

CITY OF BEVERLY
PUBLIC MEETING MINUTES

BOARD OR COMMISSION: Beverly Conservation Commission
SUBCOMMITTEE:
DATE: June 14, 2022
LOCATION: Virtual Meeting Access Only 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 Jones. 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, supplemental information from Cummings Properties, dated June 7, 2022 including letter, soil relocation area, and revised plans dated March 28, 2022

Damien Savoie and Steven Drohosky of Cummings Properties representing the applicant, are present to discuss the request. Savoie describes the scope of work to be done as part of the amendment request including the regrading, reduction in the number of catch basins, and relocating the removed soils to an area on site outside of jurisdictional areas. Savoie reports that the soil removal and relocation will be overseen by Bruce Hoskins, their Licensed Site Professional. Bertoni confirms that Pirrotta reviewed the soil relocation area and asks if the added material will significantly raise the grade. Savoie replies that the soil will be placed in a low-lying area and be stabilized in place. Buchsbaum asks if they will landscape the area and how thick the soil will be spread. Savoie replies that they will maintain the existing landscaping, working around the trees and shrubs that are there. Drohosky adds that the material will be a couple feet deep and the landscaping will be consistent with other areas on the property. Squibb asks about interaction with this project and the recently approved drainage clearing in the area. Drohosky confirms that the projects are not directly related but that the lower pipes do tie into the existing pipes near Shoe Pond. Bertoni asks whether this work has been coordinated with the Beverly Department of Public Services, as it ties into City infrastructure. Savoie confirms that this has been discussed with DPS Commissioner Mike Collins. Bertoni invites comments and

questions from the public. There being no comments from the public and no further questions or comments from the Commission, Buchsbaum moves to close the hearing. Seconded by Jones. Bertoni takes a roll call vote. Motion passes 5-0.

- b. **Cont: 90 Preston Place, DEP File #5-1367** – construction of a pool, spa, landscaping, and associated appurtenances – Jordan Regan

Documents Reviewed: Notice of Intent application by DeRosa Environmental Consultants, dated May 10, 2022 and plans by Morin-Cameron Group and DeRosa Environmental Consulting, revised dated June 14, 2022

Evin Guvendiren of DeRosa Environmental Consulting, representing the property owner, is present to discuss updates to the project proposal. She reports that a DEP file number was issued for the project and that there were no DEP comments. Guvendiren recaps the site walk and describes that feedback from the Commission has been incorporated into the plan, including inclusion of a pervious patio and no disturbance markers. Bertoni confirms the date of the revised plan and asks about plans for dewatering in the event that water is encountered during construction of the pool. Guvendiren explains that they do not expect to hit water, but would use the standard dewatering practices if they do. Bertoni invites questions and comments from the public; there are none. The Commission remarks that the site visit was helpful. Buchsbaum confirms that no pool backwash is anticipated due to use of a cartridge system. There being no further questions or comments, Redmond moves to close the hearing. Seconded by Bertoni. Bertoni takes a roll call vote. Motion passes 5-0.

- c. **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

Documents Reviewed: Notice of Intent application and plans by Dana f. Perkins, dated May 31, 2022

Pirrotta reads the legal notice. Ethan Davis of Dana F. Perkins, Inc, representing the applicant, is present to discuss the proposed project and provides information on the permit history at the site. There was an expired Order of the Conditions (DEP File #5-1223) for which the Commission recently issued a Certificate of Compliance. Davis describes the location of the proposed pool and cabana, as well as the change from location in the previously approved plan which was created prior to the 2018 Ordinance revisions, and that the currently proposed pool is 980 square feet smaller and moved further away from the bank. Bertoni asks about mitigation for the impact of the project and about the amount of new impervious surface. Davis replies that the new impervious surface area will be 1,500 square feet. Bertoni and Davis discuss the work in the 50-Foot No Build Zone, and the scaling back of the project from what was previously approved before the 50-Foot No-Build Zone was implemented. Davis adds that they would be building 250 square feet into the 50-Foot No-Build Zone. Bertoni asks how they will address added runoff and Davis explains there will be a stone infiltration trench along the edges of the patio and that a 500 gallon drywell located outside the 100-Foot Buffer would accommodate pool drawdown. Davis explains that the work area is within open lawn. Bertoni asks about other approvals that may be

needed for the project and Davis confirms that zoning setbacks have been met and they will file for a Building Permit. Bertoni asks about the type of fencing and grading necessary for the project. Davis describes a self-latching gate and fence would be installed in one section and the existing wall/fencing would be kept on the other side. Davis confirms very little grading would be needed and there is existing site access from the driveway and courtyard. Buchsbaum asks about mitigation plantings and encourages the use of pollinator friendly plantings when considering landscaping on the site. Redmond asks about the use of pervious materials rather than concrete and Davis replies that the proposed material would be consistent with other materials on the site. Davis asks about suggested plant types and Buchsbaum suggests blueberry or arrowwood viburnum. Davis agreed to coordinate with the Conservation Agent on a proposed plant list. Bertoni invites comments and questions from the public; there are none. There being no further questions or comments, Redmond moves to close the hearing. Seconded by Buchsbaum. Bertoni takes a roll call vote. Motion passes 5-0.

- d. **New: 973 Hale Street, No DEP File # as of posting** – construct single family home with associated appurtenances and construct garage addition to existing carriage house – Joan Mullen

Documents Reviewed: Notice of Intent application by Rimmer Environmental Consulting, dated May 31, 2022 and plans by D.C. MacRitchie, LLC dated May 31, 2022

Pirrotta reads the legal notice. Mary Rimmer of Rimmer Environmental Consulting and Dan MacRitchie, project engineer, both representing the applicant, are present to discuss the proposed project. Rimmer provides an overview of the proposed project and reports that the subdivision of the lot was recently approved by the Planning Board. Rimmer described the wetland resource areas on the property including a manmade pond on one side, an overflow outlet that does not typically have flow and a saltmarsh at the other side of the site and wetlands behind the carriage house. Rimmer notes that the applicant has also submitted a request for Certificate of Compliance to close out an old Order of Conditions at the site. Bertoni asks whether the access roadway is already existing and Rimmer confirms there is an existing driveway to the main house and that a new driveway would serve the new house. MacRitchie describes the location and size of the new house and that there would be a looped driveway with utility connections. Rimmer notes that there are some unpermitted activities on the site that will need to be addressed, such as the construction of a deck next to the marsh and garden on the bank. The Commission suggests they can review this during a site visit. MacRitchie describes there would be erosion controls surrounding the new house during construction. Bertoni asks if there would be blasting; MacRitchie replies that there is ledge to be removed but is unsure if there would be blasting. Buchsbaum asks where the runoff will be directed, and whether there will be dry wells on the property. MacRitchie replies that flow is toward the marsh and the site is generally well drained, but that they could add subsurface drywells to the plan. Bertoni asks if there would need to be new utilities installed. MacRitchie replies that they have underground electricity proposed, and they are unsure about the sewer line. Bertoni asks if they are requesting to realign the sewer line in this NOI, by connecting it to the line under the roadway. MacRitchie replies that they plan to connect to existing infrastructure.

Bertoni invites comments and questions from the public; there are none. Commissioners schedule a site visit for June 24, 2022, at 8 a.m. Pirrotta points out that the delineation of the wetland resource areas on this plan is different than that shown on a plan provided with a Notice of Intent filing in 2010. There being no further questions or comments, Redmond moves to continue the hearing to the July 12, 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 Redmond. Bertoni takes a roll call vote. Motion passes 5-0.

5. **Requests for Determination of Applicability**

- a. **New: 23 Roderick Avenue** – replace and expand existing deck – Adam & Lauren Costa

Documents Reviewed: Request for Determination of Applicability with associated attachments, dated May 12, 2022

Pirrotta reads the legal notice. Owner Adam Costa and his contractor George Gambill of North Shore Craftsman, are present to discuss the proposed project. Costa describes safety concerns with the current state of the deck and the proposed expansion. He confirms that the work area is within existing lawn and that no tree or vegetation removal is required. Buchsbaum asks about the current size of the deck. Costa replies that it is very small, at approximately 6-feet by 8-feet. Bertoni asks how many footings would be required. Gambill replies that they would install 6 new sonotube footings to support the deck and he also confirms that there would be stairs from the deck to the ground level. Commissioners discuss the placement of crushed stone beneath the deck. Gambill states a preference for no stone beneath the deck and the Commission agrees that there should be enough sunlight that grass would remain in that area. Members discuss potential conditions for the project. There being no further questions, Buchsbaum moves to issue a Negative 3 Determination under the Act and Ordinance, with conditions as described. Seconded by Jones. Bertoni takes a roll call vote. Motion passes 5-0.

- b. **New: 400 Hale Street** – remove and replace existing walkways and patio and construct new patio – Endicott College c/o Rick Gagnon

Documents Reviewed: Request for Determination of Applicability with associated attachments and plans by Meridian Associates, dated May 27, 2022

Pirrotta reads the legal notice. Chris Broyles of Meridian Associates representing the applicant, is present to discuss the proposed project including the areas of walkway and patio replacement and areas of new walkways. Bertoni asks whether the walkways would be pervious and Broyles confirms that the brick is not considered pervious but that there are some gaps and some water can get through, more than would be able to with bituminous pavement. Buchsbaum notes this project seems like an improvement to the existing walkway and Bertoni agrees that it is good to remove the bituminous concrete. Members discuss potential conditions for the project. There

being no further questions or comments, Redmond moves to issue a Negative 3 Determination under the Act and Ordinance, with the conditions as discussed. Seconded by Buchsbaum. Bertoni takes a roll call vote. Motion passes 5-0.

- c. **New: 302 Hale Street** – construct a dormitory and parking area with associated appurtenances – Endicott College c/o Rick Gagnon

Documents Reviewed: Request for Determination of Applicability with associated attachments and plans by Hancock Associates, dated May 31, 2022

Pirrotta reads the legal notice. Charles Wear, project engineer with Hancock Associates representing the applicant, is present to discuss the proposed project. He recaps the Commission's recent approval of the demolition of the dormitories and the Order of Resource Area Delineation of the wetlands at the site. Wear explains that the work is close to, but outside of the wetland buffers. Bertoni asks for more clarification on the limit of work, especially the road and driveway construction near the edge of the 100-Foot No Disturbance Zone. Bertoni states that it seems more appropriate to issue a Negative 3 Determination with conditions, instead of a Negative 4 and 6 as suggested by the applicant, since a small portion of the paving and erosion control installation appears to be within 100 feet of the wetland. She explains that this is a larger construction project with potential to impact the wetland, as opposed to the previous demolition only project approval. Bertoni seeks input from other Commissioners and clarification from the applicant on their proposal and any work within 100 feet of the wetland and vernal pool. Members confirm that issuing a Negative 4 and Negative 6 Determination would not allow them to apply conditions. Wear is eager to cooperate with the Commission and expresses that a Negative 4 and 6 Determination or a Negative 3 Determination would work for the project. Members discuss potential conditions for the project. There being no further questions or comments, Squibb moves to issue a Negative 3 Determination under the Act and Ordinance, with the conditions as discussed. Seconded by Redmond. Bertoni takes a roll call vote. Motion passes 5-0.

- d. **New: 32 Pickman Road** – expand an existing deck – Michael Scotti & Rita Cosgrove

Documents Reviewed: Request for Determination of Applicability with associated attachments, dated May 31, 2022

Pirrotta reads the legal notice. Property owners Michael Scotti and Rita Cosgrove are present to discuss the proposed project to replace and expand their deck. Scotti and Cosgrove confirm there would be an additional 120 square feet of decking and that 6 new footings would be required. No stairs would be constructed and some bushes would need to be relocated. Bertoni confirms that grass or pervious surface will be kept beneath the deck and that the area would not be enclosed. Scotti confirms that the work is for an exterior deck only. Buchsbaum suggests a shade mix below the deck. Squibb confirms the dimensions of the proposed deck. Cosgrove notes there is a dead azalea needs to be replaced and Buchsbaum suggest that the owners consider replacement plantings that are pollinator friendly and that they consider planting blueberry bushes. Members

discuss potential conditions for the project. There being no further questions or comments, Buchsbaum moves to issue a Negative 3 Determination under the Act and Ordinance, with conditions as discussed. Seconded by Redmond. Bertoni takes a roll call vote. Motion passes 5-0.

6. **Requests for Certificates of Compliance**

- a. **New: Various Streets - North Beverly Brook Drainage Project, DEP File #5-968** – City of Beverly

Documents Reviewed: Request for Certificate of Compliance with associated attachments by Fuss & O'Neill, dated June 7, 2022

Pirrotta updates the Commission that project representative submitted a request to continue this agenda item until the next meeting, as they are still awaiting additional information from DEP. Squibb moves to continue this agenda item to the July 12, 2022 meeting. Seconded by Redmond. Bertoni takes a roll call vote. Motion passes 5-0.

- b. **New: 973 Hale Street, DEP File #5-1032** –abandonment of cesspool, connection to City sewer system, debris removal, installation of hot tub, and associated appurtenances – Joan Mullen

Documents Reviewed: Documents Reviewed: Request for Certificate of Compliance with associated attachments by Rimmer Environmental Consulting, dated May 31, 2022, and as built plan by D.C. MacRitchie, LLC dated May 31, 2022

Mary Rimmer of Rimmer Environmental Consulting is present to discuss the request. She summarizes the completed work, including that the cesspool was abandoned and records regarding the installation and field notes from the Conservation Agent during construction are in the file. Bertoni asks if all work was completed and whether the special conditions have been satisfied; Rimmer confirms all work was completed and that there are some additional items reviewed by Pirrotta at the site visit that were not part of the approved plan. There were some materials stored adjacent to the marsh, remaining yard waste debris, as well as an outhouse and raised gardens next to the marsh. Joan Mullen, property owner, confirms that these materials were removed after Pirrotta's site visit. The Commission has already scheduled a site visit to this property relative to the Notice of Intent, and decides to continue this request until after they see the site to make a determination on the issuance of a Certificate of Compliance. Rimmer confirms that the approved work was completed in compliance with the plan. Redmond moves to continue the request to the July 12, 2022 meeting. Seconded by Squibb. Bertoni takes a roll call vote. Motion passes 5-0.

- c. **New: 502 Cabot Street, DEP File #5-1170** – construction of a new middle school with associated appurtenances – City of Beverly c/o Mike Collins

Documents Reviewed: Request for Certificate of Compliance with associated attachments, dated June 7, 2022

There being no representative to speak on behalf of the City who is the applicant in this case, Squibb moves to continue this agenda item to the July 12, 2022 meeting. Seconded by Jones. Bertoni takes a roll call vote. Motion passes 5-0.

Mike Collins, Commissioner of Public Works and Engineering for the City of Beverly, joins the call several minutes later. Bertoni clarifies that this request has already been continued to the next meeting. Collins requests that the Commission review his request this evening and Bertoni asks whether all of the special conditions have been satisfied so that the Commission can entertain the request this evening. Buchsbaum is willing to reopen the discussion and makes a motion to do so. Seconded by Squibb. Bertoni takes a roll call vote. Motion passes 4-1, with Bertoni voting no.

Bertoni asks for clarification on whether the special conditions for the project have been met. Pirrotta and Commissioners read aloud the special conditions and Collins confirms how they have been addressed. Collins reports that the work has been completed for several years and that post construction monitoring reports by PARE Corporation document success of the mitigation plantings. He reports that he was involved in site visits with the contractor and that the work was completed exactly to the plan with no deviations. Buchsbaum moves to issue a complete Certificate of Compliance, with the perpetual conditions as discussed. Bertoni takes a roll call vote. Seconded by Jones. Motion passes 5-0.

- d. **New: 100 Sohier Road, DEP File #5-986** – renovation of existing high school, reconfiguration of parking areas, tennis courts, and associated appurtenances – City of Beverly c/o Mike Collins

Documents Reviewed: Request for Certificate of Compliance with associated attachments, dated June 7, 2022

Mike Collins, Commissioner of Public Services and Engineering for the City of Beverly, summarizes the request and recaps the site walk he conducted with Pirrotta. He explains that the work has been completed for several years and that the project was built per the site plan with no deviations. He notes that there was additional landscaping and more trees were planted than were called for. Pirrotta confirms the site was stable and that she identified the plantings on site with Collins, but could not specifically identify the larch trees that were called out in the special conditions. Buchsbaum asks Pirrotta if all of the conditions have been met, to her knowledge. Pirrotta confirms that they have, based on her understanding, noting that the project has been done for a while now. Members discuss the state of the North Beverly Brook and whether sediments from this site have contributed to issues identified with the need to clean the culverts downstream. Collins describes the separate drainage improvement projects, noting that the High School project did not involve any work in the stream or bank. There being no further questions, Buchsbaum moves to issue a complete Certificate of Compliance with the perpetual conditions as discussed. Seconded by Redmond. Bertoni takes a roll call vote. Motion passes 5-0.

7. **Old/New/Other Business**
 - a. **Enforcement Orders**

i. **Cont.: 5/7/9 Netherton Avenue follow up**
Pirrotta updates the Commission that the owner is on track to complete the restoration work by the due date specified in the latest Enforcement Order. Owner Anthony Gaglione, is present and invites the Commission to take a site visit. Pirrotta provides a summary of the report by Hancock Associates, which was submitted to the Commission, which provides data sheets and narrative as the Commission requested. Bertoni asks whether all of the fill that spilled onto the adjacent property was removed. Members schedule a site visit for June 24, 2022, at 5 p.m. Jones asks about any updates on the issue of the fines. The consensus is that the Commission can discuss the issue with the Assistant City Solicitor. Jones requests that Pirrotta seek more information on this.

b. Minor Project Permits, If Any
i. 95 Hale Street

Pirrotta describes the Minor Project Permit application for the replacement of an existing front porch. The porch is located outside of the 50-Foot No Build Zone and will be replaced within the same footprint. Commissioners have no objections.

c. Cont.: West Beach Corporation & other owners along West Beach, Priority Habitat beach raking

The Commission suggests that this agenda topic be continued to the next meeting in the interest of time due to the lateness of the meeting. Buchsbaum states that he has heard from a Greenbelt representative that the piping plover that was identified at the beach has left the area and that the nest had failed. He recommends that they reach out to the National Heritage and Endangered Species Program to provide some guidance regarding how to work with homeowners to prepare management plans and meet their species preservation goals. Bertoni asks Pirrotta to keep this on the schedule for the next meeting agenda.

d. New: Standley Street Gardens Stormwater System Inspection – Field Assessment Report letter

Pirrotta provides a summary of the letter submitted by Coughlin Environmental and their stormwater reporting received on June 1, 2022. She has also shared the letter and report with the City Engineer and that these reports are part of the association's Long Term Operation and Maintenance Plan, per the Order of Conditions, DEP File #5-1166. The letter asks that the Commission provide a determination on whose responsibility it is to manage the drainage swale of the channel above the headwall, as it is not draining properly. Dan Coughlin, of Coughlin Environmental, and Chris Umana, a member of the homeowner's association, are present to discuss the letter and the monitoring. Coughlin states that the drainage swale is placed very low and that it needs maintenance to drain properly. He asks that the Commission consider a revision to the long-term operation and maintenance plan as there has been very little accumulation of sediment. He believes that a semi-annual plan would be more appropriate rather than four times per year, and it should include the excavation of the outfall pipe (drainage swale). Bertoni states that information is needed from the Engineering Department/Department of Public Services and Coughlin says he will revisit this with the next inspection and maintenance report.

8. Orders of Conditions

i. 181 Elliott Street, DEP File #5-1353

Commissioners recap the project and discuss the issuance of an Amended Order of Conditions for the project. Redmond moves to issue an Amended Order of Conditions under the MA Wetlands Protection Act and Beverly Wetlands Protection Ordinance, noting that the original conditions continue to apply, except that special condition #5 is removed and three additional conditions are added, as discussed. Seconded by Buchsbaum. Bertoni takes a roll call vote. Motion passes 5-0.

ii. 90 Preston Place, DEP File #5-1367

Commissioners recap the project and discuss the issuance of the Order of Conditions for this project. Buchsbaum moves to issue an Order of Conditions under the MA Wetlands Protection Act and the Beverly Wetland Protection Ordinance with the special conditions and standard general and perpetual conditions, as discussed. Seconded by Squibb. Bertoni takes a roll call vote. Motion passes 5-0.

iii. 34 Paine Avenue, DEP File #5-1369

Commissioners recap the project and discuss the issuance of the Order of Conditions for this project. Redmond moves to issue an Order of Conditions under the MA Wetlands Protection Act and Beverly Wetland Protection Ordinance with the special conditions and standard general and perpetual conditions, as discussed. Seconded by Buchsbaum. Bertoni takes a roll call vote. Motion passes 5-0.

9. Approval of Minutes (as available)

a. April 12, 2022

Members review and offer edits to the draft meeting minutes. Buchsbaum moves to approve the minutes of the April 12, 2022 meeting, as amended. Seconded by Jones. Bertoni takes a roll call vote. The motion carries 5-0.

10. Adjournment

Buchsbaum moves to adjourn the meeting at 10:29 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, July 12, 2022.