



# CITY OF SALEM CONSERVATION COMMISSION

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## **\*SECOND REVISED NOTICE OF MEETING**

Notice is hereby given that a meeting of the Salem Conservation Commission will be held on **Tuesday, October 19, 2021 at 6:30 p.m. via remote participation, in accordance with Chapter 20 of the Acts of 2021.**

### ***MEETING MINUTES***

**Date and Time:** Tuesday, October 19, 2021, 6:30 p.m.

**Meeting Location:** Zoom or Dial-in

**Members Present:** Chair Gregory St. Louis, Bart Hoskins, Scott Sheehan, Dan Ricciarelli, Tom Campbell, Judith Köhn

**Members Absent:** Tyler Glode

**Others Present:** Kate Kennedy, Conservation Agent

**Recorder:** Kate Kennedy

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

#### **I. ROLL CALL**

#### **II. REGULAR AGENDA**

- A. 200 Fort Avenue – DEP#64-731** - Public Hearing - Notice of Intent, City of Salem. The purpose of the hearing is to discuss the demolition of the Salem Willows Pier, within an area subject to the Wetlands Protection Act MGL c131§40 and Salem's Wetlands Protection & Conservation Ordinance.

Seth Lattrell, City of Salem:

Ross Kepler, Division Marine Fisheries, co applicant for the Salem Willows pier restoration.

- Presents briefs various previous reconstructions history
- Demolition ahead of reconstruction as poses a current hazard
- Looking to install new pier, same footprint, requiring removing all timber piles
- Erosion control: turbidity bottom weighted siltation curtain for erosion control, trying to do majority demo between Nov 15 and Dec 15.
- Combination of upland and inland work – all temporary impacts
- The new pier review is still under permitting and ConCom will likely see within next few months
- Future primary use still for fishing access – ADA access, climate resiliency – will be raising the structure to accommodate for sea level rise

Any dredging history in the area – none that are known of recent

Seaward to landward – will you be staging on landward side – they are not specifying to contractor to give flexibility based on quote/budget to avoid delay

- Mostly ledge on landward side – all work within the curtain and upland work on existing paved area.

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

- Staging will also depend on barge if will be taking off site daily or stock piling – but likely removing debris by water
- Since DMF is co applicant it is assumed they will use appropriate measures and practices.  
Do not anticipate barges staying for long nor on mud flat

No public comments.

*Dan Ricciarelli motions to close the public hearing, Tom Campbell seconds, passives 6-0 via roll call vote.*

Judith Köhn  
Gregory St. Louis  
Dan Ricciarelli  
Tom Campbell  
Scott Sheehan  
Bart Hoskins

Gregory St. Louis **looking for motion to issue OOC subject to standard conditions with a note that barge removal may temporarily rest as appropriate – Looking for a motion to issue the OOC**

*Dan Ricciarelli makes a motion to issue OOC, Bart Hoskins seconds. Motion passes in 6-0 via roll call vote.*

Judith Köhn  
Gregory St. Louis  
Dan Ricciarelli  
Tom Campbell  
Scott Sheehan  
Bart Hoskins

- A. 16, 18, 20 Franklin Street – DEP #64 -724 – Public Hearing *Continuation* - Notice of Intent for Mike Paige, of Griffin Engineering. The purpose of the hearing is to discuss the redevelopment of the junkyard site located along the North River into a 37-unit residential condominium complex. Work includes construction of 1 townhouse and 3 garden style buildings with associated parking, landscaping, utilities, stormwater management system; site remediation, shoreline clean up, enhancement, and stabilization, removal of junkyard facilities, and construction of a public access walkway and landscaping along the North River shoreline. The project proposal is within an area subject to the Wetlands Protection Act MGL c131§40 and Salem's Wetlands Protection & Conservation Ordinance.**

*Motion to continue to next hearing*

Judith Köhn  
Gregory St. Louis  
Dan Ricciarelli  
Tom Campbell  
Scott Sheehan  
Bart Hoskins

Dan Ricciarelli makes *motion to open the public hearing, Bart Hoskins seconds.*  
*Judith bart greg, dan tom, scott*

Bob Griffin is present – In July was in MEPA process – DEP,CZM, MEPA representatives – changes from 2018/2019 revisions previously approved and then appealed. Land ownership issues formerly raised – resolved earlier this year

- Brought back to MEPA supplemental EIR, MEPA had to revise coastal bank stabilization – rip rap at lower elevations, vegetation at higher elevations but MEPA came back and said to do riprap all the way on the bank; The new pier review is still under permitting and ConCom will likely see within next few months
- Other revisions: they also asked to revise the vegetation between shoreline path and bank (was previously lawn), low growing salt tolerant grass, additional pavers at cul de sac, no fence along baseball field, easement for municipal drain, and gate valve at MDC trap
- City is still working on plans for Parcel A
- Pavers or Turf Block at the roundabout.
- Comments about city's drain line to a couple catch basins that runs along the parcel line and drains into North River.
- 11.4 above 100 year flood elevation. Having gate valve is important and add small level of protection. MDC trap detail with gate trap

Griffin had asked the LSP Johnathan Moore, Middleton the following:

- Downgradient property status (parcel A)
- AUL provisions – likely to include requirement to prepare soil mgmt. plan if any future disturbance after develop; regular inspections of the cap and the clean fill and ensuring the fill remains – likely no tomatoes or kid facilities ... typical AUL restrictions
- Groundwater monitoring requirements – no concentration is minor enough
- Stormwater treatment for phosphorous removal – redevelopment of sites and discharge into MS4 – phosphorous usually accomplished with infiltration – in compliance with NDPS- at this site cannot encourage infiltration (middle of landfill)
- Does not believe MS4 applies to this project because the stormwater doesn't go into a municipal system, goes into their own and then discharges directly out to the North River
- TMDL – total maximum daily load – redevelopment will be substantial improvement –

What triggers the gate valve to close?

- In the event you know a big storm is coming- physical O&M plan – written into long term prevention plan or stormwater mgmt. plan – to designate
- Valve key hung on the wall – readily available and accessible – turn gate 90 degrees only takes a couple minutes 4-6 in diameter pipe –
- City had a Peer Review to look at stormwater and site design – Hoping to be out of MEPA in November, Then chapter 91 as the site is all filled tidelands.
- Some of the coastal bank repair will require a water quality certificate because over 100 cubic yards of excavation along shoreline to construct the coastal bank stabilization

No comments from the public.

Gregory St. Louis  
Dan Ricciarelli  
Tom Campbell  
Scott Sheehan  
Bart Hoskins

Issue OOC subject to standard and other items as previously discussed. All adjustments  
Look at old order of conditions if they need to be changed.

*Dan Ricciarelli makes a motion to Close Hearing and issue OOC with standard conditions, Bart Hoskins seconds.  
Motion passes in 5-0 vote:*

Gregory St. Louis  
Dan Ricciarelli  
Tom Campbell

Scott Sheehan  
Bart Hoskins

- B. 342 Highland Avenue – DEP #64 -725** - Public Hearing *Continuation* - Notice of Intent for Anthony Guba of Al Prime Energy. The purpose of the hearing is to discuss the project proposal to raze any remaining improvements and pavement on vacant lot and construct a new gas station and convenience store; work includes fueling islands, underground tanks, utilities, pavement, and landscaping. The project proposal is within an area subject to the Wetlands Protection Act MGL c131§40 and Salem’s Wetlands Protection & Conservation Ordinance.

Anthony Guba AL Prime is present and requests a continuance received peer review an hour ago. Continuance until Nov 16 meeting.

*Bart Hoskins– make a motion to continue to November 16, Dan Riccarelli seconds. Passes in 5-0 roll call vote.*

Judith Köhn  
Gregory St. Louis  
Dan Ricciarelli  
Tom Campbell  
Scott Sheehan  
Bart Hoskins

- C. 9 Franklin Street – DEP #64 -729** - Public Hearing - Notice of Intent for Patrick Shea, 11 Franklin LLC, for the property located at 9 Franklin Street. The purpose of the hearing is to discuss the proposed twelve (12) unit multi-family development and associated site work within an area subject to the Wetlands Protection Act MGL c131§40 and Salem’s Wetlands Protection & Conservation Ordinance.

*Dan Riccialli recuses on the project – this is being continued by request of engineer-  
Bart Hoskins makes a motion to continue to next public hearing, Tom Campbell seconds.*

Judith Köhn  
Gregory St. Louis  
Dan Ricciarelli  
Tom Campbell  
Scott Sheehan  
Bart Hoskins

Official Attendance Taken for the record. Commission member Tyler Glode is absent.

- D. 435 Lafayette Street – DEP#64 – 730** – Public Hearing – Notice of Intent filed on behalf of Kelly Levesque, John Mackinnon and Linda Gagnon. The purpose of the hearing is to discuss the proposed installation of a pier/gangway and float; a circular exterior stairway; and phragmites/invasive species control, within an area subject to the Wetlands Protection Act MGL c131§40 and Salem’s Wetlands Protection & Conservation Ordinance.

Susan St. Pierre present on behalf of applicant  
Resource areas: Salt Marsh; Land Containing Shellfish; Coastal Beach  
Proposing 79ft pier, 45ft ramp, 192sf float, eradication of 3011sf area of Phragmites

- Salt Marsh backyard and Salem Harbor – steeply sloped
- ROW on northern portion; property is FEMA elv. 16 almost entirely; large stand of phragmites in yard – street  
*Know your rights under the Open Meeting Law M.G.L. c. 30A § 18-25 and City Ordinance § 2-2028 through § 2-2033.*

is highly elevated

- Resource areas are: Coastal Beach; Salt Marsh; Coastal Bank, Land Subject to Coastal Storm Flowage
- Timber handrails and decking – elevation 6 and deck of pier is elevation 14 – well above the salt marsh
- Float over time does sink – 18 inches with float stops. Only other option is to do piles.
- Share phragmites and invasive species control plan. Have both 1300 sq ft upland and lowland 1600 sq feet over time would like to eliminate. Norway Maples, privet and ivy are other invasives they'd like to remove/control
- Bill Manual did the invasive removal plan. Would like to cut and rake or burn them or if we are able to remove and dispose them. Licensed herbicide sprayer. Would use glyphosate /backpack sprayer
- Side yard has Norway Maples, ivy, privet

Received a letter from Division of Marine Fisheries. DMF Concerns:

-Division of Marine Fisheries consistently asked for these floats to be put two and a half feet above the mud line. DEP guidelines say a foot and a half. We prefer a foot and a half.

- Request for two boats to be moved out of the mudflat, one is of the property owners
- Discussion of Chapter 91- the license will be sought after an Order of Conditions.

Judith Köhn & additional questions:

- Erosion Control- Discussion of erosion control to upland area. Temporary impacts and erosion control around the limit of work area. Turbidity curtain to include around the float if it is pile supported in the revised plans.
- Detailed planting plan – exactly what will be installed in that area, when, and maintenance
- Discussion of the upland area and vegetation removal, bank stability in a low lying V zone and under road and abutting driveway.
- Conditions with real performance standards to track success and progress of the restoration.

Letter was read in opposition to this project. Jeff and Maria Rugvey, 422 Lafayette street, Salem.

- What was approved and what was denied in 1999 - likely approved variation of steel frame pile structure.

Open up to public comment:

- Moreen Harnwesey – has swath owned by 435 Easement; 12 feet inaccessible due to a stone wall that the city installed in front of that house. Wants to note this does not appear to effect adjacent easement.
- Ms. Lester of 420 Lafayette- has an easement over 9 ft property owned by 418 /421. Shares concern with size of the proposed pier.
- Harbormaster William McHugh- concerns of scale and scope regarding navigation and pile proposition. Will project over 100 feet out over from mean high water.
- Susan St. Pierre– Willing to take a condition that says high tide only.

Comment review:

- 1- Erosion control - turbidity control, inclusionary
- 2- Detailed planting plan / invasive species management and selection
- 3- Tree removal & subject to tree warden jurisdiction?
- 4- Propose an alternative groundcover that is not invasive and not leave to naturalization
- 5- Address salt marsh restoration – critical to success is timing, implementation, elevation, species.
- 6- Removal/storage detail of the pier in off season– provide more detail
- 7- Consider switching from anchor to piles for the float

*Dan Campbell, makes a motion to continue to December 21 public hearing, Bart Hoskins seconds.*

Judith Köhn  
Gregory St. Louis  
Dan Ricciarelli  
Tom Campbell  
Scott Sheehan  
Bart Hoskins

### III. OLD/NEW BUSINESS

#### A. 9-11 Franklin Street -- DEP# 64-682- Certificate of Compliance

*Request to Continue*

#### B. 24 Fort Avenue – DEP# 64-708 – Certificate of Compliance

Curtis Cheney with Collins Engineering is present on behalf of the City

Stabilization project - Worked with Seth Latrell and Harbormaster William McHugh on the project. This is at the Footprint property site.

- Minor structural changes
- Pulling landwards so they installed a system so they can move some. This is in a filled area.
- Stabilized with geotextile and gravel – sinkhole
- Upland drainage areas with the site so left as is
- Supplemental steel supports so the concrete panels don't slip off

*Bart Hoskins makes a motion to issue a certificate of compliance, Dan Ricciarelli seconds.*

Judith Köhn  
Gregory St. Louis  
Dan Ricciarelli  
Tom Campbell  
Scott Sheehan  
Bart Hoskins

#### C. FY22 Community Preservation Plan - Request for Comment/Input

Previous meeting. Idea is overall plan so things – wish list and what to do with this or that resource  
General guidance for when come to funding. Occasionally have comments. Can we submit projects through 1 pager, general description of project to determine if eligible for project, meet certain conditions

Eligibility is discussed:

- ADA access at McCabe Park – Mature Trees – eroding access –
- ADA improvement or design measure to either save the trees or restore ADA access –
- Request for funding for a study to develop a plan and then come back for funding to do it – detailed proposal with estimate costs
- Bank Restoration – allow for us to maintain the open space and reduce amount of sediment being washed into Danvers River
- Parks Dept to put request in. Have to have them sign off – aware putting proposal in on their behalf. We've had third parties do that on behalf of the parks dept. Parks Dept. à we could put proposal together but they would sign off.

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

Timing is discussed:

- if it's just funding for a study – about to start the cycle of getting requests for funding in. First determine if want to do something in this years cycle. Proposals due January.

Overview is discussed:

- Bank restoration – Forest River Pool - Creating or restoring some resource within Open Space or Fund. Can't do maintenance.
- Plan covers the kind of thing ConCom wants to see happen. Someone from Historic Commission proposed this year to put a change in text to make sure that if something is going to have a deed restrictions in place – see actual deed in place before it actually happens.
- Con Com historically had much input on the plan. Green Shoreline colonization was successful. SSCW initiated the project – company SumCo – upkeep and maintenance on it. Unsure if designed or just maintenance
- Reach out to SumCo to see what how much a project may roughly cost

Funding is Discussed:

- 10% of available CPA fund have to be saved for Open Space – some years if no projects, save that 10% for when a project does come up in that category
- 5 or 10 k smaller projects. Up to bond improvements for football field. 1 mil over 20 years.
- 50-100 or 150k is typical size project
- Usually have about 800k a year – 80k to restore –
- Does concom have to match the fund – Had a recreational facility may be
- Enhanced public use of shoreline so it doesn't fall in the ocean – protecting public access point from deteriorating. Enhanced access point for bank stability. Perhaps adjacent recreational facility could see example of how to protect their shoreline – enhanced access point that has bank stability.
- Signage- consistent signage. Coastline studies.

Public Comment from Chris Burke:

- McGrath park - Hawthorne trees, black locusts, park property – ConCom has control over much woodland and new areas of control – the 41 acres above driving range – Woodlands Road 13 acres – Forest River Conservation Area.
- Many projects that need to be done in all three of these areas – Urban Forests – have to be active to keep it healthy – use CPA requests on the ConCom controlled woodlands –

Dan Riciarelli agrees– Chris has been on CPC – Does this call for modifications in the existing plan?

- Its not maintenance, on path its new worth that could be done in those areas.
- Can work that into other design options – to expand walkway networks – study done on Forest River Conservation Area.

Chris Burke:

- Thought they could've done more; more on invasives – they did talk about how to improve paths -

Bart Hoskins:

- Doesn't think anything here discussed is precluded from the current plan – supposed to be general guidebook for things to consider – could send a message or letter to Jane Guy saying as a commission would like to make sure the plan allows for studies to enhance paths and access to land held by the commission.
- Plan amendment. At the next CPC meeting Jane Guy would find an appropriate place to insert that language.
- Bart can work with Kate to put together language to be sure the plan allows for design and study for new trails and paths or care for the forestry resources and lands held by the conservation commission.
- Studies to enhance paths and access to lands held by the conservation commission or designs and/or studies of inlands held by the conservation commission

Dan Riciarelli:

- StrongwaterCrossing- Developer likely ran out of money. City should be working with them.
- Deemed open to the public so why is it considered private

Community Preservation Coalition – have had to examine the legalities – CPA state law voted to impose surcharge on property taxes that is matched by the state 25-50 % state match – CPC are in communication with all the cities and town in state that have CPA in place.

- They'll help determine what is eligible -

In Salem have not spent money on open space. Have spent on 503c money – who can request or receive money to do woodland work – funding of woodland projects easier.

- Chris Burke: Other towns know how to do it and don't spend same percentage. Land Trust – apply for funds, do work, and acquire land.
- Open space and recreation has been mostly recreation oriented and not open space oriented.
- Letter as a placeholder for discussion of how would we fund things like invasives control and actual habitat enhancements.

#### **IV. Other/Discussion**

##### **A. SiFi Networks Filing**

###### **Filing:**

- Comparable scope to National Grid, but this is not an upgrade, it is a whole new system; Finite limits to what this project is exempt from
- Salem has had utility companies stage on public and private property
- They need to provide information not street by street, but network by network breakdown.
- Not all of our resource areas are treated with same conditions. E.g. The flood plain on Canal Street would not be conditioned or considered the same as 435 Lafayette Street where the catch basin dumps into the ocean
- Burden of proof of no impact. Details of where and what storage and staging areas are and impacts or proof of no impact
- Approach similar to some of the filing of bigger subdivisions, where e.g. we authorize the first hundred units, and once that's built out and finalized, then they can proceed to build out the second hundred units.
- This is a tactic we've used before and allows the applicant to break up the city into neighborhoods and focus on the resources in those neighborhoods, as opposed to just a town wide approach.
- Somewhat works with an extended construction schedule where we're looking at a multi-year project.
- Consensus of segmented filings - to find the work within resource area jurisdictions and have a geographical area as a larger filing – operational segments so we have standalone projects.
- Should hit a certain threshold where requires to file meaningful paperwork.

###### **Concerns:**

- Not necessarily trenching in the streets and boxes, but when it's going to extend onto a property to connect to a house or a condominium association where there may be a wetland between the street and a house for example
- The level of detail that not provided in the original filings.
- Inherently going to come across other utilities that are going to require other excavation work or other staging or soil transport measures. Project needs to be mindful of this.
- What will commission do if then have 400 applications to trench through someone's front lawn. A different ownership entity, and not necessarily the same contractor
- When going through these front lawns, proposal may now be going through dirt not pavement, so are they sorting and seeding and what are the standard details there?



- Presenting minimal impacts because avoiding the fact if, and when, they cut through a gas main and somebody needs to dig the street, lack the experience in Massachusetts to recognize that may have say 30 percent conflict ratio and that's going to lead to 500 open excavations. We don't know where those are going to happen.
- Still do not know how they're crossing the bridges in town, to say we have numerous ones.

**Needs Clarity:**

- On details such as e.g. using a crack seal material, is that from a truck?
- Or are they pouring it after the fact, they were talking about concrete or some sort of concrete product? Do not know if that's still going to be the case in which flow fill or not.
- Are they going to wash out a concrete truck at the end of the day?
- Can we assume that everything they're working on is in previously disturbed areas?
- What percentage would be in resource areas?

**General Addressing of Concerns:**

- Clerk of the Commission
- They may want to have an inspector representing the conservation commission if not mapping all the wetlands, if not going to get the level of detail as we would in a smaller application
- Worth requiring the applicant to fund an inspector to the conservation commission to ensure that all these wetland resource areas, drainage and ( ) are protected.
- That when hurricanes coming in, stockpiles are secured because as of now we do not know where they are going to stage or stockpile anything in the City, let alone street by street
- May need a re evaluation of the contract if somebody is already in place or an additional person

**Mapping Resource Areas:**

- A lot of the town is in flood plain or riparian zones.
- Similar to National Grid, they will need to provide maps that show where existing utilities, pipes etc. are, wetland resource areas, and distance from them
- Can they use town wide all over a level wetland mapping - generally speaking, yes. However, when staging resources for where you're within say unpaved areas or within 25 feet of a resource, we need more detail.

**Abutter Notification:**

- How to notify - Wetlands Protection Act either requires green cards or requires a certain level of outreach that they've avoided to date by coming forward with an RDA. (Requires certified mail or proof of mailing certificates.)

**Next Steps:**

- One stop meeting with David Knowlton? Whatever we come up with, should run it by someone at DEP.
- This is new in Massachusetts, we're setting a precedent. This is the approach we plan to take. Before we get the filings and it goes too deep and find out this is not how to approach.
- That means drafting a procedure.

**B. Violation updates**

- Letter sent to 115 Swampscott road for vegetation clearing. They will be coming before the commission at the December 21 monthly meeting.

**V. APPROVAL of MINUTES**

**A. September 21, 2021 Meeting Minutes**

*Dan Riciarelli makes a motion to continue to the next month, Bart Hoskins seconds.*

**VI. ADJOURNMENT**

*Motion to adjourn made by Bart Hoskins, Dan Riciarelli seconds.*

Judith Köhn  
Gregory St. Louis  
Dan Ricciarelli  
Tom Campbell  
Scott Sheehan  
Bart Hoskins

Meeting adjourned at 9:50pm.

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.