

**Salem Conservation Commission
Minutes of Meeting**

Date and Time: Thursday, October 11, 2018, 6:30 p.m.
Meeting Location: Large Conference Room, City Hall Annex, 98 Washington Street
Members Present: Dan Ricciarelli, Tom Campbell, Gail Kubik, Scott Sheehan, Bart Hoskins (arriving late), Tyler Glode (arriving late)
Members Absent: Chair Gregory St. Louis
Others Present: Ashley Green, outgoing Conservation Agent; Darya Mattes, incoming Conservation Agent
Recorder: Stacy Kilb

Dan Ricciarelli calls the meeting to order at 6:30PM.

I. ROLL CALL

II. OLD/NEW BUSINESS

A. Discussion and vote on certification that the proposed conservation restriction for 1-3 Bemis Street (Map 15, Lots 86 and 362) is in the public interest.

Jane Guy from the Planning Department presents the proposed restriction. The lots were acquired in February with CPA funding; the conservation restriction is required as part of that. Thus, it will remain parkland in perpetuity. The lots were for sale and neighbors wanted it to be part of the park and to save the basketball court, rather than having that area potentially be sold for development.

A motion to certify that the proposed conservation restriction for 1-3 Bemis St. is in the public interest, is made by Campbell, seconded by Sheehan, and passes 4-0 with Bart Hoskins and Tyler Glode not yet present.

III. REGULAR AGENDA

A. 45 Traders Way and 40 First Street (DEP #64-655)—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.

Bart Hoskins arrives and Chairs the meeting from this point on (6:53PM).

Rich Williams of Williams & Sparages outlines the project. It has been before the Planning Board and Zoning Board of Appeals, and is permitted through those Boards. The site layout is outlined. The site is divided by a wetland system, which is described. It drains beneath First St. into a larger wetland system behind the Cloister Condominiums and Whalers Lane.

Seven buildings, mostly residential, will be constructed with a small amount of commercial space.

Jurisdictional areas are outlined, as are grades. Drainage and flow are described; the wetlands drain through a 30" culvert under Traders Way. Buildings and parking along with a walkway are proposed. A small dog park at the end of the wetland is also proposed. A review of drainage has been done. Infiltration is provided

throughout the site, which is mostly ledge. A lot of runoff comes off the site now, and that will be remedied. There will be a reduction in the rate of runoff.

Cleaning methods prior to infiltration and discharge are described; Stormceptors will be used for TSS removal. Stormwater management guidelines are being met and a detailed report in that regard has been provided and was reviewed by New England Civil Engineering through the Planning Board process. It was a lengthy complex process, so there is more than just the report; a package detailing this has been provided to the Commission electronically.

A small section of retaining wall is around the back of the parking at Building 1; this is described. It is needed for the grade and stormwater management.

Concerns regarding runoff from the dog park will be addressed with curbing, and that water will be infiltrated. Dog waste stations will be provided. There will be additional plantings around the perimeter of the wetland.

Sheehan asks why parking was placed next to the wetland. The project was initially planned with buildings adjacent to the wetland, but Planning staff and the City wanted buildings closer to the street to create a more "city" feel. Even though parking is adjacent to the wetland, it drains away from it, running into catch basins to be treated before discharge.

The snow storage plan is outlined; there is a lot of storage on interior islands. Kubik asks if they have considered moving waste collection outside the buffer zone; there is nowhere outside the buffer zone and it would have to be up against the street, which is not accessible for residents and the Planning Board did not want waste there.

The area with the retaining wall is outlined. The Applicant is not encroaching into the wetland. Sheehan asks about trees and vegetation between the parking lots and the rest of the site. Between the walkway and building will be grass, between the walkway and wetland will be shrubs and native vegetation. This is a wooded wetland and will remain so. There is some standing water at the bottom; photos are shown.

Drainage and discharge from the wetland are described. It drains under First Street through a 30" existing concrete pipe under the dog park area. Drainage basins are described; Cultec will be used. These are plastic arches with crushed stone between and broken ledge underneath. It will essentially be a reservoir, but will discharge slowly like a detention pond.

Glode asks if borings have been done; they have and infiltration rates have been provided. Infiltration will be slow because of the ledge. Some ponds are for storage; lower down is infiltration. Topography and ledge/infiltration are further discussed.

A habitat survey was not done as there really isn't wildlife inhabiting the area, just some "transients." Water has not been tested for contaminants.

Blasting areas are described. Kubik asks about moving the dog park closer to the pool and clubhouse, as the areas around it may not be picked up and bacteria plus nutrient loading can be an issue. The Commission is concerned about the proximity of the dog park to the wetland. Options will be discussed with the Applicant.

There are two discharge points, one from the parking lot, and the other is roof runoff from a building, that go into the wetland. The amount of water going into the wetland will remain the same. Flow to the wetland is described; this mainly occurs during storm events. When dry, there is no flow in the upper part, but it stays wet in the lower part if there is no storm event.

Chair Hoskins opens to the public.

Bill Blasovics of 8 Admirals Lane states that he and all neighbors are opposed to the project; he feels that it:

- Was originally zoned as Commercial, became residential based on a loophole
- Will disturb a natural area
- Will negatively impact neighborhood and traffic
- Will allow contaminants from cars to damage wetlands
- Will not be good for a local coffee shop as IHOP and Dunkin Donuts are within walking distance

An email from Kathy Tankesley Bernier of Whalers Lane is entered into the record. She has many questions and concerns.

A motion to close the public hearing is made by Sheehan, seconded by Kubik, and passes 6-0.

Hoskins asks about the peer review and comment process. He feels the matter should be continued so that Commissioners have a chance to review the materials. The Commission feels a site visit would be appropriate.

A motion to continue to the Nov. 8 meeting is made by Sheehan, seconded by Glode, and passes 6-0

A site visit is scheduled for Sat. Oct. 27 at 10AM, but commissioners can also go on their own. A representative of the Applicant will be at the site. The Commission has the right to go on the property as part of the application.

B. 11 Goodhue Street (DEP #64-656)—Public Hearing—Notice of Intent for 910

Saratoga Street Realty Trust, 282 Bennington St, East Boston MA. Purpose of hearing is to discuss proposed demolition of an existing auto repair garage and erection of a five (5) unit multi-family townhouse at 11 GOODHUE ST. (Map 15, Lot 0298) within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

Rich Williams of Williams & Sparages presents the project. This project site is outlined. The old building has been removed and there is currently a dirt slope between the parking lot and Goodhue St. As a result of this project, there is a small area in front of the building that is Bordering Land Subject to Flooding. Mr. William's firm feels that flooding is due to coastal events. Current drainage is described. Garage doors are proposed; a nearby project will narrow Goodhue St. so a new catch basin will need to be installed. 10 cubic feet of fill will be added. Material in front of the doors will be excavated for the driveways. 80 cubic feet of flood mitigation will be provided.

This is the same developer as the adjacent project, but this was not included in that one originally; however the site plan decisions for Planning Board and ZBA have been updated. Sheehan asks if the catch basin to be replaced is City owned; it will be part of the City's road and will provide additional treatment as the current one is filled with dirt. No O&M plan is needed. The new location of the road is shown.

Chair Ricciarelli opens to the public but there are no comments

A motion to close the public hearing is made by Scott Sheehan, seconded by Tom Campbell, and passes 4-0.

Ashley Green mentions a complaint about the current status of the site; the building was demolished under a permit through another Board as the work was not jurisdictional. She states, however, that the site must be cleaned up by the end of the week as eroding materials are now on the street.

A motion to issue an Order of Conditions with standard conditions is made by Tom Campbell, seconded by Scott Sheehan, and passes 4-0.

C. 67 Bridge Street—Public Hearing—Request for Determination of Applicability for 71 Bridge Street LLC, 73 Valley St, Salem MA. Purpose of hearing is to discuss proposed demolition of attached garage/carriage house and paving at 67 BRIDGE STREET (Map 36, Lot 339) within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

Tyler Glode arrives at 6:45 PM.

Mike Buonfiglio presents the project. The Applicant will be tearing down a garage behind their building, which is not in a flood zone. The Applicant believes the parcel is only subject to the local ordinance, the 100' buffer to the flood zone. There will be no major grade changes. No additional drainage will be provided. Whether or not the project is actually in the flood zone is discussed. It may be best to issue a Negative determination as if it is in the floodplain.

There are no public comments.

A motion to close the public hearing is made by Tom Cambell, seconded by Gail Kubik, and the motion carries.

A motion to issue a Negative 2 and a Negative 6 Determination is made by Tom Cambell, seconded by Gail Kubik, and the motion carries.

D. 31 Juniper Avenue—Public Hearing—Request for Determination of Applicability for Jasper Properties Services LLC, 5 Waldemar Ave, Beverly MA. Purpose of hearing is to discuss proposed demolition of existing structure and construction of new single- family dwelling, utility work, and associated improvements at 31 JUNIPER AVENUE (Map 44, Lot 62) within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.

Dan Ricciarelli recuses himself from this item.

John Bobrick of Bobrick Engineering and Mr. Bill Mason, owner on behalf of Jasper, are present. Mr. Bobrick outlines the project. The property is completely submerged at FEMA flood elevation 10, and there most likely will be a crawl space and flood vents on one side. There will be a two car garage. All utilities will be on the first floor, 2' above flood elevation at 12. New water and sewer will be provided, and they are cutting and capping the old. Erosion control measures are described. Kubik asks why the Applicant is cutting and capping; new services are recommended by the City Engineering Dept. as the existing is very old. The new footprint is about 7' wider so there will be 200 additional square feet of impervious surface.

Existing conditions are outlined as being a grassy area with a paved driveway. The existing house is against the lot line and will be replaced in the same location. Sheehan asks about many people asking to replace structures at existing floodplain level; this is because foundations are expensive. This does affect flood insurance; if a

property is maintained in the flood zone, the finish floor elevation does affect flood insurance. In this case it is 2' above flood level. The garage will be below flood elevation, at grade with a concrete floor.

This is the first Plan the Commission has seen where flood waters will be allowed to come and go. The home will be 3 stories, under the maximum allowable height of 30'.

There are no members of the public present to comment.

A motion to close the public hearing is made by Sheehan, seconded by Glode, and the motion carries.

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

IV. OLD/NEW BUSINESS CONT.

- **Discussion and vote on mitigation and monitoring plan submitted by Kernwood County Club for DEP #64-643.**

This is considered a modification of an existing Order of Conditions. Scott Grover represents Kernwood Country Club. Also present are:

Frank Coal, Head of Greens Committee

John Eggleston, Superintendent

Representatives from Collins Engineering, who will present the upcoming requests for Certificates of Compliance, COC

Curtis Cheney

James Emanuel, Landscape Architect, who developed the mitigation plan

Attorney Grover recaps the previous NOI and Order of Conditions for tree and vegetation removal. The Order was issued in February with a special condition that the Applicant return with a mitigation and monitoring plan for replanting/replacement areas.

James Emanuel, Landscape Architect, outlines the three areas of the site in question. Plants were selected for Native plants, selected for adaptability and tolerance to seashore conditions, and for slope stabilization abilities.

First Area, Area M on the point:

- Proposing to replace Oak with a smaller tree; used Town of Weston as a model. Replacements include 1 tree for every 150 square feet, shrub every 80 square feet, herbaceous every 100 square feet. If on a bank, smaller plants will be provided, not trees that will fall.
- Serviceberry, 3 beach plums, and 5 sweetfern are proposed; these are a smaller size but will get established

Areas I & J along cart path:

- On water side: 35 switchgrass proposed to stabilize the eroded area better than trees, beach plum, and another service berry on the other side

Area L:

- 240-250 square feet will have 6 shrubs, chokeberry, smaller shrubs toward water, sweet fern, ground cover of low bush blueberry

Quantities and planting schedule are listed.

Kubik asks about sizes – what is listed is the height. Plantings will be done in the spring and monitored in the fall. There will be a photographic record every year of the plantings. Ricciarelli asks about areas N & O; these areas are 20’ or so from the bank. Hoskins asks about the plants; all will be salt tolerant. The timing of the Order is discussed, as it may expire before the monitoring plan. They will have 2 years of planting before that happens but the Applicant can come before the Commission. If stabilized after a full growing season, the Applicant can come in to discuss whether further monitoring is needed.

Kubik asks about areas I and J; 600 square feet of switchgrass, 60x10’ are proposed. The reasons for removing trees are reviewed; this could have been for safety, or they were exacerbating erosion.

Trees vs. shrubs are discussed; Hoskins notes that in one area 2 oaks are being replaced by serviceberry, beach plums and switchgrass. He notes that erosion must have been extreme as trees would not originally have been that close to the bank. He questions the formula for net areas of removal but so far it makes sense from a stabilization standpoint. Glode concurs that the use of salt tolerance grasses will help. He approves of the general layout and orientation. Another area was considered – but a large oak by the clubhouse will remain.

Mr. Emanuel comments that the entire area must be stabilized in a more comprehensive fashion, but at the moment they are simply trying to compensate for tree removal. There is a much bigger stabilization project in the works, but that will be before the Commission in the future.

A motion to approve the plantings to be installed in Spring 2019 is made by Glode, seconded by Ricciarelli, and passes with all in favor. Monitoring is required for two years, at which point the Club will provide photos and an updated report, which the Commission will either approve or seek to extend the Order of Conditions.

A. 1 Kernwood Street (Kernwood Country Club), DEP #64-46, Request for Certificate of Compliance.

During this process, it was discovered that there were many Orders of Conditions that did not have Certificates of Compliance issued; these are being closed out now.

Cheryl Cubiello of Collins Engineers presents the Requests for Certificates of Compliance. Ashley Green notes that this is the most comprehensive COC request she has received. Ms. Cubiello comments that these Certificates go back 20-40 years. Each will be voted upon separately.

The first is the oldest one from June 1979. Some have the NOI and drawings, in which case those were compared with current conditions.

This one includes four sites, which are described. This was reconstruction of a cart bridge, work in the pond, grading of embankments, and installing a new inlet and outlet. That work appears to have been completed except the gabions around the pond, which may now be lower than its water level.

Site two is described; it is around the 5th hole, where timber bridges were replaced and a stone masonry wall repointed, and some other work done. Rather than being like a moat, it is now a traditional pond site, but it is not clear if this is because of 40 years’ worth of tidal action. The wall currently needs repair but it can be presumed that 40 years ago, repairs were made. A new NOI will be submitted to repair the wall when the Applicant is ready to do that work.

The third site is near the 6th hole, with some work done on the pond there, and repointing of a stone wall and its elevation being raised. It does appear that this work was completed, but instead of raising the wall with just stone masonry, it has a stone cap.

The fourth site near the 7th hole included raising the elevation and increasing the length of the wall, as well as reshaping upland of it. Work appears to have been completed but with no batter as shown in the drawings. Elevation behind the wall is lower than what was drawn.

Work authorized by this Order substantially complies with it.

A motion to issue a Certificate of Compliance for DEP # 64-46 is made by Sheehan, seconded by Glode, and passes 6-0.

B. 1 Kernwood Street (Kernwood Country Club), DEP #64-52, Request for Certificate of Compliance.

There is no documentation on this project; based on the number, we assume it was issued in late 1979 or early 1980, but it is not known what work was authorized. It was not recorded. It is unknown whether work was completed. It could be closed out as an invalid Order of Conditions.

A motion to close the issue as an Invalid Order of Conditions for DEP # 64-52 is made by Cambell, seconded by Glode, and passes 6-0

C. 1 Kernwood Street (Kernwood Country Club), DEP #64-190, Request for Certificate of Compliance.

This was issued in June 1990 for reconfiguration work around the 5th hole. Work appears to have been completed, except that tee boxes are rectangular rather than circular; however today's tees are of less square footage.

A motion to issue a Certificate of Compliance for DEP # 64-190 is made by Sheehan, seconded by Kubik, and passes 6-0

D. 1 Kernwood Street (Kernwood Country Club), DEP #64-287, Request for Certificate of Compliance.

This March 1998 Order authorized 300 linear feet of work along the river for a gabion embankment. The Plans show the embankment below the top of the gabion, without listing dimensions, but it is the same height as the top of the gabions today.

A motion to issue a Certificate of Compliance for DEP # 64-46 is made by Ricciarelli, seconded by Campbell, and passes 6-0

E. 1 Kernwood Street (Kernwood Country Club), DEP #64-305, Request for Certificate of Compliance.

Issued in Feb. 2000, toward the Southern end of the Course, this Order authorized construction of a well, water main, and control station. All exist, and the only deviation is that the well has a timber fence around it. The water is used for irrigation.

A motion to issue a Certificate of Compliance for DEP # 64-46 is made by Campbell, seconded by Glode, and passes 6-0

F. 71 Loring Avenue (Salem State University), DEP #64-626, Request for Certificate of Compliance

This is for salt marsh monitoring wells. There was an old landfill that this was part of. The Commission had prohibited heavy equipment from being driven onto the marsh; wells were required to be hand driven, as this was minor work. A minor modification was administratively approved by Ashley Green when work was moved from the salt marsh to outside the Buffer Zone. Locations of work are discussed. Some wells were obviously abandoned but there is some confusion regarding MW2 “old” and MW2 “new.”

Wells are required to monitor contamination; the Commission has some questions so Ashley Green will have them come in. The naming system of the wells has been changed and this makes it confusing.

The issue is tabled until the next meeting when the Applicant can make a presentation.

G. FY19 Community Preservation Plan – Request for Comment/Input.

Bart Hoskins explains that the Community Preservation Committee (CPC) updates its plans annually and seeks input from Commissions and Boards with representatives on the Committee. Input can be as general or specific as desired. In the past the Conservation Commission has noted some need for improvement in lands it owns. Other projects and funding are discussed. Using bonds/CPA money vs. City funding is discussed.

The CPC maintains a website with a “wish list” of all plans that have been done. These can be used for reference, to see which proposals are more likely to get CPC funds. In general these projects have a larger impact, reach more people, and are funded by additional grant funding.

The riverwalk area on Derby St. at 283-285 is discussed. The Commission could request that better waterfront public access be added to the Plan. A proposal would then need to be submitted. Projects requested cannot be considered maintenance. However, restoration is acceptable. Timing is discussed; a consensus must be developed tonight as they will be voted upon on the 26th. The Commission does not have to submit comments, but if it does, projects should be jurisdictional. Land for procurement is discussed. The Agent can draft a letter noting that it is desirable to preserve green spaces.

In summary, the Commission would like a letter issued expressing their desire for:

- Preservation of resource areas through their acquisition, especially lands adjacent to parklands and resource areas as indicated in the Open Space and Recreation Plan
- Encouragement of projects that enhance the public’s access to waterfront spaces (for example, repairs to the deteriorating and noncompliant walkway in Forest River Park)
- Trailhead and parkland improvements, including the addition of trails

Hoskins notes that a study/plan for the walkway through Forest River could be paid for with CPA funds.

A motion for the Agent to draft and submit a letter for items as discussed above, for CPA consideration, is made by Glode and the matter carried.

The Commissioners thank Ashley Green for her service.

V. APPROVAL OF MINUTES

I. ADJOURNMENT

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

The meeting ends at 8:50 PM.

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