

CITY OF BEVERLY
PUBLIC MEETING MINUTES

BOARD OR COMMISSION: Beverly Conservation Commission
SUBCOMMITTEE:
DATE: February 8, 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 7:03 p.m. noting that the meeting is being held remotely due to Covid-19.
2. **Recess for Public Hearings**
Squibb moves to recess for public hearings. Seconded by Alden - St. Pierre. Bertoni takes a roll call vote. Motion passes 5-0.
3. **Notice of Intent/Abbreviated Notice of Intent/Request for Amended Order of Conditions**
 - a. **Cont.: 675E Hale Street, DEP File #5-1355 – 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

Pirrotta reports that the applicant requested the Commission continue the hearing without discussion until the next meeting. Alden - St. Pierre moves to continue the hearing to the March 1, 2022 meeting. Seconded by Squibb. Bertoni takes a roll call vote. Motion passes 5-0.

- b. **New: 105 Sam Fonzo Drive & 10 LP Henderson Road, No DEP File # as of posting – construct commercial facility with parking, utilities, landscaping, and incidental site work – 105 Sam Fonzo Realty Trust c/o Thomas Ford**

Documents Reviewed: Notice of Intent application and site plans by Engineering Alliance, dated January 18, 2022

Pirrotta reads the legal notice. Owner Tom Ford, project engineer Richard Salvo, and wetland scientist Mary Rimmer are present to discuss the proposed project. Ford gives an overview of the proposal and permitting history at the site. Ford details the existing Order of Conditions at the 105 Sam Fonzo Drive parcel under DEP File #5-1218 and his recent purchase of the 10 LP Henderson Road parcel and how the plans were reworked to encompass both parcels. He explains that he has met with abutters on Trask Street to discuss his plans for the site. Richard Salvo, of Engineering Alliance, describes the wetland resource areas present on the property. He

discusses the stormwater management strategies to be implemented on the property including the already installed culvert system and proposed deep sump catch basins and stormwater detention basin for onsite detention and infiltration. Salvo describes the alternatives that were considered. He refers to comments from the Beverly Engineering Department and how the plan was revised to address the comments, including the addition of a gravel access road to ensure the stormwater system can be accessed and appropriately maintained. An additional stream crossing would be built; it would be a bottomless arch culvert, consistent with the crossing already installed.

Bertoni asks for clarification on the allowed use of the property and what is allowed under the “by-right” zoning rules. Salvo describes the proposed use of the site, and the proposed facility would be for assembly, packing, and shipping. Bertoni asks if the site was evaluated for the presence of vernal pools. Salvo explains that Rimmer Environmental performed the delineation and Epsilon Associates previously delineated the wetlands for National Grid, and neither identified vernal pool characteristics. Buchsbaum agrees that a site visit should be held, but questions whether the site and delineation should be reviewed at this time of year, during winter conditions. Rimmer comments that when she delineated the wetlands in October, she observed that the isolated wetland is a wet meadow and does not hold standing water needed to support vernal pool habitat. Bertoni questions whether the isolated wetland is under local jurisdiction only or also under the Massachusetts Wetlands Protection Act. Bertoni asks about the AUL on the site and if there is continued monitoring. Ford replies that there is no ongoing monitoring requirement, and the AUL does not prohibit the type of building that is proposed.

Bertoni opens the hearing to members of the public. Linda Briggs, 54 Trask Street, is concerned with potential increased volume of water in her backyard and wants to know about fill and impacts to the wetland. She also raises concerns with blasting and overflow from the detention basin into the wetland. Margaret Vernon, 56 Trask Street, is also concerned that the project will increase the volume of water in her backyard. Michael Petkavich, 60 Trask Street, is concerned about water runoff and also the fly ash at the site. Petkavich recommends the Commission drive down Trask Street to observe water in the yards. The Commission schedules a site visit for Saturday, February 19, 2022, at 9am. Ford responds to comments from the public, stating that the infiltration basin will address stormwater on the site and that he is unable to control existing high groundwater experienced by the abutters. Bertoni confirms that stormwater needs to be addressed on site and that a stormwater checklist and report is included in the Notice of Intent. Squibb moves to continue the hearing to the March 1, 2022 meeting. Seconded by Alden - St. Pierre. Bertoni takes a roll call vote. Motion passes 5-0.

- c. **New: 7 Ober Street, No DEP File # as of posting** – building addition with associated driveway and patio improvements – Jeffrey & Kristine Avallon

Documents Reviewed: Notice of Intent application and site plan by Griffin Engineering Group, dated January 25, 2022

Pirrotta reads the public notice. Bob Griffin of Griffin Engineering describes the proposed project and the wetland resource areas present on site, noting that all work is outside the 50-Foot No Build Zone. Griffin explains that the utilities shown on the plan were based on City records and he does not believe the utilities will need to be relocated, but it is possible once construction

begins. Buchsbaum asks for clarification on the portions of work within the 100-Foot Buffer. Bertoni asks for more details about the concrete paving stone and patio pavers. Bertoni asks Griffin to provide coastal bank profiles to Pirrotta for the file.

Bertoni opens the hearing to comments from the public. Charles Harris, 7 1/2 Ober Street, is concerned about the addition of two carports on the property and the need for additional construction on the site. Griffin replies that there is no zoning relief needed to construct such an addition on this property and that this question is not pertinent to conservation jurisdiction. Bertoni agrees that the Commission cannot specify the design, but they may ask about reducing the impact within the buffer zone while they are conducting the site visit. Commissioners schedule a site visit for Saturday, February 19, 2022, at 10:30am. Alden - St. Pierre moves to continue the hearing to the March 1, 2022 meeting. Seconded by Squibb. Bertoni takes a roll call vote. Motion passes 5-0.

4. **Reconvene Regular Meeting**

Alden - St. Pierre moves to reconvene the regular meeting. Seconded by Bertoni. Bertoni takes a roll call vote. Motion passes 5-0.

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, Plan of house to be removed and buffers, dated February 4, 2022

Nicole Hios, representing the applicant, describes the updated plan which now shows the wetland resource areas and buffers. Pirrotta recaps the information that was previously provided to the Commission, including the scope of work and other permits issued by the City. Bertoni asks about the proposed sediment controls and that they be located outside of the No Disturbance Zone. Bertoni lists suggested conditions for the project. Hios agrees that the project can meet these conditions and notes that they are already included in the project scope documentation from the demolition contractor. There being no further comments or questions, Alden - St. Pierre moves to issue a Negative 2 and 3 Determination, with conditions as discussed. Seconded by Buchsbaum. Bertoni takes a roll call vote. Motion passes 5-0.

- b. **Cont: 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, roof infiltration specification dated February 8, 2022

Tom Wilburn, property owner, recaps the proposed project. In response to the Commission's comments at the last meeting about roof runoff, he explains his plans to allow water to infiltrate through pea stone around the perimeter of the expanded garage. Bertoni asks about the depth of the stone and Wilburn describes the dimensions of the stone infiltration area, noting that the site is very sandy with good infiltration. Buchsbaum and Bertoni agree that this information satisfies what the Commission was looking for and Bertoni suggests conditions for the project. Squibb

moves to issue a Negative 3 Determination, with conditions as discussed. Seconded by Buchsbaum. Bertoni takes a roll call vote. Motion passes 5-0.

- c. **New: 340 Old Essex Road** – deck expansion and fence and gravel driveway installation – Ted Ramsdell

Documents Reviewed: Request for Determination of Applicability and associated attachments, dated January 25, 2022

Pirrotta reads the legal notice. Owner Ted Ramsdell is present to discuss the project. He describes that he is planning to add crushed gravel to his driveway to help divert water runoff from the road onto his property and prevent it from going into the stream. Bertoni asks whether there is a berm and whether Ramsdell has discussed the issue with the Beverly Department of Public Services. Ramsdell replies that he has not, and adds that curbing was recently added as part of the street work and curbing took away part of his driveway access. Pirrotta confirms she has not asked DPS about this specific issue. Commissioners agree to hold a site visit. Squibb asks about the proposed deck expansion. Commissioners schedule the site visit for Saturday, February 19, 2022, at 11:30am. Squibb moves to continue the discussion to the March 1, 2022 meeting. Seconded by Buchsbaum. Bertoni takes a roll call vote. Motion passes 5-0.

6. **Requests for Certificates of Compliance**

- a. **New: 183 West Street, DEP File #5-1102** – abandon septic system and install pump chamber to connect to existing force main – Beverly Shore and Chubb Island, LLC c/o Maura Blundin

Documents Reviewed: Request for Certificate of Compliance from Griffin Engineering Group, dated January 31, 2022

Bob Griffin of Griffin Engineering describes the request. The work under the Order of Conditions was never completed, and the Order has since expired. Griffin explains that the current owner recently received approval of a new project under DEP File #5-1352 and closing out this expired Order was a condition of approval. There being no further comments or questions, Alden - St. Pierre moves to issue a Certificate of Compliance with an “invalid” Order of Conditions. Seconded by Buchsbaum. Bertoni takes a roll call vote. Motion passes 5-0.

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

- a. **Minor Modification to Order of Conditions**
 - i. **Cont: 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 recaps the project, noting that he had to cancel the previously scheduled site visit and requests that the Commission schedule a new date. Commissioners schedule a site visit for Saturday, February 19, 2022, at 8:30am. Alden - St. Pierre moves to

continue the discussion to the March 1, 2022 meeting. Seconded by Jones. Bertoni takes a roll call vote. Motion passes 5-0.

b. Enforcement Orders

i. Cont.: 0 Netherton Avenue

Documents Reviewed: Topographic Plan of Land by Hancock Associates, dated July 14, 2021; Wetland Restoration Plan by Hancock Associates, dated January 24, 2022

There is no owner or representative for the discussion. The Commission received the hard copies of the restoration plan as requested. Bertoni confirms that the fines have not been paid yet and confers with Pirrotta regarding the amount of outstanding fines. Bertoni would like implementation of the restoration plan by the end of June 2022. The Commission discusses where plantings and seeding would be located and suggested conditions of approval. Bertoni reminds members that permission from the abutter is needed to allow restoration work on their property. Pirrotta notes that Hancock Associates is experiencing issues in accessing their network files and that some expected information including narrative and soils data had not yet been submitted to the Commission. In light of this, the Commission decides to amend the Enforcement Order to allow more time to provide the complete materials instead of approving the plan at this meeting. Buchsbaum addresses the fine amount and asks members whether it should be reduced, given that the fill has been removed. The Commission notes that the restoration work is not yet complete and considers whether there is flexibility in the amount. Pirrotta adds that the Commission has considered reducing or waiving fines on other enforcement issues in the past. Buchsbaum moves to amend the Enforcement Order to receive the restoration plan and narrative by February 22, 2022. Seconded by Bertoni. Bertoni takes a roll call vote. Motion passes 5-0. Squibb moves to continue the discussion to the March 1, 2022 meeting. Seconded by Alden - St. Pierre. Bertoni takes a roll call vote. Motion passes 5-0.

ii. New: 6 Morningside Drive

Documents Reviewed: Enforcement Orders dated January 27, 2022

Pirrotta updates the Commission on the unpermitted activities at the site and summarizes her conversation with the property owner regarding the need to remove the fill. Owner Edvaldo Da Silva is in attendance, with assistance from a translator, Daniel. Bertoni informs the homeowner that work within the resource areas or buffers requires that they file an application with the Commission, and they are currently in violation of the Act and Ordinance. Da Silva's representative describes that the owner did not know that he needed approval and thought he could do the work as long as it was at least 25 feet from the river. Bertoni asks about the work that occurred and recommends that the homeowner first stabilize the site to prevent damage to the resource area and then have a plan prepared. Bertoni asks how much fill was added to the site; Da Silva's representative replies that the quantity was about 3 trucks of fill or 45 yards of material, as he wanted to level the yard. Bertoni explains that adding fill into the floodplain without adding compensatory flood storage is prohibited. The Commission discusses the need for Da Silva to engage an environmental professional to prepare a plan if he is intending to keep the fill or remove it all and return to original condition. Pirrotta will re-send the list of

consultants to the owner. Squibb moves to amend the enforcement order, requiring that a Notice of Intent be filed by March 29, 2022 for review at the April 12, 2022 meeting. Seconded by Jones. Bertoni takes a roll call vote. Motion passes 5-0.

c. Minor Project Permits, If Any
i. 254 Essex Street - YMCA

Pirrotta describes the minor project permit she issued for the installation of a light post near the property entrance at Essex Street. Conditions include removal of any and all spoils for appropriate disposal. There are no objections from Commissioners.

d. Cont.: Beverly Airport – update on Vegetation Management Program – Airport Solutions Group

The Commission discusses sending a letter to the Airport Commission reminding them of the need to request a Certificate of Compliance for the outstanding Orders, in addition to the newer Order governing the perimeter fence replacement. Bertoni notes that she reviewed recent meeting minutes of the Airport Commission and the completed perimeter fencing work was discussed. Pirrotta will send the letter.

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

Pirrotta updates the Commission on the status of the Open Space and Recreation Plan and the draft action plan. Pirrotta will distribute the information from OSRC staff Chelsea Zakas and include the topic on the next meeting agenda.

Pirrotta alerts the Commission of an upcoming Community Preservation Committee application from the Planning Department, for funds to acquire certain parcels on Simon Street. Planning Director Darlene Wynne has asked whether the Commission is interested in sending a letter of support of this application. The Commission agrees that this sounds like a good use of public funds to preserve green space in a densely developed area. Pirrotta will draft the letter.

8. Approval of Minutes

a. January 4, 2022

Commissioners review the draft minutes for the January 4, 2022 meeting, and offer edits. Buchsbaum moves to approve the January 4, 2022 meeting minutes, as amended. Seconded by Bertoni. Bertoni takes a roll call vote. Motion passes 5-0.

9. Adjournment

Buchsbaum moves to adjourn the meeting at 9:42pm. Seconded by Squibb. Bertoni takes a roll call vote. The motion carries 5-0.

The next regular meeting of the Conservation Commission will be held on Tuesday, March 1, 2022.