

**CITY OF BEVERLY
PUBLIC MEETING MINUTES**

BOARD OR COMMISSION: Beverly Conservation Commission
SUBCOMMITTEE:
DATE: March 16, 2021
LOCATION: Remotely held meeting through Google Hangouts Meet
MEMBERS PRESENT: Chair Christine Bertoni, Vice Chair Robert Buchsbaum,
Bill Squibb, David Alden-St. Pierre, Richard Grandoni
MEMBERS ABSENT: Stephanie Herbster
OTHERS PRESENT: Environmental Planner Jenna Pirrotta
RECORDER: Sarah Scott-Nelson

Call to Order

Bertoni calls the meeting to order at 7:03 p.m. Bertoni reads the virtual meeting guidelines and notes that the meeting is being held in accordance with temporary Open Meeting Law adjustments due to the State of Emergency associated with the COVID-19 outbreak.

Approval of Minutes (as available)

February 23, 2021

The Commission reviews the draft minutes and offers edits. Alden-St. Pierre moves to approve the February 23, 2021 minutes as amended. Seconded by Buchsbaum. Bertoni takes a roll call vote. The motion carries 5-0.

Recess for Public Hearings

Squibb moves to recess for public hearings. Seconded by Buchsbaum. Bertoni takes a roll call vote. The motion carries 5-0.

Notices of Intent/Abbreviated Notices of Intent/Requests for Amended Orders of Conditions

Cont.: 91 Lothrop Street, DEP File #5-1313 – construct an in-ground pool with patio and pool house, landscaping, and associated appurtenances – Daniel & Daniella Mammal

Documents Reviewed: Notice of Intent Application and site plans by Williams & Sparages and landscape plan by Elliott Brundage dated March 8, 2021

Elliott Brundage, landscape architect and Richard Williams of Williams & Sparages representing the applicant are present. Williams reports the changes to the plan which include the updated coastal bank line and buffer zones, and the Chapter 91 license information. Williams notes that the work on the concrete slab in 2018 was part of an emergency order. Williams outlines other revisions to the plan, including a pool house and bathhouse. Brundage details the landscape plan

regarding minor regrading of the lawn area and landscape wall which will provide a planting edge at the bottom of the slope. Williams clarifies that there is a VE zone at elevation 14 feet. Brundage clarifies that the plantings by the stone wall would enhance and stabilize the slope.

Grandoni moves to close the hearing. Seconded by Buchsbaum. Bertoni takes a roll call vote. The motion carries 5-0.

Cont.: 0 Virginia Avenue/7R Kennedy Drive, DEP File #5-1319 – Hickory Hill LLC

Documents Reviewed: Notice of Intent Application and site plans by Griffin Engineering dated February 1, 2021

Bob Griffin of Griffin Engineering, representing the applicant, summarizes the plan to construct a single-family residence with associated deck, driveway, utilities, and landscaping, noting that the wetlands were flagged by Bill Manuel in December 2020. In response to Bertoni's questions, Griffin notes that the foundation drain is to prevent basement flooding and reports that some fill will be used for the front yard. Griffin states that there is currently no planting plan. Bertoni suggests a planting plan be submitted to mitigate the new impervious surfaces and Buchsbaum suggests a site visit. In response to Squibb's question, Griffin confirms that debris will be disposed of off-site and that the two existing building lots would be merged into one.

Pirrotta reads letters from abutters expressing concern about privacy, flooding of the wetland and stream, water runoff, and current flooding conditions at the adjacent properties. Griffin notes that the debris piles are located directly beyond the bridge of the first concerned residence and suggests constructing a fence to resolve privacy concerns. Jaqueline Sabella, 9 Kennedy Drive, expresses concern that the proposed drywell would accommodate increased stormwater from the project. Sabella requests that the Commission take a site visit to view the area and consider effects on neighboring properties. Squibb asks if the flow into the Danvers river is being blocked. Griffin states that flow could be blocked downstream from vegetation and falling leaves. Enxhi Agolli, 7 Kennedy Drive, expresses concern about flooding. Griffin comments that he will provide information about the size of the drywell but notes that the neighbors' flooding is likely backup from the wetland rather than runoff from neighboring properties.

The Commission schedules a site visit for Saturday, March 20, 2021 at 8 a.m. Alden-St. Pierre moves to continue the hearing to the April 6, 2021 meeting. Seconded by Buchsbaum. Bertoni takes a roll call vote. The motion carries 5-0.

Cont.: 167 West Street, DEP File #5-1323 –Marc & Heather Hazel

Documents Reviewed: Notice of Intent Application and site plans by Griffin Engineering dated February 8, 2021

Pirrotta reads the legal notice. Griffin, representing the applicant, explains the plans to construct a pier, gangway, and floating dock, stating the outstanding need for Chapter 91 approval and approval from the Corps of Engineers for the project as well. Bertoni suggests that the Commission take a low tide site visit of this property. Buchsbaum requests an eelgrass survey to confirm the

absence of eelgrass at the site. In response to Bertoni's question, Griffin states that the concrete forms are about 12 feet high and the rocks will be replaced which should help protect the footings from wave action.

Gerhard Schulmeyer, neighbor to the property, raises concern about the moving of rocks, the effects of storms on this pier, and the precedent which the addition of new piers would set for the neighborhood. In response to Bertoni's question, Griffin states that this project does not need to be approved by the Beverly planning board. Griffin states that he has been working with several marine contractors regarding the best construction techniques for the site.

The Commission schedules a site visit for Saturday, March 20, 2021 at 11 a.m. Grandoni moves to continue the hearing to the April 6, 2021 meeting. Seconded by Alden-St. Pierre. Bertoni takes a roll call vote. The motion carries 5-0.

New: 44 Prince Street, DEP File #5-1321 – David Carnevale

Documents Reviewed: Notice of Intent Application and site plans by Griffin Engineering, dated February 8, 2021

Pirrotta reads the legal notice. Griffin of Griffin Engineering, representing the applicant, explains the project to complete pile installation and gangway and floating dock improvements, stating that the electric conduit would be installed and that no boats will be left overnight at the float due to the high wave action at the site. In response to Squibb's question, Griffin confirms that the float does not bottom-out and adds that this is a seasonal float. Pirrotta reports that the Division of Marine Fisheries did not have any concerns with the proposed work due to the small scale of the project. There were no comments from members of the public.

There being no further questions or comments, Buchsbaum moves to close the hearing. Seconded by Alden-St. Pierre. Bertoni takes a roll call vote. The motion carries 5-0.

New: 33 Kennel Hill Drive, DEP File #5-1322 – Tina Cianfrocca

Documents Reviewed: Notice of Intent Application and site plans by Griffin Engineering, dated February 8, 2021

Pirrotta reads the legal notice. Griffin of Griffin Engineering, representing the applicant, explains the project to reconstruct the shed, expand the pool deck, and complete associated landscape improvements, with proposed mitigation including a fence around the work area, noting the wetlands were flagged in January 2021. Bertoni suggests removing the wood and soil in the flower garden and asks about moving the pool shed out of the 25 Foot No Disturb Zone. Grandoni notes the area is already disturbed from the concrete decking. Squibb asks about location of pool backwash and relocation of the No-Disturbance Zone markers. Buchsbaum asks about the mitigation plantings. There were no comments from members of the public. There being no further questions or comments, Buchsbaum moves to close the hearing. Seconded by Grandoni. Bertoni takes a roll call vote. The motion carries 5-0.

New: 31 Foster Street, DEP File #5-1320 – Nicholas Masotta

Documents Reviewed: Notice of Intent Application by LEC Environmental, dated February 8, 2021 and site plans by Hawthorne Land Surveying Services, Inc, dated January 29, 2021

Pirrotta reads the legal notice. Rich Kirby of LEC Environmental, representing the applicant, explains the plans to construct an addition to an existing single-family house. Kirby explains the alterations for temporary construction access to allow the erosion controls to follow the edge of the pavement. An area will be allowed to naturalize and a beehive and raised garden bed would also be installed. The Commission schedules a site visit for Saturday, March 20, 2021 at 9:00 a.m. Alden-St. Pierre moves to continue the hearing to the April 6, 2021 meeting. Seconded by Grandoni. Bertoni takes a roll call vote. The motion carries 5-0.

New: 8 Whitaker Way, No DEP File # as of posting – David Smith

Documents Reviewed: Notice of Intent Application and site plans by George Zambouras, dated February 26, 2021

Pirrotta reads the legal notice. George Zambouras, representing the applicant, explains the project to construct a garage and addition with associated site work. In response to Buchsbaum's question, Zambouras explains the amount of runoff which would be captured by the stone trench. In response to Bertoni's question, Zambouras comments that the garage cannot be moved outside of the 25 Foot No Disturbance Zone due to accessible wheelchair access which would necessitate a wider addition and if adjusted, would require increased impacts in the buffer. Zambouras states that there are no FEMA flood zones at the property and no fill is needed, but some material will be hauled out. Michael Smith, son of the applicant, stresses the importance of the layout of the addition for the project's accessibility improvements.

The Commission schedules a site visit for Saturday, March 20, 2021 at 10:00 a.m. Buchsbaum moves to continue the hearing to the April 6, 2021 meeting. Seconded by Squibb. Bertoni takes a roll call vote. The motion carries 5-0.

New: 175 & 179 West Street, DEP File #5-1324 – Schulmeyer 2011 Irrevocable Trust

Documents Reviewed: Notice of Intent Application and site plans by Hancock Associates, dated February 24, 2021

Pirrotta reads the legal notice. David Cowell of Hancock Associates, representing the applicant, explains the proposed landscaping and construction of a sports court and outdoor kitchen. Bertoni asks Cowell to explain the project regardless of the previously approved work which will not go forward. Cowell comments that this project is a reduction in scope and footprint from the previously approved project. The Commission discusses the details of the project plan and suggests scheduling a site walk. Jacob Lemieux of Hancock Associates clarifies that the impact calculations are for the existing site conditions before the house was demolished.

The Commission schedules a site visit for March 20, 2021 at 12:00 p.m. Grandoni moves to continue the hearing to the April 6, 2021 meeting. Seconded by Buchsbaum. Bertoni takes a roll call vote. The motion carries 5-0.

New: 7 Iverson Road , No DEP File # as of posting – Mark Spooner

Documents Reviewed: Notice of Intent Application and site plans by Modern Homestead Design, dated March 2, 2021

Pirrotta reads the legal notice. John Ytzen-Handel, representing the applicant, explains the plans to construct a retaining wall, shed, and patios, with associated landscaping and appurtenances. In response to Buchsbaum's question, Ytzen-Handel explains that the retaining wall would mitigate erosion and runoff problems leading to the stream which would require fill to level off. Mark Spooner, the applicant, notes that the plans have a wetland line from the 2017 plot plan. The Commission requests a field delineation of the wetland resource areas, amounts of required fill, and more details on the proposed work. The Commission discusses scheduling a site visit after receiving more information. Pirrotta reports that the Commission received a letter from an abutter with concerns about the proximity of the retaining wall in relation to the brook. Squibb moves to continue the hearing to the April 6, 2021 meeting. Seconded by Buchsbaum. Bertoni takes a roll call vote. The motion carries 5-0.

Reconvene Regular Meeting

Buchsbaum moves to reconvene the regular meeting. Seconded by Squibb. Bertoni takes a roll-call vote. The motion carries 5-0.

Requests for Determination of Applicability

New: 13 Paine Avenue – Robin Brown

Documents Reviewed: Request for Determination of Applicability Application and site plans by New World Design Builders, dated February 8, 2021

Pirrotta reads the legal notice. Chris Kofitsas of New World Design Builders, representing the applicant, explains the plans to construct an 8-foot by 36-foot in-ground pool. Bertoni asks about erosion controls. Kofitsas notes that the four-foot wall will prevent sediments from entering the resource area and notes the top of the site is flat. In response to Squibb's question, Kofitsas confirms that the pavers are pervious. Bertoni reads the suggested conditions for the project. Squibb moves to issue a Negative 3 Determination. Seconded by Alden-St. Pierre. Bertoni takes a roll call vote. The motion carries 5-0.

New: 56 Standley Street – Jackeline & Alessandro DeFreitas

Documents Reviewed: Request for Determination of Applicability Application by Jackeline DeFreitas, dated February 8, 2021 and site plans by Marchionda Associates, dated December 15, 2020

Pirrotta reads the legal notice. Applicant Jackeline Defreitas explains the proposed deck and addition. Bertoni asks for more specifics on the steps and for more details on the materials for the foundation. Bertoni asks if the project involves addition of impervious surface area. Grandoni and Squibb ask about the size of the deck. Pirrotta clarifies the configuration of the deck based on the plan, stating that there will be an increase in pervious surface. Bertoni asks that more information on the size of the deck, the increase in impervious surface, and information on mitigation or replacement of the plants at the next meeting. Buchsbaum moves to continue the discussion to the April 6, 2021 meeting. Seconded by Squibb. Bertoni takes a roll call vote. The motion carries 5-0.

New: 57 Hathaway Avenue – Kevin Atwood

Documents Reviewed: Notice of Intent Application and framing plan by Kevin Atwood, dated March 1, 2021

Pirrotta reads the legal notice. Applicant Kevin Atwood explains the proposed replacement and expansion of an existing deck to square off to the stairs. In response to Buchsbaum's question, Atwood clarifies that underneath the deck is crushed stone. Pirrotta reports on the potential vernal pool and whether information could be collected to certify the pool. Atwood expresses willingness to record the frog chorus' that he typically hears in spring and offers permission to cross his property to access the potential vernal pool area. Bertoni reads the suggested conditions for the project. Alden-St. Pierre moves to issue a Negative 3 determination. Seconded by Squibb. Bertoni takes a roll call vote. The motion carries 5-0.

Other

Buchsbaum moves to schedule an additional meeting at 7:00 p.m. on March 22, 2020 to complete unfinished business, specifically to discuss Orders of Conditions. Seconded by Alden-St. Pierre. Bertoni takes a roll call vote. The motion carries 5-0.

Enforcement Orders

New: 6 Cavendish Square

Jeffrey Williams, property owner, requests that the Commission consider this item tonight. Pirrotta reports that the work has ceased in response to the Enforcement Order and explains the actions on the property. The Commission requests that the applicant provide a restoration plan for review by May 4, 2021. Buchsbaum moves to issue a ratified Enforcement Order to include the conditions as discussed. Seconded by Squibb. Bertoni takes a roll call vote. The motion carries 5-0.

Cont.: 18 Meadow Road, DEP File #5-936

Pirrotta discusses with the Commission and the owner's representative, Michael DeRosa of DeRosa Environmental, the simplest way for the applicant to come into compliance and satisfy

all the Commission's conditions, based on discussion with MassDEP. This would be for the Commission to issue an Enforcement Order under the Beverly Wetlands Ordinance Only, that the owner implement the restoration work as directed by the MassDEP Administrative Consent Order, since the original work is also subject to a Superseding Order of Conditions. Buchsbaum moves to issue the Enforcement Order with the conditions as discussed, under the ordinance only. Seconded by Alden-St. Pierre. Bertoni takes a roll call vote. The motion carries 5-0.

Cont.: Waring School soccer field encroachment

Pirrotta reports that Waring School representatives would like to address the Commission at the April 6, 2021 meeting and that they expect to provide an affidavit from the heir of the estates as well as a history of past actions regarding the encroachment. Representatives requested that discussion occur earlier in the evening. The Commission agrees with this approach to discuss at the April 6, 2021 meeting.

Other

Due to the lateness of the hour, Bertoni suggests the remainder of the agenda items be reviewed at the March 22, 2021 special meeting. Squibb moves to continue the remainder of the agenda items to the March 22, 2021 special meeting. Seconded by Buchsbaum. Bertoni takes a roll-call vote. The motion carries 5-0. Pirrotta clarifies the remaining items to be discussed.

Adjournment

Alden-St. Pierre moves to adjourn at 11:31 p.m. Seconded by Grandoni. Bertoni takes a roll call vote. The motion carries 5-0. The special meeting will be Monday, March 22, 2021 at 7:00 pm to be held virtual over Google Meet. The next regular meeting of the Conservation Commission is Tuesday, April 6, 2021 to be held virtual over Google Meet.