart Hoskins, and the matter carries.

Mitigate DMF concerns with a financial payment in lieu of vertical separation

Suggest that the City and Harbormaster look into removing debris within the channel prior to allowing public access

11R Winter Island Road (DEP #64-658) – Public Hearing – Notice of Intent for Brian Jackson, 11R Winter Island Road, Salem, MA. Purpose of hearing is to discuss the proposed replacement of a seawall at 11R Winter Island Road, Salem, MA (Map 44, Lot 22) within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

This item is heard next. Presenting for the Applicant is Mr. Matt Randal with Civil Works New England. A storm in March has damaged the seawall; 67 linear feet of brick and mortar structure has been washed away. It will be replaced in kind and in the same location. Details of the wall's construction are described. Elevation at the top of the wall is 11, slightly higher than the original. The area above will be re-graded away from the wall to make water go around the side to drain. All construction will be done from land.

Chair St. Louis asks what the resource is; the Applicant considers the wall a bank with stone in front. The joint with the neighbor's wall is described; they will butt against each other and the corner will not be reinforced. The walls will be aligned.

Tyler Glode arrives at 7:01PM.

Backfill will consist of existing material, and elements of the wall are described in more detail. Some toe stones will be below grade. The neighbor's property and a right of way are discussed.

The Commission has received a letter from 9 Winter Island Rd. stating that at this time they are not waiving any claim to ownership of the land seaward of the plans but they do not object to 11R making repairs to the walls.

The Chair asks about scuppers, but the rock itself is relatively porous. It will also drain out to the sides.

Chair St. Louis opens to the public.

A neighbor from Winter Island Rd. comments that recent Nor'easters produced four significant high tides of a level not seen before. There is no seawall anymore at the address in question, so he is in favor of the seawall and feels the firm hired is very competent.

Correspondence from Mary Blue has been received; she is also in favor of the project.

A motion to close the public hearing is made by Scott Sheehan, seconded by Bart Hoskins, and the matter carries.

A motion to issue an Order of Conditions with standard conditions is made by Tyler Glode, seconded by Gail Kubik, and the matter carries.

II. OLD/NEW BUSINESS CONT.

10 White Street/Hawthorne Cove Marina, DEP #64-555, Request for Minor Modification

Noah Flaherty, General Manager of Hawthorne Cove marina, requests to amend the pier work to include installation of a new wave attenuating dock on the end of the marina. The ends of two docks, A and B, would be pulled and they would eliminate approximately 12 slips to install an L-dock, to stay within the Chapter 91

DEP approved zone of reconfiguration. The number of pilings will be reduced. The current dock system dates from 1985 and the docks are in a state of extreme disrepair. It is the same type of work as originally proposed, within a similar footprint.

Chair St. Louis felt this change was best accommodated as a minor modification.

A motion to approve the minor modifications: is made by Bart Hoskins, seconded by Tyler Glode, and the matter carries.

William Phelps on behalf of Salem State presents. The Applicant was not present at the last meeting, and the Commission had some questions. Mr. Phelps is here to answer them.

There were two wells that had been destroyed; the remnants were being closed out and they were being replaced. Ultimately it was decided not to replace them in the marsh, but in a far more accessible location where tides would not need to be dealt with for installation and sampling. The monitoring program will be closed once data is complete; so far there is a good data set. Nothing of note occurred. The well was installed and ground sample completed. Commission concerns were regarding getting heavy equipment out on the marsh; now there is no need. The general nomenclature of the wells was also a concern, and this has been clarified.

A motion to issue the Certificate of Compliance is made by Tyler Glode, seconded by Gail Kubik, and the matter carries.

9 Harborview Terrace, DEP #64-619, Request for Certificate of Compliance

Scott Maxwell of 9 Harborview Terrace presents the request. Site visit photos are provide; work is complete. Whether an as built is required is discussed; its requirement is a standard condition. Mr. Maxwell states that there were no changes and that supporting documentation has been provided. The number of piles needed is discussed. Four provides added stability, and that many are needed for stabilization with the feet.

A motion to approve the Certificate of Compliance is made by Dan Ricciarelli, seconded by Bart Hoskins, and the matter carries.

148 Marlborough Road, DEP #64-591, Request for Certificate of Compliance

Ms. Evin Guvendiren from DeRosa Env. Consulting represents Mr. German for the two properties constructed here. LeBlanc Survey has provided a statement of compliance has been submitted. At least 75% of plantings have survived, as required. A shed and pool were removed, and two units built in the back. A booklet in the packet provides more detail. Ashley Green and Darya Mattes made a site visit.

A motion to approve the Certificate of Compliance is made by Scott Sheehan, seconded by Bart Hoskins, and the matter carries.

IV. APPROVAL OF MINUTES

Meeting minutes—July 12, 2018 and August 9, 2018.

A motion to approve both sets of minutes is made by Dan Ricciarelli, seconded by Tyler Glode, and passes unanimously.

V. ADJOURNMENT

A motion to adjourn is made by Scott Sheehan, seconded by Bart Hoskins, and passes unanimously.

The meeting ends at 7:35PM.

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

Respectfully submitted,
Stacy Kilb
Clerk, Salem Conservation Commission