

**CITY OF BEVERLY  
PUBLIC MEETING MINUTES**

BOARD OR COMMISSION: Beverly Conservation Commission  
SUBCOMMITTEE:  
DATE: May 18, 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.

**Approval of Minutes (as available)**

March 22, 2021

The Commission reviews the draft minutes and offers edits. Herbster moves to approve the March 22, 2021 minutes as amended. Seconded by Alden-St. Pierre. Bertoni takes a roll-call vote. The motion carries 6-0.

**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 plans by Griffin Engineering, dated February 8, 2021

Bob Griffin of Griffin Engineering, representing the applicant, requests a continuation of the hearing as the revised plans have not yet been submitted. Alden-St. Pierre moves to continue to the June 15, 2021 meeting. Seconded by Buchsbaum. Bertoni takes a roll-call vote. The motion carries 6-0.

Cont.: 50 (51) Dunham Road, DEP File #5-1328 –install mitigation plantings, replace pedestrian bridge, and complete associated site work from expired Order – Dunham Ridge, LLC

Documents Reviewed: Notice of Intent Application by Cummings Properties, LLC, dated March 23, 2021; revised Landscape Plan C-3 and bridge photo specification, dated May 13, 2021

Damien Savoie of Cummings Properties, representing the applicant, briefly reviews the project, noting the 28 mitigation plantings and the change to the building access maintenance drive, including addition of loam and seed and paver stones, instead of asphalt. There being no further questions from the Commission or comments from the public, Herbster moves to close the hearing. Seconded by Alden – St. Pierre. Bertoni takes a roll-call vote. The motion carries 6-0.

Cont.: 37 Paine Avenue, DEP File #5-1331 – Lee Rosenthal, c/o Tom Salesman

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

Scott Patrowicz of Patrowicz Land Development Engineering, representing the applicant, recaps the project to renovate an existing house, including garage and porch addition and pool relocation. Buchsbaum notes that as a result of the site visit, the Commission recommends splitting the drainage instead of all of it going to the swale. Grandoni asks about the storm drain in the existing driveway. Patrowicz notes that this drain goes to the seawall but will be closed up as part of the work. Patrowicz notes that the applicant would welcome a condition for the removal of the invasive Japanese knotweed near the seawall. Bill Manuell of Wetlands & Land Management clarifies the limited Japanese knotweed removal that would be undertaken under this Order and that a future Notice of Intent for work on the seawall could include more intensive knotweed removal if needed. There being no further questions from the Commission or comments from the public, Herbster moves to close the hearing. Seconded by Buchsbaum. Bertoni takes a roll-call vote. The motion carries 6-0.

Cont.: 28 Fosters Point, DEP File #5-1330 – Doug & Susan Stone

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

Bob Griffin of Griffin Engineering, representing the applicant, briefly recaps the proposed project to demolish and reconstruct an existing single-family house with associated appurtenances. The Commission asks about abandoning the existing boat ramp and planting with *spartina alterniflora* salt marsh plugs, as discussed at the site visit. Squibb asks about Zoning Board of Appeals review and Griffin clarifies that approval was granted. There being no further questions from the Commission or comments from the public, Buchsbaum moves to close the hearing. Seconded by Alden-St. Pierre. Bertoni takes a roll-call vote. The motion carries 6-0.

Cont.: 246R Dodge Street, DEP File #5-1332 – Clark Parker Manis

Documents Reviewed: Notice of Intent Application, dated April 12, 2021 and Revised Site Plan, dated May 4, 2021 by Hancock Associates

Deb Colbert of Hancock Associates, representing the applicant, recaps the proposed project to construct a house addition with associated porch, noting the ~740 square foot area of mitigation plantings which were added to the plan after the Commission's site visit. There being no further questions from the Commission or comments from the public, Buchsbaum moves to close the hearing. Seconded by Alden-St. Pierre. Bertoni takes a roll-call vote. The motion carries 6-0.

New: 573 Hale Street, DEP File #5-1333 – Jonathan Loring, Trustee

Documents Reviewed: Notice of Intent Application and Site Plan by Griffin Engineering, dated April 26, 2021

Pirrotta reads the legal notice. Bob Griffin of Griffin Engineering, representing the applicant, explains the project to repair a stone pier and a masonry pathway. Grandoni asks if the work will be done by hand. Griffin clarifies that a barge will be brought in from which an excavator will lift the stones and reposition them. Buchsbaum asks about potential impacts to eelgrass. A letter to the Commission from Mass Division of Marine Fisheries refers to an eelgrass bed that is a couple hundred feet offshore. Griffin confirms the project has a valid Chapter 91 Waterways license that was renewed in 2007. The Commission schedules a site visit for June 9, 2021 at 6:00 p.m. There were no comments from members of the public. Herbster moves to continue the hearing to the June 15, 2021 meeting. Seconded by Alden – St. Pierre. Bertoni takes a roll-call vote. The motion carries 6-0.

New: 4 McPherson Drive & 1 Dock Lane, No DEP File # as of posting – Kearsarge Beverly LLC c/o Andrew Bernstein

Documents Reviewed: Notice of Intent Application by LEC Environmental, dated May 4, 2021 and Site Plan by Meridian Associates, dated April 6, 2021

Pirrotta reads the legal notice. Dan Voss of Kearsarge Beverly LLC, explains the solar array installation project. Andrea Kendall of LEC Environmental explains the site, noting the locations of the buffers and 200-Foot Riverfront Area in relation to the work. Any landscape trees removed for the installation of the conduit line would be replaced and after the work is complete, any flood waters would be able to flood and recede as they do today. Mike Collins City of Beverly Commissioner of Public Works, comments on parking noting that the array will be mainly above the existing parking spaces and the array will be tall enough to allow for snow removal underneath. Erina Keefe, Beverly Sustainability Director emphasizes the importance of this project for the City's to shift to the use of renewable energy sources. There being no DEP file number yet issued for the project, Squibb moves to continue the hearing to the June 15, 2021 meeting. Seconded by Alden-St. Pierre. Bertoni takes a roll-call vote. The motion carries 6-0.

New: 10 Fieldstone Lane, No DEP File # as of posting – Lisa Ambrosino

Documents Reviewed: Notice of Intent Application by LEC Environmental, dated May 4, 2021 and Site Plan by Massachusetts Survey Consultants, dated April 29, 2021

Pirrotta reads the legal notice. Rich Kirby of LEC Environmental, representing the applicant, explains the project to construct a garage and living space addition and deck, noting that the addition will be mostly constructed over the existing driveway, rather than behind the existing house, in order to limit the increase in impervious surface. Kirby describes the mitigation including moving the existing shed further from the wetland, removing a concrete slab, and planting native species. Bertoni asks when the delineation was performed and Buchsbaum questioned whether there was a different plant intended for the *Cornus alba* on the plant list. The Commission schedules a site visit May 22, 2021 at 8:00 a.m. There were no comments from members of the public. Squibb moves to continue the hearing to the June 15, 2021 meeting. Seconded by Herbster. Bertoni takes a roll-call vote. The motion carries 6-0.

New: 50 Dunham Road, No DEP File # as of posting – 50 DR, LLC c/o Damien Savoie

Documents Reviewed: Notice of Intent Application and Site Plan by Cummings Properties, dated May 4, 2021

Pirrotta reads the legal notice. Damien Savoie of Cummings Properties, representing the applicant, explains the project to construct an outdoor play area including landscaping, grading, and fence installation for a childcare facility. Bertoni clarifies with Savoie that the adjusted wetland buffers and no disturbance zones were set based on a settlement. The Commission asks about the need to remove the trees and schedules a site visit for June 9, 2021 at 7:00 p.m. There were no comments from members of the public. Squibb moves to continue the hearing to the June 15, 2021 meeting. Seconded by Buchsbaum. Bertoni takes a roll-call vote. The motion carries 6-0.

### **Reconvene Regular Meeting**

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

### **Requests for Determination of Applicability**

Cont.: 171 Common Lane – tree removal and installation of a solar panel array at existing residence – Leonard Bertaux

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

Leonard Bertaux recaps the project to remove trees and install a solar panel array at an existing residence. The Commission held a site visit on May 8, 2021 at 8am. Bertaux notes that the area of clearing will be ~ 3,000 square feet. Squibb asks about varying the height of some of the cut trees to serve as habitat. There being no further questions or comments, Squibb moves to issue a

Negative 2 Determination with the conditions as discussed. Seconded by Buchsbaum. Bertoni takes a roll-call vote. The motion carries 6-0.

Cont.: 451 Essex Street – Nicholas Gabriel

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

Property owner Michael Fazio explains the project to demolish an existing house and garage. Bertoni reads the suggested conditions for the project. There being no further questions or comments, Buchsbaum moves to issue a Negative 3 Determination with the conditions as discussed. Seconded by Alden-St. Pierre. Bertoni takes a roll-call vote. The motion carries 6-0.

New: 100 Sohier Road – solar array installation – Kearsarge Beverly LLC c/o Andrew Bernstein

Documents Reviewed: Request for Determination of Applicability Application, with associated attachments and plans, dated May 4, 2021

Pirrotta reads the legal notice. Andrea Kendall of LEC Environmental, representing the applicant, explains the project to install a solar array, noting the existing array will be removed and replaced, and that the area will be seeded, but existing gravel will remain. The Commission questions the jurisdictional areas and clarifies that only portions of the work discussed is within the jurisdictional buffers. Commission members debate holding a site visit and consider whether the drainage area is a jurisdictional stream. A past Order of Resource Area Delineation at the site did not consider the ditch to be jurisdictional. There being no further questions or comments, Grandoni moves to issue a Negative 2 and 3 Determination with the conditions to be discussed at a later time. Seconded by Alden-St. Pierre. Bertoni takes a roll-call vote. The motion carries 5-1, with Squibb voting no.

New: 502 Cabot Street – solar array installation – Kearsarge Beverly LLC c/o Andrew Bernstein

Documents Reviewed: Request for Determination of Applicability Application, with associated attachments and plans, dated May 4, 2021

Pirrotta reads the legal notice. Andrea Kendall of LEC Environmental, representing the applicant, explains the project to install a rooftop solar array over the existing parking area. Kendall describes temporary impacts from trenching and notes that drainage patterns would not change as a result of the work. There being no further questions or comments, Squibb moves to issue a Negative 3 determination with the conditions as discussed. Seconded by Herbster. Bertoni takes a roll-call vote. The motion carries 6-0.

New: 30 Fosters Point – construction of second story addition and associated appurtenances – Shannon O’Shea

Documents Reviewed: Request for Determination of Applicability Application, with associated attachments and plans by LEC Environmental, dated May 4, 2021

Pirrotta reads the legal notice. Rich Kirby of LEC Environmental, representing the applicant, explains the project to construct a second story addition and associated appurtenances such as construction of front porch and staircase replacement. Kirby notes that there will be no change in grade and that native plants would be installed. There being no further questions or comments, Grandoni moves to issue a Negative 2 and 3 Determination with the conditions as discussed. Seconded by Herbster. Bertoni takes a roll-call vote. The motion carries 6-0.

New: 547 Essex Street – construction of a garage addition and driveway expansion with associated site work – Lyndsay Lantz

Documents Reviewed: Request for Determination of Applicability Application, with associated attachments and plans by George Zambouras, dated May 3, 2021

Pirrotta reads the legal notice. George Zambouras, representing the applicant, explains the project to construct a garage addition and driveway expansion with associated site work, noting a 6 inch fill for draining a the landscape wall near the driveway. Bertoni asks about the amount of fill and grading. Zambouras describes the proposed landscape wall. The Commission discusses whether this item can be conditioned under an RDA. Buchsbaum moves that the Commission require a Notice of Intent for this project and to issue a Positive Determination. Seconded by Herbster. Bertoni takes a roll-call vote. The motion carries 6-0.

New: 223 Greenwood Avenue – installation of a shed and patio – Anne MacLean

Documents Reviewed: Request for Determination of Applicability Application, with associated attachments and plans, dated April 23, 2021

Pirrotta reads the legal notice. Anne MacLean explains the proposed shed and patio installation, noting that the existing shed was already relocated and that the driveway was repaved before she purchased the house. Commissioners express concern with other work completed on site without approval. Squibb notes that a larger scale plan should be provided. Buchsbaum moves that the Commission require a Notice of Intent for this project and to issue a Positive Determination. Seconded by Herbster. Bertoni takes a roll-call vote. The motion carries 6-0.

New: 1 Cove Avenue – replacement of an existing porch – Michael Osborne

Documents Reviewed: Request for Determination of Applicability Application, with associated attachments and plans, dated April 25, 2021

Pirrotta reads the legal notice. Applicant Michael Osborne explains the project for the replacement of an existing porch in the same area with new footings. There being no further questions or comments, Buchsbaum moves to issue a Negative 2 and 3 Determination with the conditions as discussed. Seconded by Squibb. Bertoni takes a roll-call vote. The motion carries 6-0.

New: 2 Margin Street – installation of a crushed stone utility trench and replacement of existing vacuums with footings – Todd J. DiOrio

Documents Reviewed: Request for Determination of Applicability Application, with associated attachments and plans, dated April 27, 2021

Pirrotta reads the legal notice. Owner Todd DiOrio explains the project including the installation of a crushed stone utility trench and installation of vacuums with footings, noting a silt sock fence would be installed during construction, and that the electrical line will be sealed underground. There being no further questions or comments, Herbster moves to issue a Negative 2 and 3 Determination with the conditions as discussed. Seconded by Buchsbaum. Bertoni takes a roll-call vote. The motion carries 6-0.

New: 17 Columbia Road – after-the-fact deck and patio installation – Meghan & Michael Jones

Documents Reviewed: Request for Determination of Applicability Application, with associated attachments and plans, dated April 21, 2021

Pirrotta reads the legal notice. Megan Jones explains the after-the-fact deck and patio installation. The Commission questions the location of the work in relation to the wetland and requests a better plan of the project. Buchsbaum moves to continue the discussion to the June 15, 2021 meeting. Seconded by Alden-St. Pierre. Bertoni takes a roll-call vote. The motion carries 6-0.

### **Requests for Certificate of Compliance**

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

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

Pirrotta reports that the applicant submitted a revised as built plan and stormwater report, but that it was not submitted in time for the Commission to review this evening. Squibb moves to continue to the June 15, 2021 meeting. Seconded by Herbster. Bertoni takes a roll-call vote. The motion carries 6-0.

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

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

Bob Griffin of Griffin Engineering, representing the applicant, notes that the applicant has agreed to remove the Bocce court materials and to loam and seed, but that the applicant wants to keep the granite edging. The Commission agrees to allow the granite to remain. Squibb moves to

continue to the June 15, 2021 meeting. Seconded by Herbster. Bertoni takes a roll-call vote. The motion carries 6-0.

16 Fosters Point, DEP File #5-819 – Kimberly Kelly

Documents Reviewed: Request for Certificate of Compliance and As-Built Plan, dated April 20, 2021, Salt Marsh Restoration Monitoring Report by Hancock Associates, dated May 17, 2021

Kristan Farr of Hancock Associates recaps the project regarding the maintenance of the existing pier and construction of gangway and floats in the Danvers River. The floats were recently damaged and need to be removed and the salt marsh plantings need additional monitoring. Farr submitted the salt marsh monitoring report that day. Buchsbaum moves to continue to the June 15, 2021 meeting. Seconded by Squibb. Bertoni takes a roll-call vote. The motion carries 6-0.

686 Hale Street, DEP File #5-789 – Molly Ryan

Documents reviewed: Request for Certificate of Compliance and annotated As-Built Plan by Wetlands & Land Management, dated April 29, 2021

Bill Manuell of Wetlands & Land Management, representing the applicant, explains the completed paddle tennis court project, which was slightly shifted from the approved location. Buchsbaum moves to issue a complete Certificate of Compliance with the noted perpetual conditions. Seconded by Herbster. Bertoni takes a roll-call vote. The motion carries 6-0.

686 Hale Street, DEP File #5-891 – Molly Ryan

Documents reviewed: Request for Certificate of Compliance and annotated As-Built Plan by Wetlands & Land Management, dated April 29, 2021

Bill Manuell of Wetlands & Land Management, representing the applicant, explains the completed pond dredging and repair of existing outlet and flashboard structure. Squibb moves to issue a complete Certificate of Compliance with the noted perpetual conditions. Seconded by Alden-St. Pierre. Bertoni takes a roll-call vote. The motion carries 6-0.

6, 8 & 10 Shortmeadow Road, DEP File #5-1236 – Dodge Street Realty Partners, LLC c/o Paul Herrick

Documents reviewed: Request for Certificate of Compliance by Wetlands & Land Management dated May 6, 2021 and As-Built Plan by Thomas Manetta Incorporated dated January 7, 2019

Bill Manuell of Wetlands & Land Management, representing the applicant, explains the project regarding the improvement of the existing parking area. Buchsbaum moves to issue a complete Certificate of Compliance with the noted perpetual conditions. Seconded by Herbster. Bertoni takes a roll-call vote. The motion carries 6-0.



9 Dodge Street & 6 Shortmeadow Road, DEP File #5-1249 – Dodge Street Realty Partners, LLC  
c/o Paul Herrick

Documents reviewed: Request for Certificate of Compliance by Wetlands & Land Management dated May 6, 2021 and As-Built Plan by Thomas Manetta Incorporated dated January 7, 2019

Bill Manuell of Wetlands & Land Management, representing the applicant explains the project regarding the removal of the garage, cleanup of the site and creation of parking. Buchsbaum moves to issue a complete Certificate of Compliance with the noted perpetual conditions. Seconded by Squibb. Bertoni takes a roll-call vote. The motion carries 6-0.

**Old/New/Other Business**  
**Enforcement Orders**

62 South Terrace

Bob Griffin of Griffin Engineering reports that he is working with the property owner to address the Commission's April 20, 2021 Enforcement Order. Griffin states his preference for preparation of an existing conditions plan for the Commission's review in June, instead of having a Notice of Intent ready at that time.

Cont.: 6 Cavendish Square

Documents Reviewed: Letter from Wetlands & Land Management, dated May 3, 2021

Bill Manuell of Wetlands & Land Management, representing the owner Jeff Williams, recaps the work under the Enforcement Order and Manuell's recent letter regarding monitoring of the cut area for regrowth before proposing any plantings. The Commission agrees with the approach for Manuell to monitor the area and report back to the Commission for the August 3, 2021 meeting. Buchsbaum moves to issue a ratified Enforcement Order with the conditions as discussed. Seconded by Squibb. Bertoni takes a roll-call vote. The motion carries 6-0.

Cont.: 128 Boulder Lane

Documents Reviewed: Plan showing approximate work area and wetland buffers, dated April 27, 2021

Bertoni recuses herself from the discussion and leaves the room. Mike Corsetti, site operator, explains that the silt fence was relocated further from the wetlands, per Buchsbaum's request while on site. The Commission discusses the recent work on the road. Corsetti describes the maintenance work that he did not believe was subject to review. A couple members of the Commission will visit the site on May 25, 2021 at 10:00 am. Squibb moves to continue to the June 15, 2021 meeting. Seconded by Herbster. Buchsbaum takes a roll-call vote. The motion carries 5-0.

New: 29 Foster Street

Chett Walsh, property owner, explains the recent work he completed which is subject to the Enforcement Order. Walsh provides before and after photos of the project. He notes that the City changed the street drainage water patterns at his property in the past without his approval. The Commission asks for a plan showing what work was completed in relation to the resource areas. Squibb moves to issue an amended Enforcement Order with the conditions as discussed. Seconded by Alden-St. Pierre. Bertoni takes a roll-call vote. The motion carries 6-0.

Cont.: 11/13 Bay View Avenue

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

The Commission did not discuss at this meeting due to the late hour and representative no longer in attendance.

Cont.: 0 Netherton Avenue

Pirrotta reports that the owner is working with Hancock Associates on a restoration plan, however they have not yet been out to complete the survey. An abutter expresses concern with the fill and increased water onto their property. Buchsbaum moves to continue to the June 15, 2021 meeting. Seconded by Squibb. Bertoni takes a roll-call vote. The motion carries 6-0.

### **Adjournment**

Due to the lateness of the hour, Chair Bertoni suggests scheduling a special meeting to review this remainder of the agenda items, including discussion of the Orders of Conditions. The special meeting is scheduled for **Monday, May 24, 2021 at 5:30 p.m.** to be held virtual over Google Meet.

Buchsbaum moves to adjourn at 12:40 a.m. Seconded by Herbster. Bertoni takes a roll-call vote. The motion carries 6-0.

The next regular meeting of the Conservation Commission is **Tuesday, June 15, 2021 at 7:00 p.m.**