

CITY OF BEVERLY
PUBLIC MEETING MINUTES

BOARD OR COMMISSION: Beverly Conservation Commission
SUBCOMMITTEE:
DATE: January 25, 2022
LOCATION: Virtual Meeting Access Only via Google Meet
MEMBERS PRESENT: Chair Christine Bertoni, Vice Chair Robert Buchsbaum,
William Squibb, David Alden - St. Pierre, Meghan Jones
MEMBERS ABSENT:
OTHERS PRESENT: Environmental Planner Jenna Pirrotta
RECORDER: Stacia Chamberlain

1. Chair Bertoni **calls the meeting to order** at 7:00 p.m. and reads the public notice regarding holding meetings remotely due to Covid-19. Bertoni notes that Alden – St. Pierre is not yet present and is expected to arrive later in the evening.
2. **Recess for Public Hearing**
Buchsbaum moves to recess for public hearings. Seconded by Squibb. Bertoni takes a roll call vote. Motion passes 4-0.
3. **Notice of Intent/Abbreviated Notice of Intent/Request for Amended Order of Conditions**
 - a. **Cont.: 42 Whitehall Circle, DEP File #5-1354** – construction of in-ground pool, landscaping, and associated appurtenances – Michael & Naomi Goldman

Documents Reviewed: Notice of Intent application by Griffin Engineering Group, dated December 17, 2021 and site plans by Griffin Engineering Group revised dated January 18, 2022

Bob Griffin of Griffin Engineering Group is present to discuss the project. He recaps the Commission’s site visit and summarizes the changes in the revised site plan after the last meeting. In particular, a pea stone strip was removed near the retaining wall and runoff from the patio would tie into the drywell. A No Build Zone impact table was added to the plan as well. Griffin describes that pool drawdown water would be directed to the drywell. Bertoni asks if the concrete pour will be done by hand or truck. Griffin replies that there will be a truck, but that the concrete would either be carted to the rear yard or pumped, to avoid having the truck in the yard. There are no comments or questions from members of the public. There being no further questions or comments from the Commission, Buchsbaum moves to close the hearing. Seconded by Squibb. Bertoni takes a roll call vote. Motion passes 4-0.

- b. **New: 675E Hale Street, No DEP File # as of posting** – pond dredging, grading of dredged material, and meadow planting – Seameadow LLC c/o Hilary Gabrieli

Documents Reviewed: Notice of Intent application and site plans by Hancock Associates, dated January 10, 2022 and landscape plan by Laura Gibson dated September 21, 2016

Devon Morse of Hancock Associates, introduces the project team including David Cowell and Charles Wear of Hancock Associates and Landscape Architect Lolly Gibson. Morse summarizes the project history, noting that the project was previously approved by the Commission through Order of Conditions, DEP File #5-1196 on November 16, 2016. After the Order was issued, the applicant worked to receive the necessary state and federal permits and now the Order has since expired. Morse lists the necessary state and federal permits noting the project received a MEPA certificate which was issued on June 1, 2018; a Water Quality Certification, issued on December 18, 2020; and a draft Chapter 91 license, issued on August 25, 2021. They are currently coordinating with the Army Corps of Engineers on the issuance of an Individual Permit. They will also need a scientific collections permit for the ruppia transplanting. The project would be implemented in two phases: initial pilot dredging and then the full dredging, if the ruppia re-establishment is successful.

Buchsbaum asks if this is considered a salt pond. Morse replies that it is brackish, but it is not formally considered a salt pond, and there is a tide gate that controls the flow. Buchsbaum asks about the surge stone; Wear explains that it is placed in the pond as a temporary surface for the excavator to operate. Squibb asks about the amount of material to be removed; Morse replies that the wet dredge will be about 3,650 cubic yards, and the dry dredge volume will be 1,640 cubic yards. Squibb asks about the depth of the pond and silt; Cowell replies that it varies but silt depths average about 2.5 feet. Commissioners schedule a site visit for Saturday, February 5, 2022, at 8am. There are no comments or questions from members of the public. There being no further comments or questions, Buchsbaum moves to continue the hearing to the February 8, 2022 meeting. Seconded by Squibb. Bertoni takes a roll call vote. Motion passes 4-0.

4. **Reconvene Regular Meeting**

Buchsbaum moves to reconvene the regular meeting. Seconded by Squibb. Bertoni takes a roll call vote. Motion passes 4-0.

5. **Requests for Determination of Applicability**

- a. **Cont.: 9 Melvin Avenue** – demolish an existing house – Kevin Hios

Documents Reviewed: Request for Determination of Applicability application and attachments, by Kevin Hios, dated November 1, 2021

Pirrotta reports the Commission received an email from the applicant requesting the Commission continue this agenda item to the next meeting. Buchsbaum moves to continue the discussion to the February 8, 2022 meeting. Seconded by Jones. Bertoni takes a roll call vote. Motion passes 4-0.

- b. **New: 46 Pickman Road** – extend an existing garage – Tom Wilburn

Documents Reviewed: Request for Determination of Applicability and associated plans and attachments, dated January 6, 2022

Pirrotta reads the legal notice. Owner Thomas Wilburn provides an overview of the proposed project. He notes that he filed an RDA in the past for his deck project and describes how the rear

of his house is just about coincident with the 100-Foot Buffer line. Bertoni asks what the plan is to manage the additional roof runoff from the extended garage. Wilburn replies that he does not have a plan for that yet, but will coordinate this with his architect. Pirrotta adds that at her site visit, Wilburn had suggested installing a stone drip edge around the garage, similar to the design with the portico out front. Bertoni suggests a condition to install a drip edge or dry well to catch and store additional roof runoff. Bertoni asks Commissioners for feedback. Buchsbaum moves to continue the hearing to the February 8, 2022 meeting, pending receipt of more information on the plan for infiltration of roof runoff. Seconded by Squibb. Bertoni takes a roll call vote. Motion passes 4-0.

6. **Request for Certificates of Compliance**

- a. **New: 675E Hale Street, DEP File #5-1196** – pond dredging, grading of dredged material, and meadow planting – Laura Gibson

Documents Reviewed: Request for Certificate of Compliance by Hancock Associates, dated January 10, 2022

Devon Morse, of Hancock Associates describes the request and introduces the project team including David Cowell of Hancock Associates and Landscape Architect Lolly Gibson. Morse reports no work was undertaken under the Order and that Pirrotta conducted a site visit. There being no further questions or comments, Buchsbaum moves to issue an Invalid Order of Conditions. Seconded by Squibb. Bertoni takes a roll call vote. Motion passes 4-0.

7. **Old/New/Other Business**

- a. **Minor Modification to Order of Conditions**

- i. **New: 28 Fosters Point, DEP File #5-1330** –Doug & Susan Stone

Documents Reviewed: Request for Minor Modification to Order of Conditions and revised site plan by Griffin Engineering, dated January 10, 2022

Bob Griffin of Griffin Engineering Group provides an overview of the project and discusses the request to modify the project including addition of a fence and changes to the rear stairs. Crushed stone would be located beneath the stairs. Bertoni asks if the fence will allow water to flow through the property, as it is located within Land Subject to Coastal Storm Flowage and is proposed on the edge of the marsh. Griffin replies that it would be a picket fence, which by design has gaps that would allow water flow and small animal movement. Bertoni confirms that the fence would be within the 25-Foot No Disturbance Zone and asks for alternatives; Griffin replies that it would enclose part of the existing lawn and moving the fence out of the No Disturbance Zone would leave the owners with little usable space in the rear yard. Griffin describes that the fence would not have a negative effect on the resource area as it would have slat spacing and would keep people and pets outside of the marsh on the existing lawn. The post holes would be dug by hand. Commissioners schedule a site visit for February 5, 2022, at 9:30am. There being no further questions or comments, Buchsbaum moves to continue the discussion to the February 8, 2022 meeting. Seconded by Bertoni. Bertoni takes a roll call vote. Motion passes 4-0.

b. Enforcement Orders

i. Cont.: 0 Netherton Avenue

Documents Reviewed: Topographic Plan of Land by Hancock Associates, dated July 14, 2021

Pirrotta updates the Commission that she received an email with an updated restoration plan from David Cowell of Hancock Associates earlier that same evening. Cowell is present and describes the progress made at the site since the last meeting, including removal of the fill, soil evaluation, and updated wetland flagging. He describes the contents of the revised restoration plan including the proposed sizing and spacing of the plantings and blend of seed mix and transition to lawn. The plantings would occur in April once the growing season begins. Bertoni notes the need for permission from the abutter to work on their property. Cowell says he will prepare a narrative with photos and soils data with the revised plan, for review at the next meeting. He requests that the Commission cease issuing the daily fines, as the draft restoration plan has been submitted per the Enforcement Order, and progress is being made to restore the area. Buchsbaum, Squibb, and Jones state they are amenable to stopping fines as long as appropriate progress continues to be made. Commissioners schedule a site visit for February 5, 2022, at 10am.

****David Alden - St. Pierre joins the meeting at 8:30pm****

Buchsbaum moves to modify the enforcement order to stop the \$100 per day fine as of January 26, 2022, with the expectation that further progress will continue, and that the restoration plan will be submitted in time for review at the next meeting. Seconded by Jones. Bertoni takes a roll call vote. Motion passes 5-0.

ii. Cont.: 82 River Street

Documents Reviewed: Letter from DeRosa Environmental, dated November 23, 2021

Michael DeRosa of DeRosa Environmental, representing the property owner, is present to discuss the completed work, per the Enforcement Order and approved restoration plan. DeRosa requests that the Commission lift the Enforcement Order, as the requirements of the Commission have been met. DeRosa confirms that he was on site with Pirrotta to observe the restored area and notes that the planting area should only be mowed once per season and he will remind the owner of this. Bertoni asks whether all work has been done per the plan, DeRosa confirms that his company completed the work with the seeds as specified in the plan and that the area is stable. With the condition that Pirrotta will make another site visit within the next growing season, Squibb moves to lift the Enforcement Order. Seconded by Jones. Bertoni takes a roll call vote. Motion passes 5-0.

iii. Cont.: 340 Old Essex Road

Documents Reviewed: Enforcement Orders issued December 29, 2021 and January 10, 2022

Pirrotta confirms she met with the owner on site after the last meeting and confirms that the owner submitted a Request for Determination of Applicability by the filing deadline, earlier that day. Owner Ted Ramsdell is present to discuss with the Commission, per the directives in the Enforcement Order. Ramsdell describes that he installed the fence to shield the neighbor's collapsing garage from his property. Commissioners plan to visit the site on their own before the next meeting. The Commission looks forward to reviewing the RDA at the February 8, 2022 meeting.

c. Tree Removals, If Any

i. 19 Kennel Hill Drive

Pirrotta updates the Commission on the request for the removal of an oak tree within the 100-Foot Buffer to Bordering Vegetated Wetland, and displays site photos. Alden-St. Pierre moves to approve the removal of the tree with standard conditions and that cut wood not be stored within the No Disturbance Zone. Seconded by Buchsbaum. Motion passes 5-0.

d. Minor Project Permits, If Any

i. 78 Preston Place

Pirrotta describes the minor project permit she issued for work on an existing deck within the 100-Foot Buffer to Bordering Vegetated Wetland. The work is limited to the replacement of planking and railings only, with no new footings. The Commission reports no objections.

e. Emily Way (DEP File #5-1166) – stormwater inspection and vegetation maintenance

The Commission received an annual stormwater management report, per the Order of Conditions, DEP File #5-1166, along with notification that vegetation removal was required in order to access an inspection port. Pirrotta confirms that there is an Operation and Maintenance Plan that was submitted as part of the Notice of Intent, so an RDA is not required for the vegetation trimming. Bertoni adds that the vegetation removal should be done by hand with hand tools only, and debris should be removed for off-site disposal.

f. Dunham Ridge (DEP File #5-1123) – pedestrian easement review

Pirrotta updates the Commissioners regarding an adjustment of the location of the pedestrian easement at the 51 Dunham Road project. Cummings Properties will be looking to close out their Order of Conditions under DEP File #5-1123 soon, and there is a special condition on the creation of a pedestrian easement. Since the permit was issued, there have been subsequent discussions with members of the Open Space and Recreation Committee (OSRC) and City staff about adjusting the location of the easement. Alden - St. Pierre describes how OSRC determined the appropriate placement of the easement over the existing trail. Pirrotta describes the anticipated next steps for the applicant, including seeking a modification to their Site Plan with the Planning Board and seeking final approval from the City Council and Mayor Cahill.

g. Other: Discussion or Action Items Related to Commission Business, Correspondence, etc. Received/Issued After Publication of Agenda, If Any

a. 1025 Hale Street

Pirrotta informs the Commissioners that the consultant team is still waiting on additional information on the location of the sewer line, which is delaying the completion of the as built plan to be submitted with the requests for Certificates of Compliance. The Commission is

expecting requests to close out the following outstanding Orders: DEP File # 5-321 (house and landscaping); DEP File #5-797 (Pool); and DEP File #5-871 (Sewer).

i. Expenditure Approvals, If Any
i. Cape Ann Vernal Pond Team

The Commission received an annual funding request for the Cape Ann Vernal Pond Team organization. Bertoni asks if they can donate to this organization and Buchsbaum replies that it is a 501(c)3 organization and as such a donation would be an appropriate expenditure. Alden - St. Pierre moves to donate \$100 to the Cape Ann Vernal Pond Team. Seconded by Squibb. Bertoni takes a roll call vote. Motion passes 5-0.

8. Orders of Conditions, If Any
a. 42 Whitehall Circle

The Commission recaps the project and discusses the issuance of an Order of Conditions for the project. Buchsbaum moves to issue an Order of Conditions under the MA Wetlands Protection Act and Beverly Wetlands Protection Ordinance with the special conditions as discussed and the standard general and perpetual conditions. Seconded by Jones. Bertoni takes a roll call vote. Motion passes 4-0-1, with Alden-St. Pierre abstaining.

9. Notification from Boston Gas Company/National Grid gas utility maintenance

The Commission received a letter describing the work planned within the 100-Foot Buffer on Bates Park Avenue and Sylvester Avenue. Pirrotta reports that the letter indicates best management practices would be implemented and this is considered an exempt activity under the Act and Ordinance. Bertoni asks Pirrotta to thank them.

10. Request for Commission to Purchase Private Property, Preston Place/Pole Swamp Lane

The Commission received an inquiry regarding an offer to sell private property to the City. It does not appear to be a buildable lot, and as such, typically would not elevate it to the City's priority list for acquisition. Buchsbaum asks what the Open Space and Recreation Committee thinks. Alden - St. Pierre, Chair of the OSRC, replies that this has not yet been brought to the Committee's attention. He requests Pirrotta send the parcel address to the Committee. Buchsbaum adds that the Conservation Commission likely does not have the funding for such an acquisition.

11. Adjournment

Alden - St. Pierre moves to adjourn the meeting at 9:16p.m. Seconded by Bertoni. Bertoni takes a roll call vote. The motion carries 5-0.

The next regular meeting of the Conservation Commission will be held on Tuesday, February 8, 2022.