

CITY OF BEVERLY
PUBLIC MEETING MINUTES

BOARD OR COMMISSION: Beverly Conservation Commission
SUBCOMMITTEE:
DATE: May 3, 2022
LOCATION: Virtual Meeting 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 public notice regarding holding meetings remotely due to Covid-19.
2. **Recess for Public Hearings**
Buchsbaum moves to recess for public hearings. Seconded by Squibb. Bertoni takes a roll call vote. Motion passes 5-0.
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

Pirrotta confirms that the Commission previously continued this hearing to the May 24, 2022 meeting and there is no action for the Commission to take.

- b. **Cont: 302 Hale Street, No DEP File #5-1364** – review and affirm the extent of wetland resource areas delineated – Endicott College c/o Rick Gagnon

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

Devon Morse of Hancock Associates representing the applicant recaps the request and the Commission's site visit. She confirms that a DEP file number was issued for the project and provides an update on the plan changes from earlier discussion and the results of Commission's site visit. Bertoni confirms the date of the revised plan. Members ask for the plan to show that the line 100 feet from the wetland is a 100-Foot No-Disturbance Zone, not 100-Foot Buffer, as the wetlands contain vernal pools. They also ask that label on the legend note this as well. Commissioners confirm that delineation reviewed only includes those areas flagged and shown on the plan, and not any other resource areas on the site. Bertoni invites comments and questions

from the public; there are none. There being no further questions or comments from the, Buchsbaum moves to close the hearing. Seconded by Jones. Bertoni takes a roll call vote. Motion passes 5-0.

- c. **Cont.: Norwood Pond, DEP File #5-1362** – 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; supplemental information by DeRosa Environmental dated April 26, 2022; comment letters from Ipswich River Watershed Association dated April 28, 2022 and May 3, 2022

Evin Guvendiren and Michael DeRosa, of DeRosa Environmental Consulting; Joe Onorato of Water & Wetlands; and applicant Henry Haight are present to discuss the proposed project. Guvendiren provides information on the previous water quality report conducted by Solitude Lake Management, as well as a correspondence she had with the Ipswich River Watershed after the last hearing. Recommendations include holding Greenscapes workshops and other measures such as installation of Eutrosorb filters at inlets to the pond and vegetated buffers. Bertoni says that Commissioners did not receive the new information in time to fully review and make a decision. Redmond agrees with Bertoni, and has additional questions on the proposed Greenscapes workshop, and who would be participating. DeRosa confirms he met with Ipswich River Watershed Association earlier that day and they discussed possible different strategies for either chemical or mechanical removal and that Sonar is a treatment that is accepted for use in water supply areas. DeRosa provides a summary of what the Greenscapes programs entail including education to incorporate strategies to improve stormwater runoff, as Norwood Pond is a headwater area to Miles River.

DeRosa offers that this treatment program is not a heavy lift in Norwood Pond and that the Pond is so overcome with vegetation in the summer months. He explains that a project in a neighboring community used the herbicide Sonar in a similar capacity to improve conditions with a 9-10 year success so far. Buchsbaum refers to the Generic Environmental Impact Report for lake management and how most of the plants that are proposed to be managed in Norwood Pond are all native species, which occur in abundance. Buchsbaum is concerned that there is no wildlife habitat assessment and believes a current inventory should be provided as information on the plants was provided, but not the fish or waterfowl. He also asks about the results of the water quality survey, as the parameters for phosphorus and nitrogen were good, but it did not indicate where in the water column the results were from. Bertoni asked about impacts to bank and how the project meets performance standards for impacts to Land Under Water. Buchsbaum suggests leaving some of the plants and asks about the target amount of removal. Bertoni asks about how success would be measured and confirms that the applicant's goal is that they want to maintain open water habitat and that the recreation is improved with less vegetation. Redmond agrees that more information is needed on the benchmark criteria that is used for determining whether additional treatments are needed. DeRosa agrees that they will implement this.

Bertoni invites comments and questions from the public. Tom Perls, of 9 Norwood Pond Road is present and announces that his neighbors Clara Hong of 263 Dodge Street and the Ruffs of 17 Norwood Pond Road, are on the call. Perls notes the difficulty his other neighbors had in joining the meeting. Squibb asks Pirrotta to clarify the meeting notice and Pirrotta confirms that the web address and phone number are posted on the agenda, and that this is posted on the City website. Perls is concerned the pond is disappearing. Mary and Scott Gundy of 39 Beaver Pond Road are worried that the excessive eutrophication is negatively impacting the ecosystem and as such will also impact property values. They are in support of the proposal and believe it's important to avoid the water lilies from taking over the pond. Buchsbaum reiterates the importance of a wildlife assessment. There being no further questions or comments, Squibb moves to continue the hearing to the May 24, 2022 meeting. Seconded by Buchsbaum. Bertoni takes a roll call vote. Motion passes 5-0.

- d. **New: 127 Standley Street, No DEP File # as of posting** – construct an addition with two car garage and associated grading & driveway improvements – David & Jacqueline Genest

Documents Reviewed: Notice of Intent application and plans by Eaglebrook Survey and Engineering, dated April 19, 2022

Pirrotta reads the legal notice. Ben Minnix from Eagle Brook Engineering and property owner David Genest are present to discuss the proposed project. Minnix summarizes the proposed project for the construction of an addition including garage and in-law apartment. Minnix describes the resource area which includes a man-made pond created in the 1970s for duck habitat. There will be less overall impervious surface area through removal of pavement at the front of the house. A portion of the 25-Foot No-Disturbance Zone will be left to naturalize, and stormwater from the additional roof area will be mitigated through stone trench infiltration area. Bertoni asks whether the pond has an inlet and/or an outlet or whether it's isolated; Minnix replies that there is a pipe on-site that discharges water into the pond from a well, and the pond at times needs to be refilled. There is a stream that flows into the pond. Bertoni asks for clarification on whether the pond is a vernal pool. Minnix confirmed that the wetland scientist flagged the resource area as Bordering Vegetated Wetland and that they did not note Vernal Pool characteristics. Bertoni asks about project minimization and the alternatives that were considered. Minnix describes the site constraints and that Zoning Board of Appeals approval was received for the current layout. Minnix describes the amount of work within the No Build Zone, in response to Buchsbaum's questions. Minnix describes the minimal amount of grading that would be required and confirms the work is not within a flood zone. Genest confirms that the pond itself is located on his neighbor's property, but that he operates the well which is on his property, as needed. Genest thanks the Commission for its time.

Bertoni invites comments and questions from the public, and there are none. Commissioners schedule a site visit for Sunday, May 15, 2022, at 8 a.m. Redmond moves to continue this hearing to the May 24, 2022 meeting. Seconded by Buchsbaum. Bertoni takes a roll call vote. Motion passes 5-0.

4. **Reconvene Regular Meeting**

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

5. **Requests for Determination of Applicability**

- a. **New: 18 Meadow Road** – replace an existing deck and stairs – Peter Hallisey

Documents Reviewed: Request for Determination of Applicability and plans, dated April 11, 2022

Owner Peter Hallisey is present to discuss the proposed project. He provides a summary of the deck replacement project, including the number of footings that would be replaced with helical screw piles. The existing deck is deteriorating and needs to be replaced due to safety concerns. Bertoni asks Pirrotta about the previous enforcement order for this property. Pirrotta describes the DEP Administrative Consent Order and similar Enforcement Order by the Commission, for the owner to complete the wetland replication that was required but never completed, under a now expired Order of Conditions. Bertoni confirms that there is an existing patio underneath and in the area surrounding the deck. Buchsbaum believes this is a straightforward request. Commissioners discuss the conditions for the project. Buchsbaum moves to issue a Negative 3 Determination of Applicability with conditions as discussed. Seconded by Jones. Bertoni takes a roll call vote. Motion passes 5-0.

- b. **New: 302 Hale Street** – demolish existing modular dormitories, remove pavement, and replace and relocate utility lines – Endicott College c/o Rick Gagnon

Documents Reviewed: Request for Determination of Applicability and plans, dated April 19, 2022

Charles Wear and Devon Morse from Hancock Associates and applicant Rick Gagnon are present to discuss the project. Wear gives an overview of the proposed work including the demolition of existing modular dormitories that are located outside of jurisdictional areas. The applicant would like to begin the demolition work as the first phase of a new project. Bertoni asks that Hancock Associates include the revised plan information from the ANRAD review on the final plan. She also asks about the limit of work and potential sediments and erosion from the work and runoff into jurisdictional areas. Wear clarifies that all proposed work is outside of the jurisdictional buffers and that sediment and erosion controls would prevent anything from migrating into those areas. Squibb asks whether the dorms would be demolished onsite, or hauled away intact. The Commission recaps the best management practices that are incorporated into the project, including use of sediment and erosion controls and offsite removal or all debris. Wear agrees to hold a pre-construction meeting with Pirrotta, in conjunction with the Engineering Department and the required erosion control permit. Wear asks about permission of the applicant to remove trash on the site within the buffer and the Commission appreciates efforts to clean up the area by hand. There being no further questions or comments, Redmond moves to issue a Negative 4 & Negative 6 Determination. Seconded by Squibb. Bertoni takes a roll call vote. Motion passes 5-0.

6. **Requests for Certificates of Compliance**

- a. **New: 400 Hale Street, DEP File #5-1329** – pond maintenance and bridge rehabilitation work – Endicott College c/o Rick Gagnon

Documents Reviewed: Request for Certificate of Compliance from Lucas Environmental, Inc, dated April 18, 2022 and as built plan by BMC Engineering, dated October 29, 2021

Joe Orzel of Lucas Environmental representing the applicant describes the approved project and the completed work. He reports that photos of the outlet at Mingo Beach were provided to Pirrotta for the file. Orzel recaps how there were some areas of water during the pond dewatering that did provide areas of refugia for organisms during dredging. Buchsbaum asks Orzel about the results of the sediment analysis. Orzel replies that the sediments were clean and that the contractor disposed of them properly. Pirrotta confirms that the Commission received a copy of the analysis, which reported that the sediments were composed of non-toxic organic materials. Bertoni confirms that Pirrotta conducted a site visit and that the area of the work was stable. Commissioners review the perpetual conditions for this project. Buchsbaum moves to issue a complete Certificate of Compliance under the MA Wetlands Protection Act and Beverly Wetlands Protection Ordinance, with the perpetual conditions as described. Seconded by Bertoni. Bertoni takes a roll call vote. Motion passes 5-0.

- b. **New: 105 Sam Fonzo Drive, DEP File #5-1218** – construct commercial facility with grading and associated appurtenances – Beverly Airport Self Storage, LLC c/o Thomas Ford

Documents Reviewed: Request for Certificate of Compliance and as built plan by Engineering Alliance, Inc, dated April 20, 2022

Thomas Ford property developer and Richard Salvo of Engineering Alliance are present to discuss the request. Ford recaps how he recently filed a new Notice of Intent for work at this property and that the new project will replace the work that was previously approved here, as well as expand it onto the adjacent parcel. Salvo confirms the work that was completed under the Order and the work that will not be done. He briefly describes the work that will be done under the new Order. Buchsbaum confirms that the wetland mitigation plantings and markers will be done under the new Order. Buchsbaum moves to issue a Partial Certificate of Compliance under the MA Wetlands Protection Act and Beverly Wetlands Protection Ordinance, with the perpetual conditions as described. Bertoni takes a roll call vote. Seconded by Redmond. Motion passes 5-0.

- c. **New: 50 Dunham Road, DEP File #5-1123** – construct commercial building with parking, utilities, and stormwater structures – Dunham Ridge, LLC c/o Damien Savoie

Documents Reviewed: Request for Certificate of Compliance by Cummings Properties dated April 26, 2022 and as built plan by Alan Engineering, dated November 19, 2021

Damien Savoie of Cummings Properties is present to discuss the approved project and the completed work. Buchsbaum asks for clarification regarding the inspection of the stormwater system. Savoie replies that the annual stormwater reports were to the satisfaction of the City and the reports were provided to Pirrotta. Savoie notes that they have reported on the status of each catch basin and provided the reports, per the special condition. The reports provide details on the repairs that are needed and will be addressed appropriately. Bertoni reviews the special conditions and asks about the attachments #11 and 12 that were included in the request. She confirms with Savoie that the previous area of riprap encroachment was removed and is stable. Savoie confirms the riprap was removed and the area was replanted. Bertoni asks about the erosion controls and confirms they will be removed, as the site is stable. Bertoni would also like assurance that the City will receive the funds as specified in special condition #10 before issuing the Certificate of Compliance. Savoie replies that the funds can be provided before the next meeting of the Conservation Commission, as he prefers to settle the matter tonight and not continue this matter. Pirrotta adds that the Commission can also request the applicant complete a 21-day waiver, and put a hold on finalizing the issuance of the Certificate of Compliance after the issuance of the funds, in case this takes more than 21 days. Commissioners agree that waiting to issue contingent upon receipt of funds would be appropriate. Commissioners discuss the perpetual conditions for this project. Buchsbaum moves to issue a Complete Certificate of Compliance under the MA Wetlands Protection Act and Beverly Wetlands Protection Ordinance, with conditions as discussed, contingent upon receipt of the \$50,000 funds payable to the City of Beverly, per Special Condition #10. Seconded by Redmond. Bertoni takes a roll call vote. Motion passes 4-1, with Bertoni voting no.

- d. **New: 50 Dunham Road, DEP File #5-1328** – complete work from expired Order including plantings, pedestrian bridge, and site work – Dunham Ridge, LLC c/o Damien Savoie

Documents Reviewed: Request for Certificate of Compliance by Cummings Properties dated April 26, 2022 and as built plan by Alan Engineering, dated November 19, 2021

Damien Savoie of Cummings Properties representing the applicant discuss the request. Bertoni clarifies whether all special conditions have been met and asks whether Special Condition #6 regarding leaving a particular area to naturalize, has been actualized. Savoie replies that it has, adding that Pirrotta reviewed this during the site visit with Savoie. Bertoni confirms that the naturalized area may only be mowed once per year. Bertoni states that forsythia is aggressive and likely not a good choice for this area. Commissioners discuss the plantings with concern for the forsythia and the need to keep it under control. Buchsbaum moves to issue a Complete Certificate of Compliance under the MA Wetlands Protection Act and Beverly Wetlands Protection Ordinance, with perpetual conditions #35-49 as discussed. Seconded by Squibb. Bertoni takes a roll call vote. Motion passes 5-0.

7. **Old/New/Other Business**
 - a. **Potential Violations, If Any**
 - i. **5 Roosevelt Avenue**

Owner Kevin Farrar is present to discuss the creation of his restoration plan, based on discussion with the Commission at the last meeting. He describes the proposed plantings which include two trees and eight shrubs, as recommended by Iron Tree. Farrar discusses replacing the existing fence on the property within the same location, and seeding an area of the lawn where there used to be vegetable garden beds. Bertoni clarifies the location of the wetland and asks about the completion time. Farrar replies that they are ready to plant the trees and shrubs immediately and could be done with the work within a month. Bertoni requests that they ensure that there is a gap under the fence for wildlife, consistent with how it exists now. The Commission agrees this is a good plan to replace the trees that were cut without approval. Commissioners discuss survival of the plantings, keeping in mind that the owner has plans to sell the property. Pirrotta suggests that the letter with the conditions could be recorded for the property at the Registry of Deeds, so future owners are aware of the monitoring of the plantings. Redmond moves to accept the restoration plan, with the conditions as discussed, including completion of the work by June 3, 2022. Seconded by Buchsbaum. Bertoni takes a roll call vote. Motion passes 5-0.

b. Tree Removals, If Any

i. 22 Wedgemere Road

Pirrotta describes the request for the removal of three maple trees and one Austrian pine tree, which are located within the 100-Foot Buffer to wetlands and 200-Foot Riverfront Area. The trees were reported by the arborist to be dead or dying and leaning toward the yard and structures. Redmond moves to approve the tree removal request with condition that at least one shrub be planted along with the standard tree removal conditions, as discussed. Seconded by Buchsbaum. Bertoni takes a roll call vote. Motion passes 5-0.

c. Correspondence received, If Any

i. West Beach Corporation, beach raking response letter

Pirrotta updates the Commission on the ongoing correspondence from West Beach Corporation. Dennis Matulewicz, a member of the West Beach Corporation Board of Directors, is present to discuss their recent response letter to the December 17, 2021 letter. He wishes to clarify that the area that West Beach Corporation is responsible for maintaining is very small and that piping plovers occupy an area much further down the beach. Buchsbaum responds that the whole area is designated as Priority Habitat, and that it is the Commission's obligation to review work on the beach and they need to receive a management plan for this activity. Buchsbaum confirms that the state Natural Heritage and Endangered Species Program is the entity that created the Priority Habitat designation and mapping. He says that the plovers are not that far down the beach and that they could use the beach to feed. Matulewicz suggests other entities need a plan as well, as described in the letter from West Beach Corporation's attorney, Tom Fallon. Bertoni asks whether the existing ramp at West Beach Corporation is used by other entities such as abutters, for raking of their private properties as well. Matulewicz is unsure if that ramp is used as access for raking on the adjacent property, but will ask the West Beach Corporation Board for information on what has been done because he does not have the authority to answer. The Commission explains that beach raking is different than raking of leaves, in that it is work within a wetland resource area and that it also provides habitat to threatened and endangered species. As such, this is work that is the Conservation Commission's duty to review. Matulewicz comments that if they do not rake the beach, then there becomes offensive smells and bacteria from the

massive amounts of seaweed. Buchsbaum explains that developing a management plan does not mean that the raking cannot occur and Matulewicz raises concerns with extreme costs of a management plan and that West Beach Corporation is the only one being asked to create one. Buchsbaum confirms that other entities doing raking need a plan as well, but notes that if other beaches are not dealing with the amount of wrack like West Beach Corporation is, then it is not as complicated. He explains what the content of a beach management plan could include, such as how often certain areas are raked and perhaps cleaning some areas and leaving some portions of wrack in other areas. Matulewicz says that West Beach Corporation only cleans the beach for two months per year and that he will bring the information back to the board. Buchsbaum recommends that Matulewicz contact Katherine Glenn, North Shore Coordinator for Regional Coastal Zone Management regarding the plan and that they will need to meet Natural Heritage and Endangered Species Program requirements. Matulewicz understands the whole beach is designated as Priority Habitat. The Commission agrees that they should reach out to the state. Bertoni requests an update on progress for the next meeting, regarding coordination from the state and management protocols, and to know whether West Beach Corporation allows access to abutters for beach raking. Buchsbaum mentions that the Commission needs to determine how to contact the private property owners as well.

ii. National Grid - Utility maintenance activities letters

The Commission received two letters regarding planned utility work by National Grid: a letter dated April 13, 2022 regarding National Grid/New England Power Company FY23 Footer Repair Project – M191/M191-1 Transmission Lines and a letter dated April 19, 2022 regarding National Grid/Boston Gas Company Proposed Gas Main Relay Project on Sturtevant Street.

8. Orders of Conditions

a. 302 Hale Street, DEP File #5-1364

Commissioners recap the delineation request and discuss the issuance of the Order of Resource Area Delineation for the particular portion of the wetland resource areas delineated on the parcel. Resource areas include A, B, and C Series Bordering Vegetated Wetland and there are three Vernal Pools on this portion of the property. The Commission confirms that the delineation is only for the portions of the property shown on the plan and flagged in the field, and not the entirety of the 56 acre site. Buchsbaum moves to issue the Order, approving the delineation under the MA Wetlands Protection Act and Beverly Wetlands Protection Ordinance, as described. Seconded by Redmond. Motion passes 5-0.

9. Approval of Minutes

a. March 22, 2022

Members offer their comments and edits for the draft minutes. Buchsbaum moves to approve the minutes for the March 22, 2022 meeting, as amended. Seconded by Redmond. Bertoni takes a roll call vote. The motion carries 5-0.

b. March 22, 2022 (Executive Session)

Members offer their comments and edits for the draft minutes. Bertoni asks if these executive notes will be publicly available. Pirrotta replies that the Commission can approve the minutes for the executive session, but that they will not be released until the matter subject to the executive

session is resolved. Buchsbaum moves to approve the executive session minutes for the March 22, 2022 meeting. Seconded by Bertoni. Bertoni takes a roll call vote. The motion carries 5-0.

10. Other Discussion

Buchsbaum shares that he received an email from Salem Sound Coastwatch regarding their desire to remove invasive Japanese Knotweed at Dane Street Beach. They reported that they identified what they considered to be manageable stands of the plants. He seeks guidance from the Commissioners regarding what advice he should give to the correspondent. Commissioners clarify that the work would be on City property. Buchsbaum suggests they should contact Bruce Doig, Director of Parks and Recreation for permission and advice. Bertoni proposes a one-time permission for the removal could be approved under a Minor Project Permit.

Buchsbaum suggest that the applicants for the Norwood Pond Aquatic Management Project could acquire data on bird species and populations from the eBird applications. He asks Commissioners whether to provide this information. Jones feels that it would be mutually beneficial. Pirrotta replies that this a public data source that could be leveraged.

11. Adjournment

Jones moves to adjourn at 10:30 p.m. Seconded by Redmond. Bertoni takes a roll call vote. The motion carries 5-0.

The next regular meeting of the Conservation Commission is scheduled for Tuesday, May 24, 2022.