

**CITY OF BEVERLY
PUBLIC MEETING MINUTES**

BOARD OR COMMISSION: Beverly Conservation Commission
SUBCOMMITTEE:
DATE: April 27, 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,
Richard Grandoni
MEMBERS ABSENT:
OTHERS PRESENT: Environmental Planner Jenna Pirrotta
RECORDER: Sarah Scott-Nelson

Call to Order

Bertoni calls the meeting to order at 7:02 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.

Recess for Public Hearings

Squibb moves to recess for public hearing. Seconded by Herbster. Bertoni takes a roll call vote. The motion carries 6-0.

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

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

Bob Griffin of Griffin Engineering, representing the applicant, requests to continue the hearing. Herbster moves to continue to the May 18, 2021 meeting. Seconded by Squibb. Bertoni takes a roll call vote. The motion carries 6-0.

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

Pirrotta reports that on April 21, 2021, the Commission received a request by the applicant to withdraw the Notice of Intent Application.

New: 11 Cabot Street, DEP File #5-1327 – City of Beverly & Beverly Harbor Management Authority

Documents Reviewed: Notice of Intent Application by GZA GeoEnvironmental and site plans dated May 4, 2021

Pirrotta reads the legal notice. Joshua Zall of GZA GeoEnvironmental, representing the applicant, explains the project to replace an existing loading pier and marine hoist and to perform minor seawall repair. Zall notes that the work is planned to be done during the fall/winter of 2022. Buchsbaum asks about the depth that the piles would be driven and what was causing the holes in the existing structure. Bertoni asks whether the structures have an existing Chapter 91 license. The Commission received a comment letter from the Mass Division of Marine Fisheries, dated March 26, 2021 regarding potential resource area concerns and conditions that the Commission could consider including as part of an approval. There are no comments from members of the public. There being no further questions or comments, Herbster moves to close the hearing. Seconded by Buchsbaum. Bertoni takes a roll call vote. The motion carries 6-0.

New: 50 (51) Dunham Road, DEP File #5-1328 – Dunham Ridge, LLC

Documents Reviewed: Notice of Intent Application and site plans by Cummings Properties, LLC, dated March 23, 2021

Pirrotta reads the legal notice. Damien Savoie of Cummings Properties LLC, representing the applicant, explains the project to install mitigation plantings, replace an existing pedestrian bridge, and complete associated site work from an expired Order of Conditions (DEP File #5-1123). Bertoni expresses concern about the impervious nature of the access road next to the building. Steve Drohosky of Cummings Properties LLC explains that the access road was originally intended to be temporary, but that they would now like to keep it to have vehicle access in the event repairs or other work on the building would occur in the future. Buchsbaum raises concern with the asphalt millings in the area. Drohosky expresses willingness to remove gravel and loam and seed the area. Drohosky clarifies that the footbridge will be replaced in the same area with a similar footprint, as previously discussed and approved. Bertoni notes that details on the footbridge construction are lacking and suggests that the MA Small Dock and Pier Guidance be followed for the footbridge work to avoid impacts to the bank. The Commission schedules a site visit for Friday, May 7, 2021 at 6:00 p.m. There are no comments from members of the public.

Squibb moves to continue to the May 18, 2021 meeting. Seconded by Grandoni. Bertoni takes a roll call vote. The motion carries 6-0.

New: 37 Paine Avenue, No DEP File # as of posting – Lee Rosenthal, c/o Tom Saltsman

Documents Reviewed: Notice of Intent Application by Wetlands & Land Management, dated April 12, 2021 and Site Plan by Patrowicz Land Development Engineering, dated April 8, 2021

Pirrotta reads the legal notice. Bill Manuell of Wetlands & Land Management, representing the applicant, explains the project to renovate an existing house, including construction of a garage and porch addition and pool relocation. In response to Bertoni's question, Manuell elaborates

upon the construction of the covered porch area. Scott Patrowicz of Patrowicz Land Development Engineering, clarifies the net increase of impervious surface area and describes the existing impervious surfaces that would be removed. Architect Thomas Saltsman responds to Squibb's question that the intent of the project is to preserve as much of the existing house structure as possible. The Commission asks about the location of the swale in the 50-Foot No Build Zone and the amount of runoff that would be directed to this area. The Commission schedules a site visit for May 1, 2021 at 8:00 a.m.

There are no comments from members of the public. Herbster moves to continue to the May 18, 2021 meeting. Seconded by Grandoni. Bertoni takes a roll call vote. The motion carries 6-0.

New: 28 Fosters Point, DEP File #5-1330 – demolish & reconstruct an existing single-family house with associated appurtenances – Doug & Susan Stone

Documents Reviewed: Notice of Intent Application and Site Plan by Griffin Engineering, dated April 12, 2021

Pirrotta reads the legal notice. Bob Griffin of Griffin Engineering, representing the applicant, explains the project to demolish & reconstruct an existing single-family house with associated appurtenances, noting why the building cannot be simply reconstructed. Griffin notes there will be a slightly increased building footprint, by 370 square feet. Bertoni clarifies that the mitigation includes relocating the shed further from the resource and to add plantings. Bertoni asks about the boat ramp and whether the applicant would consider removing it, as additional mitigation. Griffin states that this removal could certainly be considered. Griffin describes the flood venting that would allow flood waters to flow through the site. Bertoni asks about installing a deep sump catch basin at the existing catch basin on the street and Griffin believes that the City would be responsible for such a change as it is a municipal structure. The Commission schedules a site visit for Saturday May 1, 2021 at 9:00 a.m. There are no comments from members of the public.

Alden-St. Pierre moves to continue to the May 18, 2021 meeting. Seconded by Grandoni. Bertoni takes a roll call vote. The motion carries 6-0.

New: 246R Dodge Street, No DEP File # as of posting – Clark Parker Manis

Documents Reviewed: Notice of Intent Application and Site Plan by Hancock Associates, dated April 12, 2021

Pirrotta reads the legal notice. David Cowell of Hancock Associates, representing the applicant, explains the project to construct a house addition with associated porch. Engineer Deb Colbert of Hancock Associates notes that recent tree removal was completed before the applicant took ownership of the property, and that the debris has since been removed. Colbert clarifies that there will be no changes to the existing septic system and that the project will result in reduced impervious area. The Commission schedules a site visit for Saturday, May 1, 2021 at 10:00 a.m. There are no comments from members of the public.

Herbster moves to continue to the May 18, 2021 meeting. Seconded by Buchsbaum. Bertoni takes a roll call vote. The motion carries 6-0.

New: 400 Hale Street, DEP File #5-1329 – conduct pond structural maintenance and bridge rehabilitation work – Endicott College

Documents Reviewed: Notice of Intent Application by Lucas Environmental, dated April 9, 2021; pond improvements site plan by Meridian Associates, dated April 9, 2021; and bridge rehabilitation plan by BMC Engineering, dated February 9, 2021

Pirrotta reads the legal notice. Joe Orzel of Lucas Environmental, representing the applicant, explains the project to conduct pond structural maintenance and bridge rehabilitation work. Orzel describes the drainage outlets of the pond and shows historic pictures of drainage plans. The work on the lower pond would be similar to work approved and completed in 2007. Orzel notes that the applicant is still waiting on testing of the sediments to be dredged and that information on the disposal location would be provided to the Commission if the sediments are not clean. Buchsbaum asks about the aquatic organisms that would be expected in the pond. 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 6-0.

Reconvene Regular Meeting

Squibb moves to reconvene the regular meeting. Seconded by Alden-St. Pierre. Bertoni takes a roll call vote. The motion carries 6-0.

Requests for Determination of Applicability

New: 171 Common Lane – Leonard Bertaux

Documents Reviewed: Request for Determination of Applicability application, with associated attachments and plans, dated March 19, 2021

Pirrotta reads the legal notice. Leonard Bertaux, the owner, explains the project for a tree removal and installation of a solar panel array at an existing residence. Bertaux notes that trenching for the utility line will occur outside of the buffer zone and that the majority of the work is for the tree removal. Squibb suggests scheduling a site visit and members debate whether a Notice of Intent should be filed. Bertoni asks if the area will need to be continually cleared and Buchsbaum asks about the area of tree removal.

The Commission schedules a site visit for Saturday, May 8, 2021 at 8:00 a.m. Herbster moves to continue to the May 18, 2021 meeting. Seconded by Squibb. Bertoni takes a roll call vote. The motion carries 6-0.

New: 451 Essex Street – demolish an existing house and garage – Nicholas Gabriel

Documents Reviewed: Request for Determination of Applicability Application, with associated attachments and plans, dated April 12, 2021

Pirrotta reads the legal notice. There is no one in attendance at the meeting to represent the project. Buchsbaum moves to continue to the May 18, 2021 meeting. Seconded by Alden-St. Pierre. Bertoni takes a roll call vote. The motion carries 6-0.

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

By request of the applicant, Alden-St. Pierre moves to continue to the May 18, 2021 meeting. Seconded by Herbster. Bertoni takes a roll call vote. The motion carries 6-0.

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, reports that the applicant prefers to remove the unpermitted bocce court and return it to lawn rather than to a vegetable garden as discussed at a prior meeting. Griffin asks for the Commission's feedback of whether this would meet the intent of the Enforcement Order and allow the project to receive a Certificate of Compliance. Squibb moves to update the Enforcement Order to include the removal of the unpermitted bocce court and edging and loam and seed to lawn. Seconded by Alden-St. Pierre. Bertoni takes a roll call vote. The motion carries 6-0. Alden-St. Pierre moves to continue the request for Certificate of Compliance to the May 18, 2021 meeting. Seconded by Squibb. Bertoni takes a roll call vote. The motion carries 6-0.

New: 109 Water Street, DEP File #5-1210 – Tuck Point Condominium Trust

Documents Reviewed: Request for Certificate of Compliance and As Built plan by Collins Engineers, dated April 19, 2021

Curtis Cheney of Collins Engineers, representing the applicant, explains the completed project to rehabilitate existing failing seawall and stormwater drainpipe replacement and extension. Cheney confirms that he walked the property with Pirrotta yesterday, and clarifies that the junipers were replanted as planned. Bertoni lists the perpetual conditions for the project. Buchsbaum moves to issue a complete Certificate of Compliance under the Act and Ordinance with the perpetual

conditions as discussed. Seconded by Squibb. Bertoni takes a roll call vote. The motion carries 6-0.

New: 109 Water Street, DEP File #5-1269 – Tuck Point Condominium Trust

Documents Reviewed: Request for Certificate of Compliance and As Built plan by Collins Engineers, dated April 19, 2021

Curtis Cheney of Collins Engineers, representing the applicant, explains the completed project to repair existing seawall, including concrete backing, concrete footing, repointing, and sheet pile installation. Cheney notes that the invoices for sewer and manhole inspections were provided in his request, which would satisfy the special conditions. Cheney notes that there is a special condition regarding investigation on installation of gutters and that the applicant has requested that gutters be installed when the roof is replaced, so that the installation of gutters would be assessed by the association at the same time. Pirrotta notes that there was no signs of erosion along the existing drip edge. Buchsbaum moves to issue a complete Certificate of Compliance under the Act and Ordinance with the perpetual conditions as discussed and. Seconded by Alden-St. Pierre. Bertoni takes a roll-call vote. The motion carries 6-0.

New: 12-16 Congress Street, DEP File #5-947 – 10 Congress Street Owner, LLC c/o Procopio Companies

Documents Reviewed: Request for Certificate of Compliance dated April 16, 2021 and As Built plan by Meridian Associates, dated March 11, 2021

Chris Broyles of Meridian Associates, representing the applicant, explains the completed project to construct residential buildings with associated site work and seawall repair. Pirrotta reports she was on site and that it is stable with special conditions being met, except that the plantings have not yet met the two-growing season survival criteria. Alden-St. Pierre moves to issue a partial Certificate of Compliance under the Act and Ordinance with the perpetual conditions as discussed. Seconded by Herbster. Bertoni takes a roll-call vote. The motion carries 6-0.

New: 16 Fosters Point, DEP File #5-819 – Maintain existing pier and construct gangway and floats in Salt Marsh of Danvers River – Kimberly Kelly

Documents Reviewed: Request for Certificate of Compliance and As-Built Plan by Hancock Associates, dated April 20, 2021

By request of the applicant, Squibb moves to continue the hearing to the May 18, 2021 meeting. Seconded by Buchsbaum. Bertoni takes a roll-call vote. The motion carries 6-0.

Old/New/Other Business

Extension Requests

New: 20 Hobart Avenue, DEP File #5-1219 – Emily Barnes

Documents Reviewed: Extension request letter by Emily Barnes, dated April 12, 2021

Applicant Emily Barnes describes her request to extend the Order of Conditions for an additional 12 months. Buchsbaum moves to issue a second and final one year extension under the Act and Ordinance. Seconded by Herbster. Bertoni takes a roll call vote. The motion carries 6-0.

New: 20, 30 & 40 Webster Avenue, DEP File #5-1237 – Hickory Hill, LLC

Documents Reviewed: Extension request letter by Griffin Engineering, dated April 13, 2021

Bob Griffin of Griffin Engineering, representing the applicant, requests an extension to the Order of Conditions. Alden-St. Pierre moves to issue a one year extension under the Act and Ordinance. Seconded by Squibb. Bertoni takes a roll-call vote. The motion carries 6-0.

Enforcement Orders

Cont.: 11/13 Bay View Avenue

Documents Reviewed: Restoration Plan and letter by Griffin Engineering, dated December 27, 2020

The Commission schedules a site visit for May 8, 2021 at 8:00 a.m. to be confirmed by Griffin.

Cont: 128 Boulder Lane

Bertoni recuses herself from the meeting for this item. Mike Corsetti, representing the owner, 128 Boulder Lane LLC, explains he believes the requirements of the Conservation Commission have been followed. Pirrotta notes various reports that work is still ongoing at the site and that there are concerns regarding lack of any permits from other City Departments regarding the amount of work occurring on site. Corsetti notes that the work is far from jurisdictional areas. Pirrotta confirms that she has not received any plan and Corsetti clarifies Pirrotta's email address, noting that he sent a copy of a plan showing the work area in relation to the wetlands to a different address, earlier that evening. The Commission discusses reviewing the plan once it is received and scheduling a site visit. Squibb moves to update the Enforcement Order as discussed. Seconded by Alden-St. Pierre. Buchsbaum takes a roll-call vote. The motion carries 5-0.

Cont: 0 Netherton Avenue

Pirrotta reports that the Commission asked for an update at this meeting and the applicant told her that they are working with a consultant on a plan but slightly delayed due to the consultant's availability, requesting this be continued. Alden-St. Pierre moves to modify the Enforcement Order to include preparation of the restoration plan in June and to provide an update for the May 18, 2021 meeting. Seconded by Squibb. Bertoni takes a roll-call vote. The motion carries 6-0.

40 Haven Way

The Commission discusses the potential violation on this site. Pirrotta explains the complaint that was received and the vegetation that was cut near coastal bank. Bertoni recommends sending a potential violation letter and educational material on stabilization of the site and the Conservation Commission's goals and purposes.

Tree Removals, If Any

530 Essex Street

Pirrotta describes the request for the removal of a double-leader red maple tree at 530 Essex Street, in close proximity to bank. Squibb moves to approve the tree removal request with the standard tree removal conditions and condition for the planting of a native shrub to minimize the loss of habitat value at the site. Seconded by Herbster. Bertoni takes a roll-call vote. The motion carries 6-0.

Minor Project Permits, If Any

17 Colombia Avenue

Pirrotta summarizes the project for the replacement of an existing above ground pool within the 100-Foot Buffer to Bordering Vegetated Wetlands. An RDA was filed with the Commission in the past for the original installation. The Commission reports no objections.

Cont.: Waring School soccer field encroachment

The Commission will hold a public hearing on this topic at the special meeting scheduled for May 13, 2021 at 7:00 p.m.

Orders of Conditions, If Any

400 Hale Street

The Commission discusses the proposed conditions for the project. Buchsbaum suggests adding a condition for the applicant to make a list of pond organisms encountered during the pond draw down and seining. Buchsbaum moves to issue an Order of Conditions for the project with the special conditions as discussed, as well and the standard general and perpetual conditions. Seconded by Herbster. Bertoni takes a roll call vote. The motion carries 6-0.

11 Cabot Street

The Commission discusses the proposed conditions for the project. Buchsbaum moves to issue an Order of Conditions for the project with the special conditions as discussed, as well as the standard general and perpetual conditions. Seconded by Herbster. Bertoni takes a roll-call vote. The motion carries 6-0.

Adjournment

Alden St.-Pierre moves to adjourn at 11:16 p.m. Seconded by Squibb. Bertoni takes a roll-call vote. The motion carries 6-0. The next regular meeting of the Conservation Commission is

Tuesday, May 18, 2021 held virtual over Google Meet. The next special meeting of the Conservation Commission is **Thursday, May 13, 2021** held virtual over Google Meet.