

**CITY OF BEVERLY
PUBLIC MEETING MINUTES**

BOARD OR COMMISSION: Beverly Conservation Commission
SUBCOMMITTEE:
DATE: April 6, 2021
LOCATION: Remotely held meeting through Google Hangouts Meet
MEMBERS PRESENT: Chair Christine Bertoni, Vice Chair Robert Buchsbaum,
David Alden-St. Pierre, Stephanie Herbster, Bill Squibb
MEMBERS ABSENT: Richard Grandoni
OTHERS PRESENT: Environmental Planner Jenna Pirrotta
RECORDER: Sarah Scott-Nelson

Call to Order

Bertoni calls the meeting to order at 7:01 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.

Waring School soccer field encroachment, 0 Rear Standley Street (Map 59 Lot 4)

Timothy Bakland, Waring School Headmaster, introduces the topic of the encroachment and recaps history of the site. Mayor Cahill introduces Lawrence Coolidge, heir of the donor's estate and invites him to speak about the property that his grandmother, Edith Miles donated to the City. Coolidge speaks in favor of the land swap as a means to resolve the encroachment dispute. Bertoni seeks clarification regarding why this issue is being discussed again after the Commissions' previous vote on the same topic. Coolidge replies that he has since spoken with Greenbelt, who were also in favor of the land swap. City Solicitor Stephanie Williams notes that she had previously provided a letter to the Commission which outlines the steps that would be needed to pursue the land swap and that the Waring School is coming to the Commission first seeking input on approval before the City goes forward with the court process, since the property is a public charitable trust. Bertoni requests a separate public hearing be scheduled for this issue to receive input from the public. Tom Harrington representing Waring School, describes the necessary steps needed to finalize a land swap and requests that all sitting members of the Commission be present for the hearing as a unanimous vote in favor of the swap would be needed to meet the Article 97 requirements. In response to Squibb's question, Harrington notes that Waring could discuss including additional land in consideration of a land swap.

Squibb moves to schedule a hearing when all members can be present. Seconded by Buchsbaum. Bertoni takes a roll call vote. The motion carries 5-0.

Recess for Public Hearings

Buchsbaum moves to recess for public hearings. Seconded by Herbster. 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.: 0 Virginia Avenue/7R Kennedy Drive, DEP File #5-1319 – Hickory Hill LLC

Documents reviewed: Notice of Intent Application and associated attachments dated February 1, 2021, revised plans and HydroCAD report dated March 25, 2021

Jesse Blanchette of Griffin Engineering, representing the applicant, recaps the project to construct a single-family residence with associated deck, driveway, utilities, and landscaping. Blanchette notes the Commission held a site visit on March 20, 2021 at 8am and describes the plan changes in response to abutter concerns, including addition of a second drywell and mitigation plantings. Bertoni asks about the location and intent of the berm. There being no further questions or comments from Commissioners or members of the public, Herbster moves to close the hearing. Seconded by Squibb. Bertoni takes a roll call vote. The motion carries 5-0.

Cont.: 167 West Street, DEP File #5-1323 – construct a pier, gangway, and floating dock – Marc & Heather Hazel

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

Pirrotta notes that the applicant requested to continue the discussion to the April 27, 2021 hearing as they are still working on plan revisions. Alden-St. Pierre moves to continue the hearing to the April 27, 2021 meeting. Seconded by Squibb. Bertoni takes a roll call vote. The motion carries 5-0.

Cont.: 31 Foster Street, DEP File #5-1320 – construct addition to existing single-family house – Nicholas Masotta

Documents Reviewed: Notice of Intent Application by LEC Environmental, dated February 8, 2021 and site plan by Hawthorne Land Survey Services Inc, revised dated April 5, 2021

Rich Kirby of LEC Environmental, representing the applicant, explains plan changes after the Commission's March 20, 2021 site visit. Bertoni clarifies the intent of the playground to be a temporary structure. There being no further questions or comments from Commissioners or members of the public, Alden-St. Pierre moves to close the hearing. Seconded by Squibb. Bertoni takes a roll call vote. The motion carries 5-0.

Cont.: 8 Whitaker Way, DEP File #5-1326 – construct a garage and addition, with associated site work – David Smith

Documents Reviewed: Notice of Intent Application by George Zambouras, P.E., dated March 3, 2021; site plan revised dated March 30, 2021

George Zambouras, representing the applicant, recaps the proposed project and the results of the Commission's site visit on March 20, 2021. Zambouras describes the location of the erosion controls including jute netting and the placement of the garage in relation to the slope. Buchsbaum notes concern with the steep slope and suggests including a condition that slope be demonstrably stable. There being no further questions or comments from Commissioners or members of the public, Herbster moves to close the hearing. Seconded by Squibb. Bertoni takes a roll call vote. The motion carries 5-0.

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

Documents Reviewed: Notice of Intent Application by Hancock Associates, dated February 26, 2021; site plans, revised dated March 22, 2021

David Cowell of Hancock Associates, representing the applicant, explains the project to conduct landscaping and hardscaping and to construct a sports court and outdoor kitchen. Cowell notes that the Commission held a site visit on March 20, 2021 and describes plan changes including removing proposed work from the 25-Foot No Disturbance Zone. The Commission clarifies that work on the seawall is not part of this plan and discusses the licensing process needed for work on the seawall. Buchsbaum asks whether the sports court would be permeable and Bertoni asks about the vacuuming or other required surface maintenance of the court. Jacob Lemieux of Hancock Associates describes the expected maintenance schedule of the sports court including light sweeping. Cowell refers to the outstanding Orders of Conditions at the property and the Commission suggests that Certificates of Compliance for the outstanding Orders be submitted simultaneously, once the work is complete. There being no further questions or comments from Commissioners or members of the public, Alden-St. Pierre moves to close the hearing. Seconded by Squibb. Bertoni takes a roll call vote. The motion carries 5-0.

Cont.: 7 Iverson Road, DEP File #5-1325 – construct a retaining wall, shed, and patios, with associated landscaping and appurtenances – Mark Spooner

Documents Reviewed: Notice of Intent Application by Mark and Molly Spooner, dated March 2, 2021; Landscape Plan by Modern Homestead Design, dated March 2, 2021

Pirrotta reports that the Commission has not yet received additional information, as requested. Herbster moves to continue to the April 27, 2021. Seconded by Buchsbaum. Bertoni takes a roll call vote. The motion carries 5-0.

Reconvene Regular Meeting

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

Requests for Determination of Applicability

Cont.: 56 Standley Street – construct a deck and addition – Jackeline & Alessandro DeFreitas

Documents Reviewed: Request for Determination of Applicability by Jackeline and Alessandro DeFreitas, dated February 8, 2021; site plan by Marchionda & Associates, L.P., dated December 15, 2020

Applicant Jackeline DeFreitas recaps the proposed work for the construction of addition, deck, and patio and introduces her contractor, Rodrigo. Bertoni asks about the increase in impervious surfaces and change in overall work footprint. The Commission notes that the proposed patio is not shown on the plan. DeFreitas asks that the Commission approve the plan without the patio and she will return for approval of the patio at a later time. Buchsbaum suggest that the patio and planting area be shown on a separate plan for the future request. There being no further questions or comments, Buchsbaum moves to issue a Negative 3 Determination with the conditions as discussed. Seconded by Squibb. Bertoni takes a roll call vote. The motion carries 5-0.

Requests for Certificate of Compliance

Cont.: 875 Hale Street, DEP File #5-1038 – construct a 6-lot subdivision, with 5 new single family houses and associated appurtenances – Montrose School Park, LLC

Documents Reviewed: Request for Certificate of Compliance and As Built plan from Hayes Engineering, dated October 27, 2020

Pirrotta reports that the applicant requested to continue to the following meeting, in order to complete outstanding stormwater inspections. Herbstler moves to continue to the April 27, 2021 meeting, seconded by Squibb. Bertoni takes a roll call vote. The motion carries 5-0.

Cont.: 44 Prince Street, DEP File #5-910 – construct house addition, relocate garage, reconfigure pool and driveway, associated site work – David Carnevale

Documents Reviewed: Request for Certificate of Compliance and As Built plan by Griffin Engineering, dated April 29, 2021

Bob Griffin of Griffin Engineering, representing the applicant, was not able to attend the meeting, but Pirrotta reports Griffin discussed removal of the unpermitted Bocce court with the applicant, who was amenable to that approach in favor of receiving a complete Certificate of Compliance. Since the Order is expired, Squibb moves to issue an Enforcement Order for complete removal of the Bocce court and for a planting plan to be submitted by the April 27, 2021 meeting. Seconded by Alden-St. Pierre. Bertoni takes a roll call vote. The motion carries 5-0. Squibb moves to continue to the April 27, 2021 meeting. Seconded by Buchsbaum. Bertoni takes a roll call vote. The motion carries 5-0.

Old/New/Other Business

Enforcement Orders

Cont.: 11/13 Bay View Avenue

Bob Griffin of Griffin Engineering was not in attendance, but Pirrotta reports he suggested the Commission schedule a site visit for an upcoming Saturday. The Commission tentatively schedules a site visit for 8:00 a.m. on April 17, 2021. Herbster moves to continue to the April 27, 2021 meeting. Seconded by Alden-St. Pierre. Bertoni takes a roll call vote. The motion carries 5-0.

New: 128 Boulder Lane

Bertoni recuses herself from this item and Buchsbaum chairs the meeting for this item. Pirrotta summarizes the project, noting information from a concerned abutter about the work onsite. The Commission received a response from the owner acknowledging receipt of the Enforcement Order and that they are working on providing the information requested by the Commission but that they were unable to attend the meeting that evening. Alden-St. Pierre moves to continue the discussion to the April 27, 2021 meeting. Seconded by Herbster. Buchsbaum takes a roll call vote. The motion carries 4-0.

New: 0 Netherton Avenue

Owner Anthony Gaglione explains the work he had done, including addition of fill, without realizing the regulations and is willing to work with the Commission to fix this violation. Bertoni asks about the quantity of fill. Gaglione comments that he does not have an exact measurement, but that it is at least 100 feet long and that it is not yet spread and leveled. Bertoni notes that the wetlands need to be delineated and this work is in violation with the Wetlands Protection Act and Beverly Wetlands Protection Ordinance. The Commission discusses the need for a restoration plan to be prepared by a wetlands professional. Members express concern with immediate need to install erosion controls and ask whether water is pooling up. The Commission schedules a site visit for 9:00 a.m. on April 17, 2021.

Herbster moves to amend the Enforcement Order to include the preparation of a restoration plan to be submitted no later than May 11, 2021 for review at the May 18, 2021 meeting, with an update to be provided on the April 27, 2021 meeting. Seconded by Alden-St. Pierre. Bertoni takes a roll call vote. The motion carries 5-0.

Potential Violations, If Any

22 Hobart Avenue

Pirrotta explains the letter sent to the Commission from Patrick Heffernan, attorney of the Emily Barnes, 20 Hobart Avenue. The letter expresses concerns on location of a parking area within the 25-Foot No Disturbance Zone, next to coastal bank. Pirrotta notes that based on aerial photography, the area appears to have been used as parking for at least 20 years. Bertoni notes that it is a private section of the road and there are situations throughout Beverly with existing parking areas within the 25-Foot No Disturbance Zone. Alden-St. Pierre moves that the Commission take no action on this letter. Seconded by Buchsbaum. Bertoni takes a roll call vote. The motion carries 5-0.

62 South Terrace

The Commission discusses the violations regarding apparent recent work on the seawall, conditions of an expired Enforcement Order not being met, and floating docks on the beach. Buchsbaum moves to issue an Enforcement Order for proper float storage and to address the work under the expired Order of Conditions. Seconded by Herbster. Bertoni takes a roll call vote. The motion carries 5-0.

57 Lothrop Street

The Commission asks about an update to the Enforcement Order for unauthorized work on the bank. Pirrotta reports that the owner has reached out to consultants, but due to their current workloads asked for additional time to complete the Notice of Intent.

Tree Removals, If Any

17 Norwood Pond Road/ 21 Beaver Pond Road

Pirrotta describes the request to remove one red maple and one locust tree. Alden-St. Pierre moves to approve the request with the conditions as discussed. Seconded by Herbster. Bertoni takes a roll call vote. The motion carries 5-0.

Minor Project Permits, If Any

McPherson Drive – National Grid

Pirrotta explains work for the installation of a single utility pole within the 200-Foot Riverfront Area and 100-Foot Buffer. The Commission reported no objections.

MassDOT Letter

Pirrotta reports the Commission received a letter from Mass Department of Transportation, dated March 22, 2021 regarding Massachusetts Bay Transportation Authority's (MBTA) implementation of an Automatic Train Control system on its commuter rail network as part of the Positive Train Control system project. The letter notifies the Commission about the work which is considered exempt with no response required.

Sally Milligan ecological inventory

Pirrotta recaps the Commission's past site walk to review the location of a proposed new trail at Sally Milligan Park, including the Commission's desire to perform an ecological inventory before entertaining an RDA for the installation of the necessary stream crossing. Buchsbaum suggests that this item be revisited in early June and that David Brewster on the Open Space and Recreation Committee be involved. Pirrotta suggests that this item be raised again at the May 4, 2021 OSRC meeting so that Buchsbaum and Brewster could coordinate schedules.

Orders of Conditions, If Any

175 & 179 West Street

The Commission recalls the details of the proposed project and discusses the suggested special conditions for this project to be issued in addition to the standard general and perpetual conditions. Herbster moves to issue the Order of Conditions with the conditions as discussed,

under both the Wetlands Protection Act and Beverly Wetlands Protection Ordinance. Seconded by Squibb. Bertoni takes a roll-call vote. The motion carries 5-0.

8 Whittaker Way

The Commission recalls the details of the proposed project and discusses the suggested special conditions for this project to be issued in addition to the standard general and perpetual conditions. Buchsbaum moves to issue the Order of Conditions with the conditions as discussed, under both the Wetlands Protection Act and Beverly Wetlands Protection Ordinance. Seconded by Herbster. Bertoni takes a roll-call vote. The motion carries 5-0.

31 Foster Street

The Commission recalls the details of the proposed project and discusses the suggested special conditions for this project to be issued in addition to the standard general and perpetual conditions. Alden-St. Pierre moves to issue the Order of Conditions with the conditions as discussed, under both the Wetlands Protection Act and Beverly Wetlands Protection Ordinance. Seconded by Buchsbaum. Bertoni takes a roll-call vote. The motion carries 5-0.

0 Virginia Avenue/7R Kennedy Drive

The Commission recalls the details of the proposed project and discusses the suggested special conditions for this project to be issued in addition to the standard general and perpetual conditions. Buchsbaum moves to issue the Order of Conditions with the conditions as discussed, under both the Wetlands Protection Act and Beverly Wetlands Protection Ordinance. Seconded by Alden-St. Pierre. Bertoni takes a roll-call vote. The motion carries 5-0.

Adjournment

Alden-St. Pierre moves to adjourn at 10:32 p.m. Seconded by Buchsbaum. Bertoni takes a roll-call vote. The motion carries 5-0. The next regular meeting of the Conservation Commission is Tuesday, April 27, 2021, to be held virtual over Google Meet