

DRAFT MINUTES

**Salem Conservation Commission
Minutes of Meeting**

Date and Time: Thursday, Oct. 13, 2016, 6:30 p.m.
Meeting Location: Third Floor Conference Room, City Hall Annex, 120 Washington Street
Members Present: Chair Gregory St. Louis, Tom Campbell, Tyler Glode, Bart Hoskins, Scott Sheehan
Members Absent: Dan Ricciarelli, Gail Kubik
Others Present: Tom Devine, Conservation Agent
Recorder: Stacy Kilb

Chair St. Louis calls the meeting to order at 6:35PM.

- 1. 311 Derby Street (Flatbread Company)**—Public Hearing—Notice of Intent—John Swansburg of Salem Flatbread, LLC, 258 Andover Street, Georgetown, MA. The purpose of this hearing is to discuss the proposed construction of a harbor walk and associated improvements at 311 Derby Street (Flatbread Company) within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

Presenting for the applicant are Susan St. Pierre, Peter Brown of Salem Flatbread, and Scott Patrowicz. This is the former Goodyear Tire site. The applicant is proposing reuse with no expansion of the building footprint, plus other improvements. The applicant is required to construct a harbor walk and a Chapter 91 license must be obtained. An ENF was filed with MEPA and the decision is to come out next week. The drainage is described and illustrated. Some performance standards do not apply in this case. Ms. St. Pierre outlines comments submitted. Coastal bank does not exist so there is no impact there; impact was questioned and the rationale for the calculations is described. All impact will be temporary.

The dimensions of the harbor walk are described; some storm drainage will flow off the harborwalk into the South River. She describes how this will be accomplished. They will continue their harbor walk in kind with the one already in place at the Speedway next door. There is also a City owned segment it will connect to across.

Chair St. Louis outlines his concerns, which are addressed by the applicant. One area being re-paved will be used for deliveries, storage and access. The concrete on top of the coastal bank wall will be cut flush rather than having scuppers installed, because the City would like a consistent design of the harbor walk. Stormwater runoff currently flows through breaks down through the concrete wall.

Chair St. Louis is concerned about making a sea wall shorter but the constraints of the site require it. Logistics of grades are discussed. While there are no other building additions, Chair St. Louis asks about TSS removal and Ms. St. Pierre outlines.

The Chair has some concerns regarding parking; planters are being considered to prevent people from parking beyond the four spots allocated, and that area in general does not lend itself to parking.

Chair St. Louis would like applicant to double check the roof runoff tie-in; they will and will contact Devine. A Storm water Operation & Maintenance Plan is included. The site will be under constant surveillance, so it does not need provisions for illicit dumping in catch basins. The NOI was received by the

DEP but they have not issued a file number yet.

The applicant will check the TMDL for the South River. The seawall is in decent shape except where it adjoins City property. Logistics of top of coastal bank are discussed. No work will be done in the water.

Outdoor seasonal dining areas must be removable as per Ch. 91 license, and it will not be fenced. Sheehan asks about the 20 square foot gap between the gas station and this property; is it perpetual? Frank Taormina will contact the Speedway owner, as it is private property. The Commission does not require that they bridge the gap, but would allow and encourage it. Devine suggests that the Commission take the same position regarding the gap on the City side.

Sheehan also asks about water sheeting toward the gas station site, which it does, and there is also a popular loitering spot which will hopefully go away once the project is complete.

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

Conditions:

- Confirm no illicit connections to 8" outfall to South River
- Commission allows connections on both sides to City and Speedway walkways
- Commission will accept City's decision on whether the walkway is 9' or 10' clear
- No dumping snow into the river without special permission from the City

The Commission agrees with St. Pierre that the standard condition prohibiting stockpiling of materials within the resource area or buffer zone is not practical, since this property is entirely within these jurisdictional areas. Therefore, the Commission removes that standard condition, provided that adequate protective measures are installed.

A motion to close the public hearing is made by Sheehan, seconded by Hoskins, and passes with all in favor.

A motion to issue an Order of Conditions with standard conditions and special conditions as above, is made by Sheehan, seconded by Campbell, and passes with all in favor.

- 2. 93 Canal Street (Former Candy Factory)**—Public Hearing—Request for Determination of Applicability—Schiavuzzo Realty, LLC, 18 Cabral Drive, Middleton, MA. The purpose of this hearing is to discuss the proposed conversion of a candy manufacturing facility into residential condominiums and associated improvements at 93 Canal Street within an area subject to protection under the Wetlands Protection Act MGL c131§40 and Salem Wetlands Protection & Conservation Ordinance.

Applicant Leo Schiavuzzo, Civil Engineer Leonard Buffard, and architect Frank Curtis are present.

Leo Schiavuzzo states that George Atkins, attorney, via email, has stated that the project does not impact resource area, so standards of the Act are not applicable. Mr. Buffard shows a sketch delineating distances to the resource areas.

Mr. Schiavuzzo describes the project; the footprint of the building will remain as is, and it will be converted to residential units with 15 parking spots. Mr. Curtis comments that neighbor has agreed to allow joint access via driveway to parking units at the back. An access easement is in place. The chair requests a copy prior to construction.

A van-accessible parking space is on the back corner of the lot; the loading zone is discussed. The Chair recommends amendments to handicap parking which could impact the configuration of the landscaping.

The existing site is partially paved, with some gravel and dirt. Soils onsite, drainage and grading are discussed. Parking and access logistics are further discussed.

Sheehan asks about drainage and infiltration and Mr. Buffard reviews the numbers. This project is in the flood zone according to FEMA. The City Engineer has said that work on Canal St. will not affect their site.

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

Conditions:

- Any additional snow storage will be trucked offsite.
- An Operations and Maintenance Plan for the catch basins has not been submitted, so the Commission requires maintenance based on Vol. 2 of the Massachusetts Stormwater Handbook.

A motion to close the public hearing is made by Campbell, seconded by Hoskins, and passes 5-0.

A motion to issue a negative 2 and negative 6 determination, with the above conditions, is made by Hoskins, seconded by Glode, and passes unanimously, 5-0.

3. Old/New Business

- Request for Minor Modification, 40 Circle Hill Road, DEP #64-621

George Fallon of Marsh St. Salem., liaison for Ken Steadman, presents. Mr. Fallon describes the original approval and progress on the project. The no-build zone was moved where lot 3 is, and two dwellings of 2400 square feet each were approved. Now, one dwelling of 2500 square feet is planned on lot 2, but the one on lot 3 will only be 2100 square feet. Thus, there will be more open surface on the site. Lot 3 is closest to the resource area.

Chair St. Louis comments on the various ways this change can be handled. Essentially, nothing needs to change. The no-disturb zone was pre-existing and is discussed.

A motion to approve the minor modification as shown on proposed plans for lots 2 and 3, subject to gross square footage not increasing across 2 properties, and that nothing violates previously discussed buffer zone relief, is made by Sheehan, seconded by Hoskins, and passes unanimously 5-0.

- Request for Certificate of Compliance, 8 & 10 Franklin Street, DEP #64-556

Luke Fabbri of Geological Field Services presents. This is for the sea wall that was reconstructed at 10 Franklin St. As-built plans have been submitted with two minor deviations from what was approved, which he describes. Tie backs were changed and fender piles driven. The chair asks if Ch. 91 cares about Fender piles; Mr. Fabbri will send a letter to Ch. 91 who will either tell him to re-apply and at most they will be charged an additional fee.

St. Louis opens to the public and there are no comments.

A motion to issue a certificate of compliance is made by Glode, seconded by Campbell, and passes unanimously, 5-0.

- Request for Certificates of Compliance for Osborne Hills/Strongwater Crossing Subdivision lots:
 - DEP #64-458, Lot 17, 20 Amanda Way
 - DEP #64-454, Lot 14, 25 Osborne Hill Drive
 - DEP #64-452, Lot 35, 16 Osborne Hill Drive
 - DEP #64-440, Lot 4, 7 Osborne Hill Drive
 - DEP #64-586, Lot 5, 31 Osborne Hill Drive
 - DEP #64-585, Lot 47, 30 Osborne Hill Drive
 - DEP #64-584, Lot 48, 33 Osborne Hill Drive
 - DEP #64-583, Lot 49, 35 Osborne Hill Drive
 - DEP #64-582, Lot 86, 34 Osborne Hill Drive
 - DEP #64-581, Lot 87, 32 Osborne Hill Drive

Only three out of the ten listed sites have enough information to issue a Certificate of Compliance. Devine outlines what was requested. Evidence of specific conditions on each lot being met has not yet been obtained. Some lots have been transferred with open Orders of Conditions so the new owners will have to request Certificates of Compliance. The developer would like to resolve the issues. 7 Osborne Hill Dr. has an in-ground pool that was not permitted.

20 Amanda Way was tabled previously only because grass had not been established; now grass is established. It was the same case for 16 and 25 Osborne Hills Drive, except that the Commission issued partial certificates for those, holding the full certificate until grass is established. Now that grass is established on all three lots, Devine recommends issues three full certificates of compliance.

A motion to issue full Certificates of Compliance for 20 Amanda Way, 16 and 25 Osborne Hills Drive is made by Sheehan, seconded by Hoskins, and passes unanimously, 5-0.

- Request for funding for attendance at grant award ceremony (\$125)

A motion to approve \$125 for this purpose is made by Sheehan, seconded by Hoskins, and passes with all in favor, 5-0.

Miscellaneous

Devine reminds the Commission that the MACC Fall conference will take place on Oct. 29 in Holyoke.

Devine announces that Essex County Greenbelt Association's Open Space Conference is Saturday, Nov 12 in Haverhill.

The Community Preservation Committee Public Hearing is October 17. The public is invited to comment on the Community Preservation Plan. Hoskins comments that Committee may bond a lot on Derby St.

Devine asks whether members still prefer to receive paper application materials, and several answer affirmatively. Therefore, Devine says he will continue to provide paper materials to the Commission.

A motion to adjourn is made by Hoskins, seconded by Sheehan, and passes with all in favor.

The meeting ends at 8:20PM

Respectfully submitted,
Stacy Kilb
Clerk, Salem Conservation Commission

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