

CITY OF BEVERLY  
PUBLIC MEETING MINUTES

BOARD OR COMMISSION: City of Beverly Conservation Commission  
SUBCOMMITTEE:  
DATE: February 22, 2023  
LOCATION: Virtual via Google Meet  
MEMBERS PRESENT: Chair Christine Bertoni, Vice Chair Robert Buchsbaum,  
Meghan Jones, Amber Redmond, William Squibb (late)  
MEMBERS ABSENT:  
OTHERS PRESENT: City Conservation Agent David Spidaliere  
RECORDER: Naomi Moca

1. Chair Bertoni calls the meeting to order at 7:04 p.m. and reads the public notice regarding holding meetings remotely due to COVID-19.

Buchsbaum: Motion to recess. Redmond seconds. Chair Bertoni takes a roll call vote.  
Motion carries (4-0).

2. **Recess for Public Hearings**

3. **Notices of Intent/Abbreviated Notices of Intent/Requests for Amended Orders of Conditions**

- a. **Cont.: 0 Dodge Street - Norwood Pond, DEP File #5-1381** – construct a pedestrian bridge and bog bridge – City of Beverly Planning Department c/o Darlene Wynne

Charles Mann of the City of Beverly Open Space Committee and Mary Rimmer of Rimmer Environmental Consulting are present. Rimmer states that as a result of the site visit and discussion with MassDEP since the last meeting, the second boardwalk has been eliminated. Rimmer summarizes the updated plans in response to the DEP comments.

The Commission discusses whether the boardwalk would have touched Bordered Vegetated Wetland (BVW).

Buchsbaum: Motion to close the hearing. Redmond seconds. Chair Bertoni takes a roll call vote. Motion carries (4-0).

- b. **Cont.: 275 Hale Street, DEP File #5-1380** – reconstruct an existing pool structure and spa, a conservatory and associated landscaping – Jared & Rebecca Bartok

Devon Morse, Project Wetland Scientist of Hancock Associates, Margo Yane of Ecological Restoration Designer, and Rebecca Verner, Landscape Architect of Gregory Lombardi Design

are present. The Commissioners took a site visit on Saturday, February 11, 2023. The Commission discusses observations from the site visit. Morse summarizes the updates to the plan since the last meeting.

The Commission discusses the impervious impact calculations found on Table 1.1, the pool drainage, the use of herbicides, and whether Black-Eyed Susan is indigenous to the area.

Buchsbaum: Motion to close the hearing. Redmond seconds. Chair Bertoni takes a roll call vote. Motion carries (4-0).

- c. **Cont.: Longham Road, DEP File #5-1382** – install a raw water meter vault along a section of the Longham raw water supply pipeline on SBWSB property – Salem and Beverly Water Supply Board c/o Alan Taubert, Jr.

**7:43 p.m.** Squibb joins the meeting.

Matthew Ribeiro of AECOM, Alan Taubert, Executive Director of the Salem and Beverly Water Supply Board, and Tom Touchet, Wetland Scientist with AECOM, are present. The Commissioners took a site visit on Saturday, February 11, 2023. The Commission discusses observations from the site visit. Ribeiro summarizes the updates to the plan since the last meeting.

The Commission discusses the addition of one bollard to the plan.

Buchsbaum: Motion to close the hearing. Redmond seconds. Chair Bertoni takes a roll call vote. Motion carries (5-0).

- d. **Continued: 46 Prince Street, DEP File # 5-1383** – install an in-ground pool, patio and landscape improvements, reconstruct driveway and retaining wall and repaint seawall – Aaron & Michelle Galis

Bob Griffin of Griffin Engineering, Aaron Galis, applicant and property owner, and Matthew Ulrich of Ulrich Landscape Collaborative are present. The Commissioners took a site visit on Saturday, February 11, 2023. The Commission discusses observations from the site visit. Griffin summarizes the plan for ledge removal, should it become necessary, and addresses other comments by the Commissioners.

The Commission discusses whether the applicant would be open to using pervious pavers, the proposed activity in the No-Disturb Zone, whether there will be grading in the 25-foot No-Disturb Zone, the planned plantings, whether there is a plan to replace the copper beech tree, whether the pool will be scaled down in size, what the plan is to move the two drywells in case the construction hits ledge, and how the wall will be repaired.

**Redmond:** Motion to close the hearing. Buchsbaum seconds. Chair Bertoni takes a roll call vote. Motion carries (5-0).

- e. **New: 43 Haven Way, DEP File #5-1385** – replace a swimming pool, shed, fence, and construct a pergola with associated low retaining wall – Olaf Stelling

Spidaliere reads the legal notice. Chris Broyles of Meridian Associates and Olaf Stelling, property owner and applicant, are present. Broyles states that the proposed project is to replace an existing pool, shed, and fence. The plan also includes constructing a retaining wall to hold back the bank, as well as a new pergola. Broyles states that a copy of the response to the DEP comments regarding riverfront performance standards was provided to the Commission.

The Commission discusses the net pervious cover, the planned pool's shape and dimensions, the distance the planned pool is to the riverfront area, the compensatory flood storage impact from grading in the outer 100 feet of riverfront area, the fact that the property abuts West Beach which is a Priority Habitat for piping plovers, and the pool filtration system.

A site visit is scheduled for Saturday, March 4 at 8:00 a.m.

**Redmond:** Motion to continue to the March 14, 2023 meeting. Buchsbaum seconds. Chair Bertoni takes a roll call vote. Motion carries (5-0).

- f. **New: 39 Crescent Avenue, DEP File # 5-1386**– construct an addition, repair existing pier, and make landscape improvements – Jak and Sarah Letien

Spidaliere reads the legal notice. Sean McDonnell, Civil Engineer with Griffin Engineering, and Jak Letien, property owner and applicant, are present. McDonnell summarizes the site plan.

The Commission discusses the mitigation plan, the condition of the pier and its stairs, the plan to use non-CCA treated wood for the pier repairs, the increase to the value of the house, whether it qualifies as Bordering Land Subject to Flooding, whether the seawall or rip rap is jurisdictional subject to Chapter 91, and whether there are any other filings on the property.

A site visit is scheduled for Saturday, March 4 at 9:00 a.m.

**Redmond:** Motion to continue to the March 14, 2023 meeting. Buchsbaum seconds. Chair Bertoni takes a roll call vote. Motion carries (5-0).

**Buchsbaum:** Motion to reconvene the regular meeting. Redmond seconds. Chair Bertoni takes a roll call vote. Motion carries (5-0).

#### **4. Reconvene Regular Meeting**

**5. Requests for Determination of Applicability**

- a. Cont.: 400 Hale Street** – remove and replace the existing turf field at Hempstead Stadium – Endicott College c/o Rick Gagnon

Chris Broyles of Meridian Associates and Rick Gagnon, Director of Facilities at Endicott College, are present. Broyles summarizes the information that was requested by the Commission at the January 31, 2023 meeting regarding PFAS and the materials that comprise the artificial turf. Broyles has provided a letter and email correspondence from the manufacturer to the Commission.

The Commission discusses the letter from the turf manufacturer, the prevalence of PFAS in numerous products, and the claim of very low concentrations in the turf field, whether there is an O & M plan for the field, the use of recycled tire material for cushioning, who will oversee the construction, and scheduling a pre-construction site visit with the Agent to confirm proper erosion controls.

The Commission discusses the following conditions:

1. The owner of the property shall be responsible for maintaining all aspects of the stormwater management system in accordance with the recommendations of the manufacturer and installer of the Operations and Maintenance plan.
2. There shall be no dumping of leaves, grass clippings, trash, or any kind of refuse in the resource area.
3. Herbicides shall not be applied within 100 feet of the wetland.
4. No sodium-based products shall be used for control of ice or snow within 100 feet of the wetlands.
5. Prevention of flooding, erosion, and sedimentation are ongoing and do not expire at the end or issuance of the certificate of compliance.

Buchsbaum: Motion to issue a negative 3 determination with the conditions as discussed. Redmond seconds. Chair Bertoni takes a roll call vote. Motion carries (5-0).

- b. New: 55 Ober Street, 145 Livingstone Avenue, 28 Porter Street** – install kayak racks at Lynch Park, Obear Park, and Pleasant View Beach – City of Beverly

Spidaliere reads the legal notice. David Suminsby of the City of Beverly Harbor Management Authority is present. Suminsby summarizes the project, which is proposed to start Spring 2023.

The Commission discusses the construction techniques, the role of the Harbor Management Authority in the project, the number of kayaks that fit on each rack, the size of the existing racks, the footings that need to be installed in the ground, whether there is any ledge at the sites, the timing of the end of the kayak season for enforcing kayak removal, and obtaining a more detailed site map for the project before making the determination.

Squibb: Motion to continue to the March 14, 2023 meeting, pending more detailed site maps of specific locations of kayak rack locations. Redmond seconds. Chair Bertoni takes a roll call vote. Motion carries (5-0).

## **6. Requests for Certificates of Compliance**

- a. **New: 18 Meadow Road, DEP File #5-936** – grade rear of property and associated intermittent stream, build retaining wall, improve flow within stream channel, provide improved flood storage capacity of associated wetland resources and other drainage improvements – Peter Hallisey

Evin Guvendiren of DeRosa Environmental is present on behalf of the applicant. Guvendiren summarizes the matter until now: that the Order of Conditions was issued in 2006, and at the November 9, 2022 meeting the Commission voted to lift an enforcement order and return to compliance under the local ordinance.

Spidaliere states that he conducted a site visit with Guvendiren and John Morin, and that he observed the mitigation was done and the site is stable.

Buchsbaum: Motion to issue a complete Certificate of Compliance under the Local ordinance for 18 Meadow Road with perpetual conditions 37, 38, 39, and 40. Redmond seconds. Chair Bertoni takes a roll call vote. Motion carries (5-0).

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

- a. **Requests for Minor Modification to existing Order of Conditions**
  - i. **New: 44 River Street, DEP File #5-1294**

Lee Curtis of BSC Group is present. Curtis summarizes the need to stockpile contaminated soil on a paved area of the working substation site due to a backup in waiting for the proper disposal sites to become available. Spidaliere conducted a site visit.

The Commission discusses the fact that the contaminated soil needs to be stored for one month until proper disposal sites become available, the containment of the soil with weighted plastic sheeting and sediment controls, the daily monitoring of the site, and the possibility of placing sightline barriers on the site such as jersey barriers adjacent to or parallel to the street.

Buchsbaum: Motion to approve the minor modification as discussed with an additional condition for a physical barrier along the street side. Squibb seconds. Chair Bertoni takes a roll call vote. Motion carries (5-0).

- b. **Tree Removal Requests, If Any**
  - i. **New: 9 Tall Tree Drive**

Spidaliere states that the applicant requested a site visit to review the request in lieu of being present for this meeting. The Commissioners agree that a site visit is appropriate.

The item will be addressed at the March 14, 2023 meeting.

**c. Cont.: West Beach Corporation & other owners** along West Beach, Priority  
Habitat beach raking

Spidaliere states that two meetings will be scheduled in March, dates as yet not firm, one with the West Beach Association, and one with West Beach Corporation. The Commission discusses reaching out to the Regional Agent for Coastal Zone Management of the North Shore for input. Spidaliere states that the City Solicitor's office will be represented at the meeting.

**d. Expenditure Approvals, If Any**  
**i. New: Conservation Agent Mileage Reimbursement**

Squibb: Motion to approve the mileage reimbursement totaling \$107.70. Buchsbaum seconds. Chair Bertoni takes a roll call vote. Motion carries (5-0).

**8. Orders of Conditions**

**a. Cont.: 0 Dodge Street - Norwood Pond, DEP File #5-1381** – construct a pedestrian bridge and bog bridge – City of Beverly Planning Department c/o Darlene Wynne

The Commission discussed the following conditions:

1. Any excavated materials/debris shall be removed and properly disposed of offsite.
2. Storage of construction materials and dumpster shall be located on existing paved areas or outside the resource areas.
3. Any debris entering the pond from construction activities shall be recaptured for appropriate disposal.
4. Any damage caused as a direct result of this project to any wetland resource areas shall be the responsibility of the applicant to repair or restore.
5. The use of timbers pressure treated with A.C.Q.(Alkaline Copper Quats) or the equivalent is permitted as construction material. Creosote treated timber is prohibited. Wood preservative must be dry before any treated wood is used in construction.
6. Construction of the foot bridge is to be accomplished by working out from and upon completed portions of the pier. No heavy construction equipment, vehicles, or barges are permitted during bridge construction.
7. Any area that is disturbed during construction is to be revegetated immediately, or as soon thereafter as the growing season commences, with appropriate local indigenous vegetation.
8. Dredging is neither proposed nor permitted in this filing.
9. White pine tree shall be cut to a minimum of 5-feet, not flush cut.
10. Tree removal shall be conducted via hand tools and/or all heavy equipment shall be operated from paved surfaces only.

11. Removal or grinding of the tree roots or stump is prohibited.
12. All cut materials associated with the tree removal shall be removed for appropriate off-site disposal.

Redmond: Motion to issue Order of Conditions as discussed, general and special, including standard perpetual conditions. Buchsbaum seconds. Chair Bertoni takes a roll call vote. Motion carries (5-0).

- b. **Cont.: 275 Hale Street, DEP File #5-1380** – reconstruct an existing pool structure and spa, a conservatory and associated landscaping – Jared & Rebecca Bartok

The Commission discussed the following conditions:

1. Prior to the Pre-Construction meeting, all erosion controls shall be installed, by survey, along the line as shown on plans approved by the Commission. The Conservation Agent shall inspect the location and installation of erosion controls.
2. All construction activities shall be conducted from the landward side of the top of the coastal bank. No heavy construction equipment, vehicles or fill are allowed seaward of the limit of work area shown on the plan of record.
3. Plantings shall exhibit at least 75% overall survivorship after two growing seasons post installation and shall be verified by the Conservation Agent.
4. Not less than 3 weather resistant signs or monuments, bearing the following language “Protected Wetland Resource Area - No Disturbance Beyond This Point Per Order of Beverly Conservation Commission” shall be installed equidistant along the edge of the 25-Foot No Disturbance Zone. Said signs/monuments shall be installed such that they are not less than 2 feet and no more than 4 feet above grade to ensure that it is visible in the field.
5. The signs/monuments as described in Special Condition #4 above shall be kept in good repair and replaced as necessary. This condition shall survive in perpetuity beyond the issuance of a Certificate of Compliance.
6. During the work, any storage of equipment shall be located on existing paved areas or as close to the street as possible.
7. All debris materials and excess spoils shall be removed from the site for appropriate off-site disposal.
8. When mechanical equipment is being used, contractors shall keep hazardous material spill containment kits on-site in case of a release of oil, gasoline, or other toxic substances.
9. Invasive plants shall be removed and replanted with native plantings outlined in the land management plan titled “Land Management Plan: A Narrative for Invasives Removal and Native Restoration”.
10. Annual monitoring reports of the invasives treatment and native restoration area outlined in Special Condition #9 shall be provided to the Conservation Agent at the end of the growing season, for a minimum of two growing seasons.

11. All application of herbicides in the native restoration area shall be applied by an applicator licensed by the Massachusetts Department of Agricultural Resources, Pesticide Bureau.
12. A revised Impervious Impact Calculation table that includes proposed removal of impervious surface shall be sent to the Conservation Agent prior to the start of construction.

Redmond: Motion to issue Order of Conditions as discussed, general and special, including standard perpetual conditions. Buchsbaum seconds. Chair Bertoni takes a roll call vote. Motion carries (5-0).

- c. **Cont.: Longham Road, DEP File #5-1382** – install a raw water meter vault along a section of the Longham raw water supply pipeline on SBWSB property – Salem and Beverly Water Supply Board c/o Alan Taubert, Jr

The Commission discussed the following conditions:

1. Prior to the Pre-Construction meeting, all erosion controls shall be installed, by survey, along the line as shown on plans approved by the Commission. The Conservation Agent shall inspect the location of erosion controls.
2. All demolished materials, excavated soils, or other related debris shall be immediately removed from the site for appropriate disposal.
3. All stockpiles shall be covered and surrounded with sediment barriers.
4. Vegetated areas temporarily disturbed by construction activities will be re-seeded with an appropriate seed mix.
5. During the work, any storage of equipment shall be located on existing paved areas or as close to the street as possible.
6. All debris materials and excess spoils shall be removed from the site for appropriate off-site disposal.
7. When mechanical equipment is being used, contractors shall keep hazardous material spill containment kits on-site in case of a release of oil, gasoline, or other toxic substances.

Buchsbaum: Motion to issue Order of Conditions as discussed, general and special, including standard perpetual conditions. Squibb seconds. Chair Bertoni takes a roll call vote. Motion carries (5-0).

- d. **New: 46 Prince Street, DEP File # 5-1383**– install an in-ground pool, patio and landscape improvements, reconstruct driveway and retaining wall and repoint seawall – Aaron & Michelle Galis

The Commission discussed the following conditions:

1. During the work, any storage of equipment shall be located on existing paved areas or as close to the street as possible.
2. All debris materials and excess spoils shall be removed from the site for appropriate off-site disposal.



3. Any pool backwash or dewatering shall be directed away from the resource area and into the drywells. This condition shall survive in perpetuity beyond issuance of a Certificate of Compliance.
4. Pool backwash shall not occur within two weeks of chlorination. This condition shall survive in perpetuity beyond issuance of a Certificate of Compliance.
5. Erosion and sedimentation control devices shall be installed along the edge of the down gradient side of the project area prior to construction as depicted on the site plan.
6. Erosion and sedimentation control devices shall be inspected daily during periods of active construction and bi-weekly during the remainder of the construction period. Sediments shall be removed from the barriers as soon as they reach a depth of 6-inches.
7. Runoff from the site shall be directed through sedimentation control barriers.
8. During construction, disturbed areas shall be kept to a minimum and vegetative stabilization of these areas shall occur as soon as possible.
9. Temporary seeding, mulching, or other suitable stabilization measures shall be used to protect exposed critical areas should unprotected soils remain exposed for prolonged periods.
10. All stockpiles shall be surrounded with sediment barriers.
11. The mitigation plantings as described in the NOI shall exhibit at least 75% overall survivorship after two growing seasons post installation and shall be verified by the Conservation Agent.
12. When removing the beech tree, the stump shall be flush cut, no grinding shall be done, and debris shall be carried off site for disposal.
13. If ledge is encountered, the applicant will come before the Commission to discuss the need for a Minor Modification for protecting the stability of the Coastal Bank.

Redmond: Motion to issue Order of Conditions under the Wetlands Protection Act and local ordinance as discussed, general and special, including standard perpetual conditions. Buchsbaum seconds. Chair Bertoni takes a roll call vote. Motion carries (5-0).

**9. Approval of Minutes (as available)**  
**a. January 31, 2023**

Members review and offer edits to the January 31, 2023 draft meeting minutes.

Redmond: Motion to accept the January 31, 2023 meeting minutes as amended. Buchsbaum seconds the motion. Chair Bertoni takes a roll call vote. Motion carries (5-0).

Jones addresses her need to step down from the Commission and that this meeting will be the last one she is able to attend. The Commissioners express gratitude for Jones's contribution.

The Commissioners discuss the Massachusetts Association of Conservation Commissions (MACC) meeting.

**10. Adjournment**

Jones: Motion to adjourn. Buchsbaum seconds. Chair Bertoni takes a roll call vote.  
Motion carries (5-0).

Meeting ends at 10:30 p.m.

The next regular meeting of the Conservation Commission is scheduled for Tuesday, March 14, 2023.