

**Salem Conservation Commission
Minutes of Meeting**

Date and Time: Thursday, Sept 12, 2019, 6:30 p.m.
Meeting Location: Large Conference Room, City Hall Annex, 98 Washington Street
Members Present: Tom Campbell, Dan Ricciarelli, Tyler Glode, Malissa Vieira, Bart Hoskins,
Members Absent: Chair Gregory St. Louis, Scott Sheehan,
Others Present: Darya Mattes, Conservation Agent
Recorder: Stacy Kilb

Acting Chair Tyler Glode calls the meeting to order at 6:30PM. Vice Chair Bart Hoskins arrives and chairs the meeting beginning at Item B.

I. ROLL CALL

II. OLD/NEW BUSINESS

A. 2 Bridge Street, DEP #s 64-111 and 64-197, Request for Certificates of Compliance

Leonard Caffrey and James Piemonte, owners of the restaurant (formerly the Black Lobster at 2 Bridge St.) seek the Certificate. This should have been obtained when the property was sold a year ago, but the phone company took a piece of the property by eminent domain. The work in question was done by the state, DPW and utility Company. Work was not done by Mr. Piemonte or the previous owner.

The Agent reviews the Orders of Conditions, one from 1984 for the laying of a submarine cable, the second from the 1991 Salem Beverly Bridge project. There were many pages of Special Conditions but it involved many properties. It just shows up on the deed for that reason. If the phone company took the property by eminent domain, they own it. But it still appears as part of that parcel. Darya Mattes has been in contact with the attorneys; it is questioned if Mr. Piemonte should be the one to apply for the Certificate. A list of all affected properties could not be found. The phone company took part of the parking lot from the prior owners. There are no as-builts or certifications from engineers. Specific things the Commission needs to see may be able to be tracked down.

The City Solicitor has not been consulted. The Bridge has been in existence since 2006. The North River mitigation project is discussed. This Order of Conditions automatically got listed on all the deeds for all affected properties. Only when a property changes hands does this come up.

A motion to issue both Certificates of Compliance (DEP #s 64-111 and 64-197) is made by Ricciarelli, seconded by Campbell, and passes 5-0.

B. 417 Lafayette Street, DEP #s 64-577, 64-606, and 64-618, Request for Certificates of Compliance

Bill Manuel, Wetlands & Wetlands Management, notes that some projects were completed, and others not started.

RE 64- 577 involving the construction of a pier, ramp, float, sea wall maintenance: this project was permitted but a neighbor wanted change in configuration, so he will be reapplying for that. Seawall repairs occurred, but the Order of Conditions has expired, so we would like to close out 64-577. One site visit by the Agent was done for all three items; she verified that for 64-577 sea wall repairs were done.

A motion to issue a Certificate of Compliance for DEP 64-577 is made by Ricciarelli, seconded by Glode, and passes with all in favor.

Re DEP File no. 64-606: An Order of Conditions was issued to construct the newly designed pier, which did not happen.

A motion to issue an invalid Order of Conditions is made by Glode, seconded by Campbell and passes 5-0.

RE DEP File no. 64-618: This was a house renovation/addition. The approved Plan included a deck and stairs which were built; there was supposed to be an addition but the owners just made a roof deck, not a 2nd floor addition.

A motion to issue the Certificate of Compliance for 64-618 is made by Ricciarelli, seconded by Glode, and passes 5-0.

III. REGULAR AGENDA

- A. 417 Lafayette Street Pier Construction – DEP #64-683** – Public Hearing -- Notice of Intent for Andrea & Michael Cawlina, 417 Lafayette St Salem MA. Purpose of hearing is to discuss proposed construction of new pier, gangway, and float at 417 Lafayette St within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

Bill Manuel, of Wetlands & Land Management, shows the Plan of the pier that was never built, as noted above. A 45' x 4' wooden pier w/ 24' gangway to a 10' float is now proposed. The float will be held up by 4 driven piles w/stop collars to keep the float a minimum of 3' above the mud flat at low tide. The pier will be 4' above the salt marsh in a 1:1 height to width ratio. Pilings will be driven off a barge. Everything is designed in accordance with Army Corps small docks and piers regulations. He would like to maintain and repoint the seawall as well. The originally permitted project design spanned 60 square feet of marsh; it was proposed to restore 320 sf of degraded salt marsh. This is also proposed in the new design. The salt marsh restoration is described. Cord grass will be planted; all work will be overseen by a wetland scientist. A chapter 91 license has been obtained.

Modifications from the initial design are described. Vice Chair Hoskins asks about salt marsh plantings and temporary stabilization; this can be considered. A monitoring schedule is built into the restoration proposal; 75% coverage is desired after 2 years, but if 50% coverage is not attained after one year, the situation will be assessed.

Darya Mattes notes that the Division of Marine Fisheries (DMF) has provided comments, and one member of the public has submitted a letter of support as well. DMF is concerned that if gangway or floats were to be taken out in the off season, they ask they be stored upland and not near the marsh. This was part of the Commission's special conditions for the original project. There were three perpetual original special conditions:

- No storage on beach or salt marsh
- Nothing stored beneath
- Salt marsh restoration required

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

A motion to issue the Order of Conditions with standard and the above special conditions, is made by Ricciarelli, seconded by Glode, and passes 5-0.

- B. 46 Columbus Avenue Sand Relocation – DEP # TBD** – Continuation of 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.

Darya Mattes notes that a letter from David Knowlton was sent to Councilor Bob McCarthy yesterday and this morning; no one is present for project. Because it has been on the agenda and opened in June and July, two Commissioners not here tonight were also not present at other meetings, so cannot vote if this matter is opened tonight. Also Malissa Vieira was not a member of the Commission when it was first opened, so it would be possible to move forward, but all 4 members of the quorum would have to be present at the next meeting.

In any case, the letter from the City Engineer made clear that the item must be continued to the next meeting, so it is a matter of whether or not to open the item at all tonight. Several members of the public are upset that no progress can be made tonight, but the Commission does not have a Plan to review so cannot move forward.

A motion to continue is made by Ricciarelli, seconded by Glode, and passes 5-0.

Several members of the public express dismay at the lack of communication and having such short notice that the issue could not move forward. The Agent notes that communications made were initially made around two weeks ago, but it was not known when they would be ready. How to notify citizens in advance of progress or lack thereof is discussed. [Seth Lattrell](#), future Conservation agent, will make note. The purchase of 500lb sand bags, as promised by Dave Knowlton, has not occurred (not part of this project). The Commission will follow up with David Knowlton about providing notice.

C. 79 Columbus Avenue Home Reconstruction – DEP # TBD – Continuation of Public Hearing – Notice of Intent for 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.

This Applicant is not present; he has yet to submit a site plan for the project. An abutter to this property notes that four months have gone by and nothing is being done with the property; the sidewalk is overgrown. She should consult the building inspector. She asks if he can be taken off the agenda until he is ready to move forward, as this is disrespectful to the Commission and neighbors. The owner last appeared before the Commission in June; he needed to go before the ZBA and Historical Commission. It would be possible to continue to a specific date but it would need to be mutually agreed upon. The limit to continuing is 2 years. If the project gets closed out, the Applicant can reapply. The process and how to move forward are discussed.

Violation notices are discussed as this Applicant did some work before appearing before the Commission. This is an active construction site so the Commission can issue an enforcement order for erosion control, site cleanup and possibly temporary stormwater management. Engineering should be consulted for the latter but it is probably not necessary unless there are significant earthworks. Silt fence or silt socks should be required. The deadline for the enforcement order will be two weeks from 9/12 (9/26/19). Cleanup of debris should occur and erosion control should be installed. If there is standing water, as was mentioned, the Board of Health should also be involved. The Building Department is already involved.

Ricciarelli motions to continue to the October 10 meeting, is seconded by Vieira, and the motion passes.

=

D. 285, 283, 281 Derby Street and 24 Congress Street Harborwalk – DEP #64-659 – Public Hearing – Amended Notice of Intent for Maura Murphy, South Harbor Holdings, LLC, P.O. Box 829, Salem, MA. Purpose of hearing is to discuss proposed amendment to Order of Conditions permitting construction of a pile-

supported harborwalk, seawall repairs, grading to create an outdoor dining area, and catch basin retrofits along the South River fronting 283 and 285 Derby Street (Map 34, Lot 0443) within an area subject to protection under the Wetlands Protection Act MGL c131§40 and Salem Wetlands Protection & Conservation Ordinance. Proposed changes include modifications to proposed concrete abutments and access ramps, moving some construction from landside to a barge, and adding a temporary harborwalk along the South River fronting 281 Derby Street and 24 Congress Street.

Lucas Taylor, GZA representing Susan St. Pierre, presents. Project changes:

- Concrete abutments between the two buildings at 283 and 285 will now use granite stone on top of the seawall; the originally proposed is no longer needed as the new proposed construction will extend the timber framing onto the existing seawall. This is described.
- Access ramp 283-285 will change from 8" thick to solid mass of concrete rather than fill or gravel beneath (contractor preference)
- Transition of harborwalk to ramp will be 6' wide x 5' long timber frame structure flush to concrete ramp at Elevation 10
- Access ramp to 281 Derby St. on east of Notch will now be an east facing ramp connecting to temporary harborwalk, to connect to congress St.
- Temporary harborwalk at grade using markings and peastone gravel to connect to Congress St. Fencing and 2-3 steps will be included
- Accessible route delineated by pavement markings
- Schematics of temporary walkway are in Plans
- Construction will need to be water based rather than land based, since the construction of the City Park; barges/floats with a crane to drive timber piles for harborwalk will be used
- Assumed that some grounding of floats and barges will occur but same condition as occurred w/City harborwalk across the way
- Sedimentation controls w/turbidity curtains will be in place
- Mud flats will only be impacted during construction
- Trash will be removed if present while they are on the barge

There are no public comments. Work will start in November.

A motion to close is made by Ricciarelli, seconded by Campbell, and passes 5-0.

A motion to issue an amendment to the Order of Conditions is made by Ricciarelli, seconded by Vieira, and passes 5-0.

E. 101 Leach Street Back Yard Paving -- Public Hearing – Request for Determination of Applicability for Ziad Nabbout, 51 Valley Street, Salem, MA. Purpose of hearing is to discuss proposed paving of the back yard along with the existing driveway at 101 Leach Street, within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

Mr. Nabbout presents his project. The backyard of this property has a 2 car garage supported by a seawall. He would like to pave the backyard and repave the existing driveway; the driveway is paved but 10x20' of new asphalt will be added. ¼ of it belongs to the other property. There are 3 units whose tenants don't use the yard, so he wants to provide more parking. It will be curbed. Ricciarelli asks if the Applicant would be amenable to something pervious rather than asphalt; this is also Glode's concern but not as much as it is curbed, which keeps everything inside the curb or directs it to stormwater management such as a leaching catchbasin (CDS unit or deep sump catch basin). The project is not as strictly held to stormwater standards as it is a 3 family, and the area was grass before.

Darya Mattes notes that most of the yard is in the velocity zone. It is 15' above sea level.

A member of public who lives in neighborhood says there used to be 2 cherry trees and a lawn in the space. The Applicant will use permeable pavers, such as an open grass crete paver if he needs to; Glode notes that this is in his interest as he cannot run water off his property untreated. Mr. Nabbout notes the catch basin at the garage that goes into City system, but not everything drains there currently. Water will go somewhere once paved, and if it goes into the catch basin untreated this is a problem. Drainage should be directed there. If going to system as currently does, probably not much infiltrations as is now. Glode proposes a condition for tge RDA of sloping the grade to direct water to the catch basin.

It is asked if there is a zoning requirement for the maximum amount impervious surface allowed on a lot. Generally, zoning requires a 2' pervious strip around the property line, but this can be a gravel drip edge.

There is no vehicle for enforcing a condition on an RDA, but the Commission recommends the drip edge.

A member of the public notes that the abutter has odd lot, with an old seawall, a triangular property that can't be used. The parking lot used to be the garden of another abutter.

A motion to issue a Negative 2 and Negative 6 Determination is made by Glode, seconded by Ricciarelli and passes 5-0 with the following recommendations:

- *2' wide x2' deep gravel bed around perimeter of pavement*
- *Direct water to catch basins*

F. Salem Maritime National Historic Site Wharf Repairs – Public Hearing – Request for Determination of Applicability for Salem Maritime National Historic Site, 160 Derby Street, Salem, MA. Purpose of hearing is to discuss proposed replacement of missing large granite stones and pin stones on Derby and Hatches Wharves and replacement of missing timber on Derby Wharf at Salem Maritime National Historic Site (Map 35, Lot 408), within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

Gavin Gardener, Chief of Resources, NPS Salem and Saugus, describes the project. These would be short term fixes to the waterfront. A large scale condition assessment of wharves was done; they are in poor condition. Previously, the Park was told to let the wharf go as will never get funding to keep it if in good condition, but this was poor advice. They are working on a \$25 million project to raise it 2', and get it in good condition, but this is a stopgap measure to keep it from falling apart.

- 8 larger stones have been dislodged; a contractor will work from top of wharf to replace them
- Partially collapsed section will be rebuilt
- Gaps between stones are becoming larger; most missing stones are resting near base of wharf and could be replaced, or could put new, smaller stones in between
- Stones on Hatches Wharf starting to wash out
 - Stormwater outflow must be chinked
- Central Wharf totally sheetpiled; this seawall is in the poorest condition as sinkholes form. Repairs are described. Darya Mattes notes that sinkhole project will be considered separately; there was a request for an emergency project
 - Wood of old bumpers will be removed
 - Wood decking is a historic feature that will remain and be repaired
 - Chinking stones may be replaced by volunteers

Glode prefers that existing stones be replaced; the NPS prefers this too rather than getting all new stones. Water flowage is described. No blueprints or drawings of lighthouse could be found, and this will eventually have to

be raised as well, but what is under the slab of concrete is unknown.

Future raising of the wharf is described. Ricciarelli asks if this is Chapter 91; it was started in 1884 at least for Derby Wharf. Thus DEP may not weigh in. This is maintenance so not under DEP jurisdiction, but is subject to historic preservation.

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

A motion to issue a Negative 2 and Negative 6 Determination is made by Ricciarelli, seconded by Glode, and passes 5-0.

G. Salem High School (77 Willson Street) Tennis Court Improvements – Public Hearing – Request for Determination of Applicability for the City of Salem, 98 Washington Street, Salem, MA. Purpose of hearing is to discuss proposed removal of existing tennis court surface, fencing, vegetation, and other features and installation of new fence, gates, asphalt, tennis court accessories, tennis court surfacing, and associated improvements at 77 Willson Street (Salem High School), within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

Ray June of the Salem DPW describes the project. Existing asphalt will be pulverized in place and new asphalt be placed on top. There was another RDA in 2008. Groom Construction was part of Salem High School and needed an RDA to set up construction trailers. There is a wetland area within 100' of the tennis court that makes the project jurisdictional.

There are no public comments.

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

A motion to issue a Negative 3 and Negative 6 Determination is made by Ricciarelli, seconded by Campbell, and passes 5-0.

IV. OLD/NEW BUSINESS, cont'd

C. Ratification of Emergency Certification for Derby Wharf sinkholes

This is one of two, at Hatches Wharf; a week later the House of Seven Gables called and said someone sank to above the knees. There was some threat to health and safety in both cases so emergency certifications were filed. The Plan for the wharves was presented; Seven Gables is outlined. At the Gables they will remove sod, expose voids, fill with compacted stone dust, and put back sod. More extensive repairs are to be done later. Glode is concerned about methodology and if this is similar to the wharf sinkholes where it is washing out. This has probably happened before.

A motion to ratify the Emergency Certification is made by Glode, seconded by Campbell, and passes 5-0.

D. Ratification of Emergency Certification for House of Seven Gables sinkholes

See discussion above.

A motion to ratify the Emergency Certification is made by Glode, seconded by Campbell, and passes 5-0.

E. Review of minor modification to Gallows Hill Park project drainage plan.

Darya Mattes notes that this was approved in July and some changes to drainage were made. TSS removal was increased. Rain guards and bioswales have been added. Glode is concerned that water will sheet flow across a sidewalk if one area fills up and spills into another. An assumption has been made that a portion of the field will flood and hold rainwater in a storm. This is an improvement.

F. FY20 Community Preservation Plan – Request for Comment/Input

Vice Chair Hoskins outlines the CPA; he represents the Conservation Commission on the CPA Committee. The process for submitting and approving proposals is described. This year's Plan included parking improvements to parking at Salem Willows. Comments are due by Oct. 23, after the next Commission meeting, if Commissioners want to go online and view projects.

Repair to dangerous walking trail bridges has been discussed by the Commission in the past, and one was completed, but there are not a lot of open space/recreation category projects as maintenance is not allowed, only restoration. The new trail from Swampscott to Salem could be a possible project; those on the Committee cannot initiate projects so the Parks Department or this Commission would need to submit a proposal. The procedure for submitting a proposal is outlined. Commissioners should, if they want to follow up on the Swampscott Trail, work with Hoskins on it. Darya got an email from Chair St. Louis today and she will forward it. Vice Chair Hoskins encourages Commissioners and the public to attend meetings, and review the projects online.

G. Use of Conservation Commission funding for GIS license

A motion to approve \$400 for the Planning Department GIS is made by Ricciarelli, seconded by Campbell, and passes 5-0.

V. APPROVAL OF MINUTES: July 11, 2019 and August 8, 2019

A motion to approve the July 11, 2019 minutes, is made by Glode, seconded by Vieira and passes unanimously.

A motion to approve the August 8, 2019 minutes, is made by Glode, seconded by Vieira, and passes unanimously.

ADJOURNMENT

A motion to adjourn is made by Ricciarelli, seconded by Glode, and passes unanimously.

The meeting ends at 8:45PM.

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