



CITY OF SALEM CONSERVATION COMMISSION

NOTICE OF MEETING

Notice is hereby given that a meeting of the Salem Conservation Commission will be held on January 16, 2024, at 6:30 p.m. **via remote participation in accordance with Chapter 107 of the Act of 2023.**

DRAFT MEETING MINUTES

Bart Hoskins opened the meeting at 6:30 pm

I. ROLL CALL

In attendance: Bart Hoskins, Tom Campbell, Tyler Glode, William Jacob, Judith Kohn

City Staff: Kate Kennedy (1)

II. REGULAR AGENDA

- A. 266, 282, 282R, 286 Canal Street & 2 Kimball Road #064-0775 Amendment Request– Public Hearing –** Request to Amend Order of Conditions – Proposed design changes include changes within Land Subject to Coastal Storm Flowage and the 100-foot Buffer to Bordering Vegetated Wetlands, including proposed changes to compensatory flood storage methods, parking and pedestrian circulation pool amenity, utilities, native planting areas, and pedestrian connection to the Rail Trail.

Scott Cameron was present to discuss. Highlights include:

- Project was last presented to the Commission in July 2023. The Commission approved the Canal Street Station project which included 250 apartments. Twenty percent would be affordable. There is significant restoration and rehabilitation at the site.
- Chris Koeplin noted that the property has changed hands and is now owned by the developer. Demolition and building permits are still needed.
- The project is now in the construction and design phase, and most of the changes have been aesthetic.
- There were changes to Buildings A, C, and E with a park and walking paths towards the wetlands. The pool was moved to near Building A. The parking area was shifted and expanded to accommodate temporary parking.
- There were no changes to the bioretention area.
- The former pool area was changed to an open amenity area, with seating, landscaping, slab flooring.
- Building E was pulled further from the wetlands with parking.
- The area is a coastal influenced flood zone. City staff and boards asked if this could be looked at as an inland flood area and what could be done for flood storage.

- Ms. Kohn asked what the benefit would be to redefining the flood plain.
- Mr. Cameron said that it seemed to be in response to previous efforts of the City and other developments in the area. He said there is a bottleneck with all the culverts in the area. Even though it is coastal, it functions as an inland wetland in smaller flooding events.
- Ms. Kohn noted that stormwater management is different from flood events.
- The change was made based on a request from the City's engineering department and was not made post Order of Conditions issuance.
- Efforts made to create a deck trail near an old trail bed without any direct alteration or excavation to the wetland. Fill will be used and flood storage will be created with an emergency overflow system.
- Mr. Cameron shared a detailed planting plan. There was no impact to the resource area.
- Total flood volume created is 123,198 cubic feet. Total wetlands replicated are 13,235 sq. feet. There are no alterations to the wetlands or banks.
- Mr. Kirby said he believed it is a better design.
- Mr. Hoskins inquired as to whether Mr. Ross was going to be reviewing stormwater calculations. Mr. Cameron confirmed that he was.
- Ms. Kennedy noted that if the Commission was comfortable with Mr. Ross' review, they could say that the project is still an improvement with restoration and sign off on the plan.
- Mr. Cameron noted that things may have been repositioned, but the plan hasn't change.
- Mr. Glode noted that he reviewed the plan and is comfortable with the changes. He feels it is a vast improvement.
- Ms. Kohn requested a more detailed table showing the changes.
- Mr. Cameron said they are creating more net storage. A report that the City commissioned was helpful in their design in that they were able to look at the entire floodplain.

There were no comments from the public.

A motion to close the public hearing was made by Tyler Glode, seconded by Tom Campbell, and passes 5-0.

Tyler Glode made a motion, seconded by Tom Campbell, to issue an Order of Conditions subject to an amended Order of Conditions subject to the conditions in the previous order, and passed 5-0.

B. 106 Broadway #064-0### - Public Hearing – Notice of Intent – Joseph Gagnon Notice of Intent for Joseph R. & Maria K Gagnon, 20 Leblanc Drive, Peabody MA for the property located at 106 Broadway Street, Salem MA. Proposed work includes the renovation and expansion of a residential dwelling, new driveway, parking lot and associated grading and landscaping, located within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

Joseph Gagnon and Chris Mellow were present to discuss the project.

- Mr. Gagnon has purchased the subject property and would like to develop it. The northerly side of the property is subject to Conservation Commission jurisdiction.
- The plan is to create a driveway and small parking lot near land that is subject to flooding. The plan includes regrading and gain 239 cubic feet of storage between elevations 9 and 10. To mitigate the stormwater a stone infiltration trench, a bioretention/rain garden system and a stormwater management infiltration system will be created. Stormwater management is being addressed even though it is no required.
- Plantings are included for the bioretention cell and the left-hand side of the property.

- Mr. Glode asked what soils were observed in the test pits. Mr. Mellow reported that soil test #4 included 36 inches of fill. Seasonal groundwater was found at 4-4 ½ feet down. The infiltration rate is unknown.
- Driveway and parking will be accessed from Clover Street.
- Three units are being proposed, which will be rentals.
- Ms. Kohn inquired about signage noting that the parking area is subject to flooding.
- Ms. Kennedy asked if the management plan addressed snow storage. It was proposed that snow at a certain level could be moved offsite.
- Mr. Gagnon reported that he owns 20 feet of the paper street to the center line. The bio-retention system could be flipped 90 degrees to be on the Mr. Gagnon's property.
- Ms. Kohn raised the issue about improvements being made on land not under the control of the applicant. She said they can not issue an order over land the applicant does not have control of.
- Mr. Gagnon holds an easement over the area.
- Ms. Kennedy said that she could coordinate with the City Solicitor to determine what type of agreement may be required. She also noted it would be helpful to have a better understanding of the underground utilities and any existing easements. Mr. Mellow believes there is nothing underground.
- Mr. Campbell asked if the paving also may also be an issue. Mr. Mellow noted that the easement includes the right to pass and repass over the entire strip.
- Mr. Gagnon believes that the City Solicitor will confirm that he owns to the center line, and if the retention system is shifted, then the issues should be addressed.
- Ms. Kohn raised the question of whether the Commission could issue an order with the plans before them.
- Mr. Hoskins believes they could frame an Order that limits improvements to staying within the 20-foot line and approve the project provisionally once Ms. Kennedy confirms the legal status. The second option would be a continuance.
- Ms. Kohn believes it would be cleaner to proceed with a continuance, but was open to moving forward with closing the hearing.
- Mr. Glode asked whether a copy of the easement was available, and it was not. He said he was comfortable moving forward if everything could be rotated off that area and that no work take place prior to confirmation of rights and ownership from the City Solicitor. He added that it can be difficult to deal with a paper street. He would also like to see snow addressed in the management plan.
- Mr. Gagnon suggested that language included be included in the Order that addresses snow removal. Mr. Glode said that would rather have it in the plan in case the property changes hands; where the snow is removed to, stored, roles and responsibilities, etc.
- It was suggested that Mr. Gagnon come back before the Commission with a revised plan, a snow management letter, and plan for signage. Ms. Kennedy will also confirm any issues with the City's legal office. She also noted that any utilities need to comply with the City's rules and regulations and that any review, and changes, if warranted be included on the plan.
- Mr. Gagnon reported that he just brought in a new water, sewer, and sprinkler line from Broadway to the site. He doesn't need any utilities brought in from Clover Street.
- There is no record survey of the property.

A motion was made by Ms. Kohn, seconded by Tom Campbell, to continue the hearing to the February 20th meeting, and passed 5-0.

- C. 1 Pierce Road #064-0788** - Notice of Intent for Patrowicz Land Development Engineering., on behalf of John Eckman & Jo Taylor, 1 Pierce Road, Map 31, Parcel 0318-0, Salem MA for the proposed single-story addition to existing house, renovation, and repairs to house and deck, reconstruction of a garage, and associated site work with landscaping. The project is located within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

Mr. Patrowicz was present to discuss the project.

- The project was presented several years ago, but this is a new filing. Locust is near the marsh and Forest River. A koi pond will be removed, stones will be reused, the addition will be set back further Forest River than in the previous filing.
- There are several overlapping jurisdictional zones; Forest River, mean high water, coastal bank, FEMA zone, marshland, inner and outer riparian zones, and 100 ft. buffer from the FEMA line.
- Previous filing was in 2021. New proposal includes 835 sq. ft. of building. Impervious surface
- Water quality swale and silt beds are in the same location. Patio is in the same location. There is 706 sq ft. reduction of impervious surface in the current plan. The plan includes a rebuilt of the garage in nearly it's same location, shifting it slightly to meet zoning requirements.
- Ms. Kohn asked for a clarification that this proposal was further from the riverfront. Mr. Patrowicz confirmed that it is.
- Mr. Hoskins confirmed that there is an existing Order of Conditions in place, which the Commission would close without work, and then issue a new Order for the current plan.
- Mr. Patrowicz felt that there were too many changes to request an amendment.
- Mr. Hoskins noted that the current plan appears to have less impact.
- Ms. Kennedy reported that previous conditions included requiring native plantings for landscaping and revegetation.
- Ms. Kohn noted there may have been changes to the wetland ordinance, buffer zones, resilience, etc.

There were no questions from the public.

A motion to close the public hearing was made by Tyler Glode, seconded by Judith Kohn, and passes 5-0.

Judith Kohn made a motion, seconded by Tom Campbell, to issue an Order of Conditions subject to the previous special conditions and standard conditions, and passed 5-0.

III. OLD | NEW BUSINESS

A. Request for Partial Certificate of Compliance – 107 Leach Street DEP# 064-0774

Mr. Patrowicz was present to discuss this proposal.

- The request is for a partial Certificate because the gangway and float has not been constructed yet. The seawall has been repaired. The new owners may want to build a gangway.
- The Order of Conditions was issued in June 2023.
- The new owners are looking for as much closure as possible.
- Ms. Kennedy confirmed that seawall work has been completed, and it is an improvement. There was a discussion about a landscape strip not being used for storage.
- Ms. Kohn noted that the partial order should just include what has been completed. The planting strip still needs work.

William Jacob made a motion, seconded by Judith Kohn, to a issue Partial Certificate of Compliance based on work done to date and as-built plan and photos of date of site visit and passed 5-0.

IV. OTHER UPDATES

MassDEP's Proposed Climate Resiliency Regulatory Package

Public Comment & Information Sessions:

Wetlands Protection Act Regulations (310 CMR 10.00)

Water Quality Certification Regulations (314 CMR 9.00)

Chapter 91 Regulations (310 CMR 9.00)

- MassDEP is proposing changes to their wetlands, water quality and Chapter 91 regulations. Public hearings will be held on January 17th and January 18th. Ms. Kenndy plans to attend.

V. APPROVAL of MINUTES

Draft December 19 Meeting Minutes

A motion was made to approve the December 19th meeting minutes by Tom Campbell, seconded by Judith Kohn, and passes 5-0.

VI. ADJOURNMENT

A motion was made to adjourn the meeting by Tyler Glode, seconded by William Jacob, and passes 5-0.