

CITY OF BEVERLY
PUBLIC MEETING MINUTES

BOARD OR COMMISSION: City of Beverly Conservation Commission
SUBCOMMITTEE:
DATE: June 6, 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
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. Redmond 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.: 68 Paine Avenue, DEP File #5-1390** – repair a seawall – Christopher Velonis

Spidaliere states that the applicant requested to continue to the June 27, 2023 meeting.

Redmond: Motion to continue the hearing to the June 27, 2023 meeting as requested.
Squibb seconds. Bertoni takes a roll call vote. Motion carries (4-0).

- b. **Cont.: 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 states that the applicant requested to continue to the June 27, 2023 meeting.

Squibb: Motion to continue the hearing to the June 27, 2023 meeting as requested.
Buchsbaum seconds. Bertoni takes a roll call vote. Motion carries (4-0).

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

Mike Campagnone of Foth Infrastructure & Environment, LLC is present and states that the project has been scaled back due to receiving a comment letter from MassDEP that expressed concerns about stormwater management standards not being met. Campagnone states that the existing building is in disrepair as observed at the Commission's site visit on June 3, 2023 and needs to be removed. Campagnone states that the City plans to demolish the Rowand's building and decks.

The Commission discusses that MassDEP has not yet sent comments in response to the new plan, that the buildings will be removed and disposed of at an appropriate facility, that the foundation will be broken up and removed, and that any areas exposed due to the removal of the buildings will be treated with clean crushed stone. Campagnone states that erosion controls will be in place for the demolition.

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

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

Alex Cedrone of Bobrek Engineering and Evin Guvendiren of DeRosa Environmental are present. Cedrone states that he met with City of Beverly Engineer Lisa Chandler onsite to discuss whether the existing compacted gravel driveway and parking lot should be considered as an impervious surface. Cedrone observed at the Commission's June 3, 2023 site visit that a puddle had accumulated in the area, and he cited that as proof that the surface is impervious.

Chandler requested that a manhole be installed prior to the infiltration chamber so that the field and chamber can be better accessed for cleaning and maintenance. Chandler also requested information on the dumpster placement.

Materials added to the record:

- Comments from City of Beverly Engineer Lisa Chandler on the Stormwater Report

The Commission discusses the possibility of runoff being directed toward the wetland below the property, that downspouts from the building's roof are directed to the ground, whether the roof runoff can be captured or redirected, and the possibility that all the roof runoff may be infiltrated onsite.

The Commission discusses that the applicant plans to keep a few trees along the IVW, and that some trees will be removed, including bamboo. Cedrone states that the dumpster will have a 6-foot fence around it and will be placed on a pervious surface with any garbage seepage draining toward the parking lot into the catch basin. The Commission discusses that snow storage will be onsite and any extra snow will be removed offsite. Cedrone states that the snow melt will drain toward the pavement and into the catch basin.

Guvendiren and Cedrone state they are willing to continue the hearing to research solutions for the Commission's concerns about the roof runoff, the dumpster drainage, and the snow storage.

Squibb: Motion to continue the hearing to the June 27, 2023 meeting. Redmond seconds. Bertoni takes a roll call vote. Motion carries (4-0).

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

Bob Griffin of Griffin Engineering is present and after review at the Commission's site visit on June 2, 2023, the applicant will add an infiltration strip. Griffin states that in response to MassDEP comments regarding the proposed salt marsh restoration, the plan has replaced the initially proposed salt marsh plantings with two large planting beds on either side of the property.

Griffin summarizes the proposed changes and states that the applicant is committed to the few years of follow up needed to mitigate the Japanese knotweed. The Commission discusses that there is no planting list with the proposal to allow the applicant to select from a range of appropriate options for plantings. There will be less than 2,000 square feet of impervious surface on site once the project is complete. Griffin agrees to provide a revised plan with the additional mitigation to the Commission.

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

- f. **New: 12H Jordan Street, No DEP File # as of posting** – construction of a single-family residence with associated driveway, porch, deck, walk, utilities and landscape improvements – John and Lauren Iltis

Spidaliere reads the legal notice. Bob Griffin of Griffin Engineering is present on behalf of the property owner and states that the parcel is a roughly 8,000 square foot undeveloped lot adjacent to the North Beverly Drainage Channel behind Beverly High School, which is a Perennial Stream. The parcel is in Riverfront Area, is located in FEMA AE flood zone, is considered Bordering Land Subject Flooding, and is within 100-foot buffer to Inland Bank. Griffin states that the NOI is for the construction of a 2½ story single-family house with associated driveway, porch, deck, walkway, utilities, and landscape improvements.

Griffin shares the site plan including an elevated deck at the back of the house, a paved area to park a car, and a 500-gallon drywell for dwelling runoff. Because the site is Bordering Land Subject to Flooding, the plan is to compensate for flood storage lost from the installation of fill by cutting into the back section of the lot and also adding the flood vents in the basement. Griffin states that the plan has already received a favorable decision from the Zoning Board of Appeals.

The Commission discusses that there is no firm planting plan yet, that whether the deck will be covered is unknown, and that Bill Manuell of Wetlands and Land Management, Inc. delineated the wetland resource areas.

A site visit is scheduled for Saturday, June 10 at 8 a.m.

Redmond: Motion to continue the hearing to the June 27, 2023 meeting. Buchsbaum seconds. Bertoni takes a roll call vote. Motion carries (4-0).

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

4. Reconvene Regular Meeting

5. Requests for Determination of Applicability

6. Requests for Certificates of Compliance

- a. **New: 34 Paine Avenue, DEP File #5-1369** – construct an in-ground pool with cabana and patio – Rock Edge Irrevocable Trust c/o Charles Benevento

Ethan Davis of Dana F. Perkins, Inc. is present on behalf of the applicant and states that all the work has been completed, noting that 200 pollinator plants were planted around the pool area. The 500-gallon drywell was moved eight feet to the north, further away from the wetland resource area. Davis states that the proposed iron fence was not constructed and that the swimming pool was constructed with an automatic pool cover instead, as permitted by the building code.

Spidaliere states that he visited the site with the project applicant's engineer on May 30, 2023 and he observed that the site appears stable and that special conditions have all been complied with.

Squibb: Motion to issue a Complete Certificate of Compliance with perpetual conditions. Redmond seconds. Bertoni takes a roll call vote. Motion carries (4-0).

7. Old/New/Other Business

- a. **Enforcement Matters**

- i. **Cont.: 25 Linden Avenue - Leslie Salter**

Property owner Steve Slocomb is present and states that he had been working with Hancock Associates on the NOI, and with Reasam Landscaping on invasives removal and plantings. The Commission discusses that the invasive plants should be considered on an selective basis and

that they will be hand-pulled. Slocomb agrees to provide an implementation schedule to the Commission before the next meeting.

ii. **Cont. 16 Branch Lane** – 16 Branch Lane, LLC

Frank Postma of EA Engineering is present and states that the majority of the rip-rap has been removed, the vegetation that was removed has been taken offsite, the area has been regraded, the banks have been restored to the pre-excavation condition, the organic soils that were excavated were used for the plantings, a coir log system was installed along the slope, the wall has been restored, and a wetland seed mix was raked into the disturbed areas. Postma states that while the Red Maple and Black Willow were obtained, the full replacement of vegetation has been delayed due to supply issues. The contractor will plant appropriate replacements as soon as possible and Postma will provide the Commission with a status memo at that point.

The Commission discusses extending the deadline by 30 days to July 6, 2023. The property owner or representative are to return to the Commission at their July 18, 2023 meeting to confirm that the work has been completed. The Commission discusses whether enforcing fines will be necessary in the future if the work is not completed by the updated deadline.

Buchsbaum: Motion to amend the Enforcement Order with work completion deadline to be July 6, 2023. Redmond seconds. Bertoni takes a roll call vote. Motion carries (4-0).

iii. **New: 12 Museum Road** – Elaine Crowley

Property owner Elaine Crowley and Engineer George Zambouras are present. Zambouras states that Special Condition #1 requires that the property owner submit a landscaping plan to the Conservation Agent for review prior to planting. Spidaliere issued an Enforcement Order as the OOC expired April 15, 2023 and the planting plan was never submitted to the Conservation Commission. Zambouras and Crowley agree to provide a planting plan to the Agent on or before June 20, 2023 and to return for the June 27, 2023 meeting to receive approval from the Commission on the planting plan.

Buchsbaum: Motion to ratify the Enforcement Order as discussed. Squibb seconds. Bertoni takes a roll call vote. Motion carries (4-0).

b. Potential Violations, If Any

i. **New: 34 Lothrop Street** – Wayne Ferrari

Property owner Wayne Ferrari and Matthew Ulrich of Ulrich Landscape Collaborative are present. Spidaliere states that a neighboring property owner alerted him to unpermitted work happening on the property within Conservation Commission jurisdiction, so he conducted a site visit with the property owner, and he observed the issues were relatively minor in nature.

Ferrari expresses regret that he unknowingly bypassed obtaining clearance from the Commission. Ulrich states that the property grade has not changed, that granite slab steps were installed within the 100-foot buffer zone to Isolated Vegetated Wetland (IVW), and he details the plantings that were planted and that are being planned. The Commission discusses that the steps were transported to the slope via heavy machinery across the property, that a railing will not be installed, and that the resource is shrub swamp IVW.

The Commission discusses that an after-the-fact RDA is appropriate. The Commission offers Ferrari and Ulrich guidance for initiating the RDA process.

c. Expenditure Approvals, If Any
i. Conservation Agent May Mileage Reimbursement

Redmond: Motion to approve the mileage reimbursement totaling \$45.45. Squibb seconds. Bertoni takes a roll call vote. Motion carries (4-0).

8. Orders of Conditions, If Any

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

The Commission discusses the following conditions:

1. All demolished materials, excavated soils, or other related debris shall be immediately removed to an appropriate offsite facility.
2. Storage of demolition equipment shall be located on existing paved areas or outside the resource areas.
3. Erosion controls shall be installed between the work area and the wetland resource, prior to the start of demolition and shall be inspected by the Conservation Agent.
4. Erosion and sedimentation control devices shall be inspected daily during periods of active demolition.
5. During demolition, disturbed soils are to be re-stabilized and re-vegetated as soon as possible.
6. Only clean crushed stone shall be placed on site in the building footprint.
7. The slab foundation is to be broken up and removed from the site.
8. Not less than 3 weather resistant signs or monuments, bearing the following language “Protected Wetland Resource Area - No Disturbance Beyond This Point Per Order of Beverly Conservation Commission” shall be installed equidistant along the edge of the 25-Foot No Disturbance Zone. Said signs/monuments shall be installed such that they are not less than 2 feet and no more than 4 feet above grade to ensure that it is visible in the field.
9. The signs/monuments as described in Special Condition #8 above shall be kept in good repair and replaced as necessary. This condition shall survive in perpetuity beyond the issuance of a Certificate of Compliance.

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

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

The Commissions discusses the following conditions:

1. Any excavated materials/debris shall be removed and properly disposed of offsite.
2. Storage of construction materials and dumpster shall be located on existing paved areas or outside the resource areas.
3. Erosion and sedimentation control devices shall be installed along the edge of the down gradient side of the project area prior to construction as depicted on the approved site plan.
4. Erosion and sedimentation control devices shall be inspected daily during periods of active construction and bi-weekly during the remainder of the construction period.
5. Runoff from the site shall be directed through sedimentation control barriers.
6. During construction, disturbed soils are to be re-stabilized and re-vegetated as soon as possible.
7. The mitigation plants depicted on the approved site plan shall exhibit at least 75% overall survivorship after two growing seasons post installation and shall be verified by the Conservation Agent.
8. Annual monitoring reports of the native plantings outlined in Special Condition #7 above shall be provided to the Conservation Agent at the end of the growing season, for a minimum of two growing seasons.
9. Not less than 3 weather resistant signs or monuments, bearing the following language “Protected Wetland Resource Area - No Disturbance Beyond This Point Per Order of Beverly Conservation Commission” shall be installed equidistant along the edge of the 25-Foot No Disturbance Zone. Said signs/monuments shall be installed such that they are not less than 2 feet and no more than 4 feet above grade to ensure that it is visible in the field.
10. The signs/monuments as described in Special Condition #9 above shall be kept in good repair and replaced as necessary. This condition shall survive in perpetuity beyond the issuance of a Certificate of Compliance.
11. The use of timbers pressure treated with A.C.Q. (Alkaline Copper Quats) or the equivalent is permitted as construction material for the deck and pier. Creosote treated timber is prohibited. Wood preservative must be dry before any treated wood is used in construction.
12. An approved planting plan shall be presented to the Conservation Agent prior to the start of construction, which is to include the removal of Japanese knotweed and a mitigation planting area of 1,082 square feet or as close as is practicable given the lot size.

13. All application of herbicides for Japanese knotweed invasives treatment shall be applied by an applicator licensed by the Massachusetts Department of Agricultural Resources, Pesticide Bureau.
14. Debris shall be removed from the resource areas and within the 25-foot No Disturb Zone.

The Commission discusses encouraging the applicant to obtain a Chapter 91 license if it has not already been obtained.

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

9. Approval of Minutes

a. May 16, 2023

The members review and offer edits to the May 16, 2023 draft meeting minutes.

Buchsbaum: Motion to accept the May 16, 2023 meeting minutes as amended. Squibb seconds. Bertoni takes a roll call vote. Motion carries (4-0).

The Commission discusses that the only member whose term is expiring in 2023 is Bertoni's on June 30, 2023, and the steps to be re-appointed should she choose. The Commission discusses that Redmond's expires on June 30, 2024, and Buchsbaum's and Squibb's expire on June 30, 2025.

10. Adjournment

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

Meeting adjourns at 10:00 p.m.

The next regular meeting of the Conservation Commission is scheduled for Tuesday, June 27, 2023.