

CITY OF BEVERLY
PUBLIC MEETING MINUTES

BOARD OR COMMISSION: City of Beverly Conservation Commission
SUBCOMMITTEE:
DATE: May 16, 2023
LOCATION: Virtual via Google Meet
MEMBERS PRESENT: Chair Christine Bertoni, Vice Chair Robert Buchsbaum,
Amber Redmond, William Squibb
MEMBERS ABSENT:
OTHERS PRESENT: Conservation Agent David Spidaliere, City Commissioner
Michael Collins
RECORDER: Naomi Moca

1. Chair Bertoni calls the meeting to order at 7:00 p.m. and reads the public notice regarding holding meetings remotely due to COVID-19.

Squibb: Motion to recess. Buchsbaum seconds. Bertoni takes a roll call vote. Motion carries (4-0).

2. Recess for Public Hearings

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

- a. **Cont.: 34 South Terrace, DEP File #5-1389** – construct a fixed pier with associated gangway, floating dock, and stairs – Virginia Wallace

Spidaliere states that the applicant requested to continue the NOI to the August 8, 2023 meeting to allow time for the work on the adjacent properties to be completed.

Redmond: Motion to continue the NOI to the August 8, 2023 meeting as requested. Buchsbaum seconds. Bertoni takes a roll call vote. Motion carries (4-0).

- b. **Cont.: 68 Paine Avenue, DEP File #5-1390** – repair a seawall – Christopher Velonis

Spidaliere states that the applicant requested to continue to the June 6, 2023 meeting.

Redmond: Motion to continue the NOI to the June 6, 2023 meeting as requested. Buchsbaum seconds. Bertoni takes a roll call vote. Motion carries (4-0).

- c. **New: 110 Hart Street, DEP File #5-1393** – construct a patio, two walkways with granite steps, and a retaining wall, with grading and associated landscaping – Jeanne Tomich

Spidaliere reads the legal notice. Landscape designer Kathy Pothier is present and states that the yard currently contains mainly mud and one Willow tree stump, and that the owner would therefore like to stabilize the bank with native plants, install a permeable patio, install two permeable walkways, and install steps in the rear. The design includes a retaining wall along one side of the house, which will require grading.

The Commission discusses that the dry riverbed is below the retaining wall on the left side of the permeable patio to help with runoff, that the tree stump will be buried in a hole, and that the delineation on the plan is from other NOIs along the stream. Pothier shares photos of the site. The Commissioners request a more detailed design of the alternative to the drywell. Spidaliere shares the DEP's comments. The Commission discusses that the stream is perennial and thus Riverfront is a resource area on the site.

A site visit is scheduled for Saturday June 3, 2023 at 9 a.m.

Redmond: Motion to continue to the June 6, 2023 meeting. Squibb seconds. Bertoni takes a roll call vote. Motion carries (4-0).

- d. **New: 4 Cabot Street, DEP File # 5-1396** – demolish a commercial building and create public parking – City of Beverly c/o Michael Collins

Spidaliere reads the legal notice. Civil Engineer Mike Campagnone is present on behalf of the City and states that the City acquired the site of the former Rowand's seafood market. There are several resource areas: Riverfront area associated with the Danvers River, Coastal Bank, Coastal Beach, and Tidal Flat, among others.

Campagnone states that the proposed work is to demolish the building, shed, loading dock, and stockade fence along the water. The utilities such as water and sewer will then be removed in conjunction with DPW. The lot will be re-graded and 13 parking spaces will be installed, one of which will be handicapped. Campagnone points out other improvements will result from the work, such as removal of pest habitats with the removal of the dumpster and buildings.

Erosion controls will be in place. there is no increase of impervious area on the parcel, and there is an improvement in storm water treatment in the site.

The Commission discusses that there are seven existing parking spaces on the Rowand's lot, and that the concrete sidewalk goes under the bridge and continues to the stockade fence. City DPS Commissioner Michael Collins states that the lot will be paved, that all unsecured pipe on the site has been removed, and that there is a valid Chapter 91 license for a pier. The Commission discusses that there will be a 15 to 20-foot buffer strip of grass, that the soil will be fill, and that

the alternative analysis includes 1) a no-work option, 2) a full build-out including more than 13 parking spaces and 3) the option before the Commission today which is the least intrusive and decreases the impervious area.

Jeremy Fontaine of the MBTA is present and asks if the water from the concrete strip will drain away from the train tracks, and Campagnone answers yes. Fontaine and Campagnone clarify how far the concrete strip is from the MBTA's right-of-way.

Member of the public Chris Essler asks what the purpose of the project is, and Campagnone and Collins clarify that the parking will serve the Harbormaster's office as well as nearby marinas and other commercial entities.

Member of the public Suzie LaMont asks if there a proposed date for the demolition of the building and Campagnone states that it depends on factors such as permitting.

A site visit is scheduled for Saturday, June 3 at 10 a.m. Collins and Campagnone agree that members of the public are permitted to attend.

Squibb: Motion to continue to the June 6, 2023 meeting. Buchsbaum seconds. Bertoni takes a roll call vote. Motion carries (4-0).

- e. **New: 478 Rantoul Street, Local IVW** – construct a residential condominium complex with associated lawn area, storage and parking – Vincent Orlando

Spidaliere reads the legal notice. Evin Guvendiren of DeRosa Environmental, Alex Cedrone of Bobrek Engineering & Construction, and the applicant are present. Guvendiren presents the site plan, which is an area of Isolated Vegetated Wetland (IVW) off Rantoul Street. It is a previously disturbed developed site, and the compacted material adjacent to it is impervious.

The Commission discusses that the roof runoff will be directed both offsite and into an infiltration field, that the drainage will not flow toward Elliott Street, that the existing multi-family home will remain on the adjacent parcel, that the project will entail grading the site with fill so that the slope is less steep, that the building will be located behind the gas station, that the paved parking lot will be located on ground level with the residences built above, and that the building will be five stories high.

Spidaliere states that he will research whether there are DEP comments on the project and what the City Engineering department's comments on the Stormwater Report are.

The Commission discusses that 1,785 square feet of mitigation will be provided, and that there will be a mix of shrubs, perennial flowers, and native ground cover grasses. The Commission requests more information on the retaining wall material, the storm water analysis, and the amount of fill. Cedrone states that the project has not applied to the Planning Board yet.

A site visit is scheduled for Saturday, June 3, 2023 at 10:45 a.m. Spidaliere states that he will investigate whether members of the public will be permitted to attend.

Redmond: Motion to continue to the June 6, 2023 meeting. Squibb seconds. Bertoni takes a roll call vote. Motion carries (4-0).

- f. **New: 3 Melvin Avenue, DEP File #5-1394** – propose a building addition, pier repairs and landscape improvements – Paul Furnari

Spidaliere reads the legal notice. Bob Griffin of Griffin Engineering is present and states that the owner is proposing an addition to the house. The site includes an existing pier and single-story house. The project has been through the Zoning Board. The addition on the front of the house will create an entry from the front walkway, the driveway will be expanded to accommodate two cars side-by-side, there will be a paver patio below the balcony, and there is a 630 square foot increase of impervious surface in the no-build zone. The existing pier needs carpentry repairs that will be carried out by the owner, and a stepping stone pathway is proposed from the pier to the yard.

The Commission discusses that the basement does not require flow-through because it is above flood elevation, that the resource fits the DEP parameters of Coastal Bank, that there are two elevations of salt marsh, that the replanting in the salt marsh is not appropriate as part of the mitigation for the No-Build Zone construction according to DEP guidance, that the addition's structure will be closer to the resource, that the project is considered redevelopment, and that the delineation was done in 2008. Griffin agrees to provide the cross-section that was used as guidance to determine coastal bank. Griffin states that there is a pending Chapter 91 license and that fill material will be used to level out the patio area.

A site visit is scheduled for Friday, June 2 at 5:00 p.m. Griffin states that members of the public are permitted to attend.

Redmond: Motion to continue to the June 6, 2023 meeting. Buchsbaum seconds. Bertoni takes a roll call vote. Motion carries (4-0).

- g. **New: Rear Longview Terrace, DEP File #5-1395** – install granular activated carbon reactive core mats and stone mattresses over two seeps on stream bank – Varian Medical Systems, Inc. c/o Matthew Gillis

Spidaliere reads the legal notice. Andrea Steele of APTIM is present on behalf of the applicant. Steele states that the remediation plan for Stream A near the former Varian site includes applying reactive core mats impregnated with carbon over the seeps on the bank and then placing stone mattresses on top of the mats. There are two separate areas on the bank where the treatment will be applied, and they will be replaced after approximately two years.

Steele states that the site will be accessed using two access routes, one of which is an existing path off Hill Street, and the other is through overgrown vegetation in a forested area.

Raymond Cadorette of Jacobs Engineering is present and states that the project is a part of the larger remediation of the site and that the mat also serves to act as a barrier to access to the seep, which is a community concern. Cadorette states that the project is currently going through the Massachusetts Contingency Plan (MCP) process, and is being overseen by DEP and the Bureau of Waste Site Cleanup. The DEP had no comment on this solution.

Spidaliere clarifies that U.S. Geological Survey (USGS) and Mass Mapper do not have this stream delineated at all as intermittent or perennial. The Commission discusses that it will be necessary to bring an excavator onto the site, that all other equipment will remain on the Hill Street access road, that the project will take one day, and that there is no house on 28 Hill Street.

Buchsbaum: Motion to close the hearing. Redmond seconds. Bertoni takes a roll call vote. Motion carries (4-0).

Redmond: Motion to reconvene the regular meeting. Squibb seconds. Bertoni takes a roll call vote. Motion carries (4-0).

4. Reconvene Regular Meeting

5. Requests for Determination of Applicability

a. Cont.: 10 Tall Tree Drive – install a fence and construct a deck – Kate Martens

Martens is present and states that in her research at City Hall, she learned that the City did not install the chain link fence along the river across her property line, and that it is unknown who installed the fence. Martens states that she would like to install a fence along the boundary between her property and the adjacent property, and expresses concern about the additional brush debris that was dumped in the area she had already cleaned up. Martens expresses a desire to remove a pipe from the stream on her property. The Commission discusses that only the project at hand will be voted on in today's meeting.

The Commission discusses the following conditions:

1. During the work, any storage of equipment shall be located on existing paved areas or as close to the street as possible.
2. Prior to any work occurring, staked sediment controls shall be installed between the deck work area and the wetland resource areas and shall remain in place for the duration of the work and until final site stabilization.
3. After work completion, any disturbed soils shall be seeded and stabilized to avoid sedimentation into the resource areas.
4. Crushed stone shall be placed beneath the deck.
5. There shall be no storage of materials, including but not limited to furniture or equipment, beneath the deck.

6. The bottom of the fence shall have at least 4 inches of space between the bottom member of the fence and the ground surface to allow for small wildlife movement.
7. Soil excavated from fence post holes shall be taken off site and disposed of properly, not within the 100-foot buffer zone or wetland.

Buchsbaum: Motion to issue a negative two and negative three determination with the conditions discussed. Redmond seconds. Bertoni takes a roll call vote.
Motion carries (4-0).

Martens agrees to provide a list of the additional issues to the Agent.

- b. Cont.: 4 Chase Terrace** – pave a private road with 2 driveways and construct a deck
– Colette Hennessey

Applicant and owner Colette Hennessey is present and describes the revised proposal to address the concerns about drainage that were observed at the site visit. Hennessey states that the contractor proposes to replace the asphalt with back fill, crushed stone, and gravel. The updated proposal for the walkway and deck is to remove the existing asphalt and replace it with crushed stone and gravel, then place 12-inch x12-inch pavers on top, with seven inches space in between them.

The Commission discusses that while the updated plan is an improvement, the project should ideally be reviewed and revised by an engineer. Hennessey states that the City's Engineering Department informed her that the project is the property owner's responsibility, and that the Conservation Agent provided her with a list of approved engineers. Hennessey states that the additional cost of bringing an engineer onto the project will be prohibitive to moving forward with the project.

Hennessey agrees to request that the contractor draw up a more detailed plan to address the Commission's concerns.

Redmond: Motion to continue to the June 6, 2023 meeting. Buchsbaum seconds. Bertoni takes a roll call vote. Motion carries (4-0).

- c. New: 5 Dondi Road** - install a mudroom – Jason Garry

Spidaliere reads the legal notice. The applicant has technical difficulties and is thus tabled until later in the meeting.

- d. New: 21 Virginia Avenue** – replace existing pool and deck – Michael Kostopoulos

Spidaliere reads the legal notice. Applicant and property owner Michael Kostopoulos is present and states that he plans to replace the existing pool, which is 20 years old, and to make

improvements to the existing deck. Kostopoulos states that the footprint of the deck will be enlarged by two feet on each side, and the new deck will use the existing pilings.

The Commission discusses that the deck will be 22 feet by 22 feet, that the deck is made of wood with gaps between the boards with crushed stone underneath, that the previous property owner built the pool and deck with proper permitting and with Commission approval, that the existing pool is not empty, that Kostopoulos will use a saltwater system in the new pool, that the existing pool should be drained gradually into the lawn, and that he has not introduced any chemicals since the summer of 2022.

Spidaliere states that he will investigate what the guidelines are for draining pool water directly into a storm drain.

The Commission discusses the following conditions:

1. During the work, any storage of equipment shall be located on existing paved areas or as close to the street as possible.
2. All debris materials and excess spoils shall be removed from the site for appropriate off-site disposal.
3. Prior to any work occurring, staked sediment controls shall be installed and shall remain in place for the duration of the work and until final site stabilization.
4. After work completion, any disturbed soils shall be seeded and stabilized to avoid sedimentation getting into the resource area.
5. Pool drawdown shall not occur within 2 weeks of chlorination. Drawdown or backwash shall be directed over land to maximize infiltration or directed into a drywell or to street drainage. Drawdown shall not be directed to the wetland.

Buchsbaum: Motion to issue a negative three determination with the conditions as discussed. Redmond seconds. Bertoni takes a roll call vote. Motion carries (4-0).

6. Requests for Certificates of Compliance

- a. Cont.: 1025 Hale Street, DEP File #5-797** – convert existing rectangle pool to kidney shaped and associated landscaping; construct gravel dry well for filtration of pool water overflow and a temporary access road off Hale Street – Donald Sohn

Evin Guvendiren of DeRosa Environmental and John Morin of the Morin Cameron group are present. Since the last meeting the Commission conducted a site walk and there were questions about where the drawdown water of the pool drains to, and Guvendiren states that it is a saltwater pool, therefore no chlorination has been added.

The Commission discusses adding the following conditions to the existing perpetual conditions, having already received guidance from the City Solicitor:

1. Any pool backwash or dewatering shall be directed away from the resource area. This condition shall survive in perpetuity beyond issuance of a Certificate of Compliance.

2. Pool backwash shall not occur within two weeks of chlorination. This condition shall survive in perpetuity beyond the issuance of a Certificate of Compliance.

Redmond: Motion to issue a complete Certificate of Compliance incorporating the changes as listed. Buchsbaum seconds. Bertoni takes a roll call vote. Motion carries (4-0).

- b. Cont.: 1025 Hale Street, DEP File #5-871** – install a pressurized sewer line from a single-family dwelling, an associated pool house and cottage to connect to municipal pressure sewer system (now under construction). Abandonment of existing septic systems and incinolet – Donald Sohn

Evin Guvendiren of DeRosa Environmental and John Morin of the Morin Cameron group are present. The Commission discusses that the sewer was not connected to the pool house, and that if it is connected in the future, the owner will need to come before the Commission again.

The Commission discusses the following perpetual conditions:

1. There shall be no dumping of leaves, grass clippings, trash or any kind of refuse in the resource area.
2. Herbicides shall not be applied within 100 feet of the wetland.
3. No sodium-based products shall be used for control of ice or snow within 100 feet of the wetland.
4. Prevention of flooding, erosion and sedimentation are ongoing and do not expire at the end of three (3) years or with the issuance of the Certificate of Compliance.

The Commission discusses adding the following conditions to the existing perpetual conditions, having already received guidance from the City Solicitor:

1. Any pool backwash or dewatering shall be directed away from the resource area. This condition shall survive in perpetuity beyond issuance of a Certificate of Compliance.
2. Pool backwash shall not occur within two weeks of chlorination. This condition shall survive in perpetuity beyond issuance of a Certificate of Compliance.

Buchsbaum: Motion to issue a complete Certificate of Compliance with the perpetual conditions under the local bylaws and the Wetlands Protection Act. Redmond seconds. Bertoni takes a roll call vote. Motion carries (4-0).

New: 5 Dondi Road – install a mudroom – Jason Garry

The RDA applicant had technical difficulties earlier in the meeting, so was moved down in the meeting until they could resolve their technical issues. Owner and applicant Jason Garry is present and states that the house is a Campanelli-style slab ranch and that he plans to install a mudroom to the front of the house. The mudroom will be approximately 75 square feet, with a four-foot deep poured slab over footings.

The Commission discusses that the proposed mudroom is on the street side of the house, which is on the opposite side of the house from the resource. Garry states that he plans do the work himself as he is a licensed contractor.

The Commission discusses the following conditions:

1. During the work, any storage of equipment shall be located on existing paved areas or as close to the street as possible.
2. All debris materials shall be removed from the site for appropriate off-site disposal.
3. Prior to any work occurring, staked sediment controls shall be installed and shall remain in place for the duration of the work and until final site stabilization.

Redmond: Motion to issue a negative three determination with the conditions as discussed. Buchsbaum seconds. Bertoni takes a roll call vote. Motion carries (4-0).

- c. **New: 95 Sam Fonzo Drive, DEP File #5-949** – construct industrial building with associated parking, utilities, stormwater management structures, landscaping and grading – Steven Ross, Trustee of QS Lending Trust

Marshall Handly of Handly & Cox is present on behalf of the applicant and states that the final condition, the planting of 5 red maple trees, has been done. Spidaliere confirms that the trees are in place and that there is no monitoring condition. Handly states that the final paving will be completed after the closing on the property sale, and states that he is aware that the owner will need to go before the Commission again at the time of the paving. The Commission discusses that the water connection fee will be paid, that the sediment has been cleared around the catch basin, and that trash has been cleared from the wetland.

The Commission discusses the following perpetual conditions:

1. There shall be no dumping of leaves, grass clippings, trash, or any kind of refuse in the resource area.
2. Herbicides shall not be applied within 100 feet of the wetland.
3. No sodium-based products shall be used for control of ice or snow within 100 feet of the wetland.
4. Prevention of erosion and sedimentation are ongoing and do not expire at the end of three (3) years or with the issuance of the Certificate of Compliance.

Buchsbaum: Motion to issue a complete Certificate of Compliance with the conditions as discussed. Redmond seconds. Bertoni takes a roll call vote. Motion carries (4-0).

7. Old/New/Other Business

a. Minor Modifications to Orders of Condition

- i. **New: 90 Preston Place, DEP File #5-1367**

Evin Guvendiren of DeRosa Environmental and John Morin of the Morin Cameron group are present. Morin states that the modification requested is to increase the pool from 18 feet by 34 feet to 18 feet by 40 feet and to extend the trench along the retaining wall to increase infiltration. The Commission discusses that there will be no increase in linear feet of the fence around the pool.

Morin agrees to provide the minor modification to the plan for the file.

Buchsbaum Motion to approve the Minor Modification to the Orders of Condition.
Redmond seconds. Bertoni takes a roll call vote. Motion carries (4-0).

b. Enforcement Matters

i. Cont.: 25 Linden Avenue - Leslie Salter

Spidaliere states that there was an OOC issued in 2006 and items such as invasives removal and mitigation plantings were not done. The OOC has since expired, and the Commission issued an Enforcement Order in December 2022 with a May 11, 2023 reporting deadline. The Commission discusses that the owner did not provide the report by the deadline and thus is in violation of the Enforcement Order.

Property owner Steve Slocomb is present and asks if mitigation planting and removal of invasives can be done simultaneously. Slocomb reports that a subcontractor will do the invasives removal and will plant the mitigation plantings, and asks for guidance on identifying the invasives for the contractor. The Commissioners suggest internet searches via Google or using apps such as Seek to help identify invasive species.

The Commission discusses that a progress report shall be provided to the Conservation Agent by May 31, 2023 and that the next step, if the report is not provided, will be the accrual of fines.

Buchsbaum: Motion to amend the Enforcement Order to include the May 31, 2023 progress report deadline, and that fines will accrue if the deadline is not met.
Redmond seconds. Bertoni takes a roll call vote. Motion carries (4-0).

c. Minor Project Permits, If Any

i. New: 44 Cole Street – Camp Paradise

Spidaliere states that Kestrel Environmental Education plans to clear access to the vernal pool for educational purposes, such as studying egg masses but not disturbing them. No power tools will be used.

g. Expenditure Approvals, If Any

i. Conservation Agent April Mileage Reimbursement

Buchsbaum: Motion to approve the mileage reimbursement totaling \$55.98. Squibb seconds. Bertoni takes a roll call vote. Motion carries (4-0).

8. Orders of Conditions, If Any

- a. **New: Longview Terrace, DEP File #5-1395** – install granular activated carbon reactive core mats and stone mattresses over two seeps on stream bank – Varian Medical Systems, Inc. c/o Matthew Gillis

The Commission discusses the following conditions:

1. All vegetation slated for cutting shall be flush cut to grade and root systems and stumps to be left intact. All cut materials shall be removed for appropriate off-site disposal.
2. A spill kit shall be located on site while accessing the site and during the work.
3. Storage of construction materials shall be located on existing paved areas or outside the resource areas.
4. Erosion and sedimentation control devices shall be installed prior to construction as depicted on the approved site plan and inspected by the Conservation Agent prior to construction.
5. Erosion and sedimentation controls shall be inspected following each rainstorm for the first two months following installation. Haybale barriers shall be only used as temporary barriers (no longer than 30 days) and then removed and used as mulch. The geotextile silt fence shall remain in place for the project's duration.
6. During construction, disturbed soils are to be re-stabilized and re-vegetated as soon as possible.
7. Only the excavator is approved to traverse the isolated vegetated wetland. Plywood sheets or equivalent construction mat material shall be placed where the excavator will be traversing the wetland resource area and shall be removed at the end of the workday. Equipment shall not park or be stored in the wetland resource area. Upon completion of work, the traversed area of the wetland shall be seeded with appropriate wetland seed mix.
8. If hand driven groundwater monitoring well point installation is necessary, prior to drilling activities, erosion controls shall be installed at the edge of areas to be loamed and seeded. All drill spoils shall be immediately containerized, open stockpile is prohibited.

Buchsbaum: Motion to issue an OOC with the conditions as discussed and standard perpetuals under the Local Ordinance and Wetlands Protection Act. Redmond seconds. Bertoni takes a roll call vote. Motion carries (4-0).

9. Approval of Minutes

- a. **April 25, 2023**

The members review and offer edits to the April 25, 2023 draft meeting minutes.

Redmond: Motion to accept the April 25, 2023 meeting minutes as amended.
Buchsbaum seconds. Bertoni takes a roll call vote. Motion carries (4-0).

10. Adjournment

Redmond: Motion to adjourn. Buchsbaum seconds. Bertoni takes a roll call vote. Motion carries (4-0).

The Commission discusses the sighting of one Piping Plover at West Beach thus far this season and advertising the open Commissioner slots.

Meeting adjourns at 10:51 p.m.

The next regular meeting of the Conservation Commission is scheduled for Tuesday, June 6, 2023.