

CITY OF BEVERLY  
PUBLIC MEETING MINUTES

BOARD OR COMMISSION: Beverly Conservation Commission  
SUBCOMMITTEE:  
DATE: April 12, 2022  
LOCATION: Virtual Meeting Access Only via Google Meet  
MEMBERS PRESENT: Chair Christine Bertoni, Vice Chair Robert Buchsbaum,  
William Squibb, Meghan Jones, Amber Redmond  
MEMBERS ABSENT:  
OTHERS PRESENT: Environmental Planner Jenna Pirrotta  
RECORDER: Stacia Chamberlain

1. Chair Bertoni **calls the meeting to order** at 7:02 p.m. and reads the notice regarding holding meetings remotely due to Covid-19.
2. **Recess for Public Hearings**  
Buchsbaum moves to recess for public hearings. Seconded by Jones. Bertoni takes a roll call vote. Motion passes 4-0.
3. **Notice of Intent/Abbreviated Notices of Intent/Requests for Amended Orders of Conditions**
  - a. **Cont.: 181 Elliott Street, DEP File #5-1353** – request to amend Order of Conditions – Beverly Commerce Park, LLP

Documents Reviewed: Request to Amend the Order of Conditions and site plan by Beverly Commerce Park LLP, dated February 14, 2022

*Bill Squibb joins the meeting at 7:05 p.m.*

Pirrotta informs the Commission that there was a request from the applicant to continue this hearing without discussion until the May 24, 2022 meeting. Buchsbaum moves to continue this hearing until the May 24, 2022 meeting. Bertoni takes a roll call vote. Seconded by Jones. Motion passes 5-0.

- b. **Cont: 4 Bridle Path Lane, DEP File #5-1361** – construct an in-ground pool, deck, and spa, with grading, utility work, and landscaping – Christine Petersen

Documents Reviewed: Notice of Intent application by DeRosa Environmental dated March 7, 2022; site plan by Eaglebrook Engineering & Survey, LLC revised dated April 1, 2022; supplemental information by DeRosa Environmental dated April 5, 2022

Evin Guvendiren of DeRosa Environmental; Ben Minnix of Eagle Brook Engineering; and owner Christine Petersen, are present to discuss the proposed project. Guvendiren provides an overview of the Commission's site walk and describes the revised plans with the project. Bertoni appreciates the changes made based on requests by the Commission.

There being no further comments from Commissioners and staff, Bertoni invites comments and questions from the public. There being none, Buchsbaum moves to close the hearing. Seconded by Squibb. Bertoni takes a roll call vote. Motion passes 4-0-1, with Redmond abstaining.

- c. **New: 302 Hale Street, No DEP File # as of posting** – review and affirm the extent of wetland resource areas delineated – Endicott College c/o Rick Gagnon

Documents Reviewed: Abbreviated Notice of Resource Area Delineation and plans by Hancock Associates, dated March 28, 2022

Pirrotta reads the legal notice. Devon Morse from Hancock Associates representing the applicant, provides an overview of the wetland resource area subject for review on the campus. Commissioners question which portion of the campus the wetlands are located and how the flagging is consistent or different from previous delineations at the site. Morse confirms that the wetlands have grown in size from earlier flagging in 2014. Members discuss the presence of vernal pools on site. Bertoni points out that the 100-Foot Buffer is a No Disturbance Zone since the wetlands contain vernal pools. Members agree that a site visit will be needed to review the delineation in the field. Squibb asks whether the vernal pools are certified. Pirrotta confirms that the vernal pools were indicated to be certified by the state on a previous Order of Resource Area Delineation for the property. Bertoni asks that the No Disturbance Zone be updated on the plan and that the numbers of the certified vernal pools be added. Morse agrees and adds that the applicant intends to submit an application for work in this area in the future. Bertoni confirms that no work is proposed under this ANRAD, and that the request is only to confirm the resource areas shown on the plan and not the entirety of the parcel.

Bertoni invites comments and questions from the public. There being none, Commissioners schedule the site visit for Sunday, April 24, 2022, at 8 a.m. and Morse will confirm the meeting location on campus. There being no further questions or comments, Buchsbaum moves to continue the hearing to the May 3, 2022 meeting. Seconded by Jones. Bertoni takes a roll call vote. Motion passes 5-0.

- d. **New: Norwood Pond, DEP File #5-1602** – initiate an aquatic management program at Norwood Pond – Henry Haight

Documents Reviewed: Notice of Intent application and project plans by DeRosa Environmental and Water & Wetland, dated March 29, 2022

Pirrotta reads the legal notice. Evan Guvendiren of DeRosa Environmental Consulting describes the proposed project timeline and treatment plan. The application is filed as an ecological restoration project and would include application of herbicides to target accumulation of nuisance aquatic plant species. Buchsbaum says that more information is needed on the extent to which the plants are problematic, as almost all of the species to be treated are either natives of non-invasive. He asks about the goals of the project and the proposed outcomes, as the natural order of the pond would be to revert to marsh. Joe Onorato of Water & Wetland replies that the species to be removed are extremely dense and widespread throughout the pond. He says that

they are trying to reduce eutrophication and return the pond to a healthy aquatic habitat. Onorato describes the alternatives to herbicides that were considered, including dredging or hydroraking which are cost-prohibitive. Buchsbaum asks whether there are issues with low dissolved oxygen in the pond. Onorato replies that they have not conducted water quality assessments, but that another resident had recently had testing performed and that if dissolved oxygen is not low now, it will be soon.

Buchsbaum asks about the fish population in the pond and states that it does not appear to be an aquatic environment in crisis. Bertoni agrees with Buchsbaum and reiterates that more information is needed on potential effects of the aquatic life and downstream users before herbicides are used. Squibb asks whether the herbicides could leach into other ponds or waters. Onorato describes the granular slow-release nature of the selected herbicide and dilution downstream would not be at concentrations that would be of concern. Bertoni asks for information on use of these herbicide products in other communities. Onorato notes that the use of herbicides is more selective than hydroraking. Squibb asks about the responsible parties for the project; Pirrotta confirms that the City signed the NOI as the owner of the pond property and Henry Haight is one of the residents along the pond and would be responsible for the work. Water & Wetlands is experienced in herbicide applications.

Buchsbaum wants to know more about how herbicide concentrations and types affect which species and the potential harmful effects on fish and wildlife. Bertoni asserts that it would be helpful to know what was done at Chebacco Lake to use as a comparison and notes that more information is needed on the goals and possible impacts to the watershed and drinking water. Bertoni asks if there is evidence of algal blooms in the pond, as the use of algaecides is described in the application. Onorato says that this is not documented in Norwood Pond, but that use of algaecides is included as a tool to be used to treat it, if it is identified based on monitoring. Bertoni asks about how the project meets the performance standards for impacts to the resource areas, and Guvendiren notes that these are listed in the application and agrees that more information can be provided on the densities and vegetation types.

Bertoni invites comments and questions from the public.

Dr. Thomas Perls of 9 Norwood Pond Road notes that he and Ralph Drinkwater of 5 Norwood Pond Road, are on call as well as some of his neighbors. Perls describes his background in biology, and that he had engaged Solitude Lake Management to perform a study of the pond last March. He describes the condition of the pond including overgrowth of plants in the summer. He notes that significant eutrophication is occurring, and that because this pond is an important recreational resource for the community, he and the neighbors believe that this management plan is appropriate. He offers to share photographs of the pond and the Commission requests the photos and survey.

Simon Haight of 25 Beaver Pond Road, and son of the applicant Henry Haight, is concerned with the water level in the pond and believes it is lower than normal. He states that there is a problem at the dam and that there is 6-7 feet of muck at the bottom of the pond. He cites specific problems with the dam and Pirrotta confirms she reached out to Commissioner of Public Services & Engineering Michael Collins and other City Departments to let them know about the

concern. Squibb suggests that the City take action to prioritize work on the dam. Buchsbaum suggests that Commissioners familiarize themselves with the pond and take a site walk on their own. He would like to know details about eutrophication and nutrient loading. Perls replies that based on the Solitude Lake Management Survey, there was no evidence of high phosphorus, but that warming water leads to lower oxygen levels. Perls notes that in March, there is not much vegetation growing, but in the warmer months the issue is more evident. Buchsbaum requests to receive a copy of the report and also asks Pirrotta about the state guidance on lakes and ponds treatment and suggests Commissioners review this for best practices. Onorato says that they follow the recommendations of the Massachusetts General Environmental Impact Report for lakes and ponds. Perls adds that the abutters are contributing financially along with the applicant for the project in order to invest in the resource.

The Commission recaps the information requests. There being no further questions or comments, Squibb moves to continue the hearing to the May 3, 2022 meeting. Seconded by Buchsbaum. Bertoni takes a roll call vote. Motion passes 5-0.

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

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

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

- a. **New: 50 Dunham Road, DEP File #5-1201** – Construct facility with associated utilities, storm-water management, and landscaping – Vitality Senior Living, LLC  
c/o Kurt Wickham

Documents Reviewed: Request for Certificate of Compliance from Kurt Wickham, dated March 15, 2022

Pirrotta provides an overview of the request and the project, which was never initiated or completed, and also notes the Order has since expired. Bertoni states her disapproval of the property owner removing trees in anticipation of construction, and then the project was subsequently canceled. Kurt Wickham, a representative for the applicant, states that the applicant does not plan to develop anything on the site. There being no comments or questions from Commissioners, Buchsbaum moves to issue a Certificate of Compliance, noting the invalid Order of Conditions. Seconded by Squibb. Bertoni takes a roll call vote. Motion passes 5-0.

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

- a. **Potential Violations, If Any**
  - i. **5 Roosevelt Avenue**

Pirrotta reports she received a complaint about tree removal within the 100-Foot Buffer to wetlands and that she met with the property owner to discuss the issue. There were approximately 10 trees removed in the yard, without approval. The property owner, Kevin Farrar, is present at the meeting to answer questions about plans he has for the property. Bertoni asks who did the tree removal; Pirrotta replies that it was conducted by Iron Tree Service and that the Commission did not receive a tree removal request. Squibb asks about plans to subdivide the property. Farrar clarifies the previous owner had submitted a plan to the Zoning Board of

Appeals, but that the plan was never accepted or finalized and that Farrar does not intend to subdivide the property. Farrar plans to sell the two-family house after he fixes it up. He states that he hired Iron Tree Service to remove what he and Iron Tree determined were dead and/or dying trees and that the trees were leaning toward other properties and were a safety concern. Buchsbaum suggests Farrar replace the trees with some native plantings. Farrar says that he would be happy to make a restoration plan for review at the next meeting. Commissioners agree on this approach. Squibb moves to continue the discussion to the May 3, 2022 meeting. Seconded by Bertoni. Bertoni takes a roll call vote. Motion passes 5-0.

#### **ii. 23R Balch Street**

Pirrotta reports she received another complaint about unpermitted tree cutting on the property, within the 100-Foot Buffer to bank and/or other wetland resources. The work was done by Iron Tree Service and Pirrotta states she spoke with Iron Tree and met with the owners who reported that the removed trees were either dead or a hazard. Property owners Christa and Tedd Terry are present at the meeting and explain the work. In response to Bertoni's questions, Ms. Terry explains that she doesn't have a plan for planting in that area, but will follow the recommendations of the Commission for creating a restoration plan. Terry would also like to cut the invasive bittersweet vines threatening other trees on site. Squibb asks about the drain pipes shown on the previous plan for the property and in photos from Pirrotta, which appear to drain toward the resource area. Terry responds that they are new owners of the house and that the seller did not have much information on these. Pirrotta shares the approved plan from the construction of the house, and it appears those drainage pipes created a wetland area from the flow. Jones and Squibb suggest that the Commission send a letter to Iron Tree informing them of their error in removing trees within jurisdictional areas without permission. Bertoni suggests some mitigation and restoration strategies and members discuss the content of a restoration plan for the homeowners. Commissioners recommend removing the cut debris, controlling the invasive bittersweet by hand cutting, and adding native shrubs such as blueberry bushes. The Terry's will submit this restoration plan to Pirrotta for review.

#### **b. Tree Removals, If Any**

##### **i. 547 Essex Street**

Pirrotta describes the hazard tree removal request for one hazardous Norway maple tree next to the shed. The tree is located within 200-Foot Riverfront Area and 100-Foot Buffer to wetlands. Pirrotta reports findings of her site visit and provides pictures of the tree to be removed. Buchsbaum moves to approve the request with the standard tree removal conditions. Seconded by Bertoni. Bertoni takes a roll call vote. Motion passes 5-0.

##### **ii. 24 Wedgemere Road**

Pirrotta provides details on the proposed tree removal request including four hazardous maple trees within the Commission's jurisdiction. Pirrotta reports findings of her site visit and provides pictures of the trees to be removed. Members discuss replanting to replace some of the habitat that would be removed from the four trees. Buchsbaum moves to approve the request with the standard tree removal conditions and that the owner plant a native tree and shrub of choice. Seconded by Squibb. Bertoni takes a roll call vote. Motion passes 5-0.

c. **Correspondence: National Grid/Boston Gas** - Proposed gas main relay project at School Street, Porter Street, Linden Avenue, Agate Street, Jasper Street, and Cliff Street Pirrotta summarizes the letter regarding planned utility maintenance activities. Bertoni asks about how National Grid plans to meet performance standards. Pirrotta reads the standard specifications and best management practices that National Grid provided for these types of projects.

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

i. **6 Morningside Drive**

Pirrotta informs the Commissioners that she heard from the engineer who was hired to prepare the NOI that the applicants were not able to file an NOI in time for this meeting.

ii. **675 Hale Street**

Pirrotta informs the Commissioners that Mass DEP appealed the Order of Conditions recently issued by the Commission. DEP will be working with the applicants on plan revisions and Pirrotta will attend the site visit.

e. **Expenditure Approvals, If Any**

Pirrotta informs the Commission she accumulated 124.8 miles for the months of January, February, and March 2022, while carrying out Conservation Commission business. Buchsbaum moves to approve the expenditure for mileage reimbursement in the amount of \$56.16. Seconded by Bertoni. Bertoni takes a roll call vote. Motion passes 5-0.

7. **Orders of Conditions**

i. **4 Bridle Path Lane, DEP File #5-1362**

The Commission recaps the proposal 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 Squibb. Bertoni takes a roll call vote. Motion passes 5-0.

8. **Approval of Minutes (as available)**

a. **March 1, 2022**

Commissioners review the minutes and offer comments and/or corrections. Jones moves to approve the minutes from the meeting on March 1, 2022, as amended. Squibb seconds. Bertoni takes a roll call vote. Motion passes 5-0.

9. **Adjournment**

Redmond moves to adjourn the meeting at 9:49 p.m. Seconded by Jones. Bertoni takes a roll call vote. The motion carries 5-0.

The next regular meeting of the Conservation Commission is scheduled for Tuesday, May 3, 2022.