

**CITY OF BEVERLY
PUBLIC MEETING MINUTES**

BOARD OR COMMISSION: Beverly Conservation Commission
SUBCOMMITTEE:
DATE: June 15, 2021
LOCATION: Beverly Senior Center, 90 Colon Street,
Beverly, MA 01915
MEMBERS PRESENT: Chair Christine Bertoni, Vice Chair Robert Buchsbaum,
David Alden-St. Pierre, Stephanie Herbster, Bill Squibb
MEMBERS ABSENT:
OTHERS PRESENT: Environmental Planner Jenna Pirrotta
RECORDER: Sarah Scott-Nelson

Call to Order

Bertoni calls the meeting to order at 7:01 p.m.

Recess for Public Hearings

Herbster moves to recess for public hearing. Seconded by Squibb. The motion carries 5-0.

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

Cont.: 163 & 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, revised dated May 27, 2021

Pirrotta reads the updated legal notice. Bob Griffin of Griffin Engineering, representing the applicant, reports that the revised plan includes a shared pier serving two residences and notes that the supports for the pier have been spread further apart. Bertoni asks if mooring blocks are necessary or if helical anchors were considered. Griffin explains that the use of mooring blocks is for the safety and stability of the dock. Buchsbaum recalls questions about the location of eelgrass beds offshore from the site and clarifies with Griffin the techniques to install the piles into the ledge. There were no comments from members of the public. There being no further questions or comments, Buchsbaum moved to close the hearing. Seconded by Squibb. The motion carries 5-0.

Cont.: 573 Hale Street, DEP File #5-1333 – repair a stone pier and masonry pathway – Jonathan Loring, Trustee

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

Bob Griffin of Griffin Engineering, representing the applicant, reports that the hearing was continued from the last meeting to allow for a site visit. Griffin notes that the work would be done from a barge by Northshore Marine, and clarifies that one area with current flow-through under the stone pier will also be repaired. In response to Bertoni's question concerning grout, Griffin clarifies that the work is within the scope of the existing Chapter 91 License from 2005. Pirrotta reads a May 18, 2021 comment letter from the Massachusetts Division of Marine Fisheries and Buchsbaum asks about protection of eelgrass near the site. There being no further questions or comments, Squibb moves to close the hearing. Second by Alden-St. Pierre. The motion carries 5-0.

Cont.: 4 McPherson Drive & 1 Dock Lane, DEP File #5-1336 – solar array installation – 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

Dan Voss of Kearsarge Beverly LLC, representing the applicant, notes that at the last meeting the Commission was unable to close the hearing, since a DEP File number had not been issued. Voss reports the project now has a DEP file number and provides a brief recap of the proposed project to install the solar parking canopy array. Bertoni asks about work in the 50-Foot No-Build Zone. Voss clarifies the number of posts and that the arrays are proposed in an already disturbed area, which is existing pavement and a small amount of landscape bed area. There were no comments from members of the public. There being no further questions or comments, Alden-St. Pierre moves to close the hearing. Seconded by Herbster. The motion carries 5-0.

Cont.: 50 Dunham Road, DEP File # 5-1334 – construct an outdoor play area including landscaping, grading, and fence installation – 50 DR, LLC c/o Damien Savoie

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

Damien Savoie of Cummings Properties LLC, representing the applicant, notes that approximately 40 yards of fill will be used for the project that approximately 490 square feet of existing impervious surface area would be removed. Savoie notes that existing trees would remain between the cleared area and the wetland. Buchsbaum asks about the plantings and Savoie notes they are open to suggestions. Bertoni asks about what will be used to hold the mulch in place and Savoie describes that landscape stones will be located at the bottom of the proposed fence. There were no comments from members of the public. There being no further questions or comments, Buchsbaum moves to close the hearing. Seconded by Alden-St. Pierre. The motion carries 5-0.

New: 9 Ober Street, DEP File #5-1337 – Ocean View Realty Trust

Documents Reviewed: Notice of Intent Application and Site Plan by Griffin Engineering, dated May 28, 2021

Pirrotta reads the legal notice. Bob Griffin of Griffin Engineering, representing the applicant, explains the project concerning coastal bank stabilization by filling an existing void in the bank. Griffin clarifies that the work will not result in significant changes and consequently would not disrupt the shellfish population, with the stabilization work occurring above Mean High Water. Bertoni expresses her desire for monitoring on the success of the coir logs proposed for stabilization above the area to be repaired. The Commission schedules a site visit for Thursday, June 24, 2021 at 5:30 p.m. Herbster moves to continue the hearing to the July 13, 2021 meeting. Seconded by Bertoni. The motion carries 5-0.

New: 57 Lothrop Street, DEP File #5-1338 – Joseph & Kathryn DiPietro

Documents Reviewed: Notice of Intent Application and Site Plan by Griffin Engineering, dated June 1, 2021

Pirrotta reads the legal notice. Bob Griffin of Griffin Engineering, representing the applicant, explains the project to perform coastal bank enhancements including platform, stairs, sitting area, and plantings. Bertoni asks about alternatives to planting forsythia and Griffin states that there is some already existing at the site but he could discourage additional forsythia if desired by the Commission. Bertoni asks about the size of the proposed stone and whether larger diameter stones were considered, in support of preventing them from washing away. Griffin describes the use of jute netting to stabilize the slope. The Commission clarifies the debris on site that is to be removed. There were no comments from members of the public. There being no further questions or comments, Alden-St. Pierre moves to close the hearing. Seconded by Herbster. The motion carries 5-0.

New: 55 Thissel Street, DEP File #5-1339 – Jerome & Kristin Kyllingstad

Documents Reviewed: Documents Reviewed: Notice of Intent Application and Site Plan by Griffin Engineering, dated June 1, 2021

Pirrotta reads the legal notice. Bob Griffin of Griffin Engineering, representing the applicant, explains the project to construct in ground pool, gravel parking area, pumped sewer system, and associated appurtenances. Griffin notes that the work will not have any effect on flood storage capacity and clarifies that the pool does not play into the calculations for flood storage capacity. The Commission asks about the intermittent status of the stream and whether there is any Bordering Vegetated Wetlands. The Commission schedules a site visit for Thursday, June 24, 2021 at 6:15 p.m. There were no comments from members of the public. Herbster moves to continue the hearing to the July 13, 2021 meeting. Seconded by Alden-St. Pierre. The motion carries 5-0.

New: 6 Cavendish Square, No DEP File # as of posting – Jeffrey & Megan Williams

Documents Reviewed: Notice of Intent Application by Wetlands and Land Management, dated June 1, 2021, and Site Plan by LeBlanc Survey Associates Inc, dated May 28, 2021

Pirrotta reads the legal notice. Bill Manuell of Wetlands and Land Management, representing the applicant, explains the project to construct an above ground pool, patio, and landscaping, noting that about 47 yards of fill will be brought in to raise the grade of the backyard about 18 inches on the outer edge, with a low boulder wall. Manuell describes the proposed mitigation to control the existing invasive bittersweet growing in the area. Manuell clarifies that the intent of removing the invasive bittersweet is for the area to become naturally vegetated.

Martin Greenstein, 65 Cross Lane, refers to a letter from Manuell to the Commission in response to an Enforcement Order, dated May 27, 2021 regarding vegetation clearing. Greenstein comments that several trees were also removed in this process and expresses his concern about the brook flooding, disturbance of wildlife, and the use of Roundup. Deborah Greenstein, 65 Cross Lane provides similar comments noting her concern regarding the preservation of wildlife habitat and privacy caused by the vegetation removal in the easement. Ken Hartman, 63 Cross Lane, expresses concern with recent vegetation removal and requests that the Commission look at the trees cut down behind the stockade fence on their site visit.

The Commission schedules a site visit for Saturday, June 26, 2021 at 8:00 a.m. Alden-St. Pierre moves to continue the hearing to the July, 13, 2021 meeting. Seconded by Squibb. The motion carries 5-0.

Cont.: 10 Fieldstone Lane, DEP File #5-1335 – Lisa Ambrosino

Documents Reviewed: Notice of Intent Application by LEC Environmental, dated May 4, 2021 and Site Plan by Massachusetts Survey Consultants, revised dated May 27, 2021

Rich Kirby of LEC Environmental, representing the applicant, recaps the project to construct a garage and living space addition and deck. Kirby recalls that the Commission held a site visit and that a revised plan was provided showing the area of the relocated shed and the plant list was corrected. The owner raised recent concern about needing to remove or prune one of the trees on the property and asked that the Commission consider including a condition to allow its removal if necessary. There were no comments from members of the public. There being no further questions or comments, Herbster moves to close the hearing. Seconded by Alden-St. Pierre. The motion carries 5-0.

Reconvene Regular Meeting

Squibb moves to reconvene the regular meeting. Seconded by Herbster. The motion carries 5-0.

Requests for Determination of Applicability

Cont.: 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, revised dated May 26, 2021

Applicant Meghan Jones notes that since the last meeting, LEC Environmental delineated the wetlands and that she added the wetland line to the plan. Jones clarifies that some stones were placed under the deck. Bertoni notes discrepancy between the wetland line from LEC and that provided on the aerial photo with the work area. Commissioners express the need for a better plan showing the work in relation to the wetland and its buffers. Jones expresses the need for more time to provide necessary documentation to the Commission. Alden-St. Pierre moves to continue the hearing to the July, 13, 2021 meeting. Seconded by Squibb. The motion carries 5-0.

New: 4 Fern Street – Christine Malone

Documents Reviewed: Request for Determination of Applicability Application and plan by Oak Consulting Group, dated May 24, 2021

Pirrotta reads the legal notice. Sean Malone of Oak Consulting Group, representing the applicant, explains the project to construct a new farmer's porch. Malone notes that the work is in an area of existing lawn. Malone clarifies that the stream behind the property is intermittent in this area, though perennial elsewhere, per the USGS map. Bertoni reads suggested conditions for the project. Buchsbaum moves to issue a Negative 3 Determination under the Act and Ordinance, with the conditions as discussed. Seconded by Squibb. The motion carries 5-0.

Requests for Certificate of Compliance

Cont.: 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 dated October 27, 2020, As Built plan from Hayes Engineering revised dated May 12, 2021 and Final Drainage Report dated April 2, 2021

Applicant Jeff Rhuda requests a Certificate of Compliance for the completed subdivision work. Rhuda clarifies that there were some outstanding items from when he originally submitted the request and he now has the updated plan and stormwater reporting information. The Planning Board has recently approved the final closeout. In response to Buchsbaum's question, Rhuda notes there is a fence with signs posted "Open Space, Do Not Disturb" to prevent landscapers from mowing the area. Squibb moves to issue a complete Certificate of Compliance with the perpetual conditions as discussed. Seconded by Herbster. The motion carries 5-0.

Cont.: 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 Bocce court has been sodded and that work is complete and requests the Commission issue a complete Certificate

of Compliance. Herbster moves to issue a complete Certificate of Compliance with the perpetual conditions as discussed. Seconded by Squibb. The motion carries 5-0.

Cont.: 16 Fosters Point, DEP File #5-819 – Maintain existing pier and construct gangway and floats in Salt Marsh of Danvers River – 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

Pirrotta notes that the applicant requested to continue to the July 13, 2021 meeting. Herbster moves to continue to the July 13, 2021 meeting. Seconded by Alden-St. Pierre. The motion carries 5-0.

Old/New/Other Business

Minor Modification to Order of Conditions

New: 5 Wedgemere Road, DEP File #5-1297

Documents Reviewed: Request for Minor Modification to the Order of Conditions dated May 28, 2021

Applicant Kirsten Lindeman explains the project for additions to the house, deck, and patio and the recent changes to the plan. Lindeman notes that the addition to the side of the house and the associated walkway will no longer be constructed. There being no further questions or comments, Squibb moves to approve the minor modification to the Order of Conditions as discussed. Seconded by Herbster. The motion carries 5-0.

Enforcement Orders

Cont.: 11/13 Bay View Avenue

Documents Reviewed: Restoration Plan by Griffin Engineering, dated December 21, 2020

Bob Griffin of Griffin Engineering, representing the applicant, notes that he is working on plan revisions based on the Commission site visit, and that the plan should be provided to the Commission before the July 13, 2021 meeting. Buchsbaum moves to issue an updated Enforcement Order with a revised date of submittal for July 6, 2021. Seconded by Herbster. The motion carries 5-0.

Cont.: 128 Boulder Lane

Documents Reviewed: Plan showing approximate work area and wetland buffers, dated April 27, 2021, photos from the applicant dated June 14, 2021

Bertoni recuses herself from the meeting and leaves the room. Owner Gary Corsetti, notes that all work has ceased and that members of the Commission had visited the site, directives had been followed, and requests the Commission lift the Enforcement Order. Corsetti provided a photo of the additional straw wattle that was installed along the roadway. The Commission asks about future plans at the site and Corsetti offered that he hired Griffin Engineering to handle any required filings for a proposed greenhouse at the site. There being no further questions, Squibb moves to lift the Enforcement Order. Seconded by Alden-St. Pierre. The motion carries 4-0.

Cont.: 0 Netherton Avenue

Pirrotta reports that Hancock Associates was retained by the applicant to complete the restoration plan, but that the surveyors are delayed. Buchsbaum moves to issue an updated Enforcement Order with the new date for submittal of the restoration plan by July 27, 2021. Seconded by Squibb. The motion carries 5-0.

62 South Terrace

Bob Griffin of Griffin Engineering, representing the applicant, displays an existing conditions plan and explains the past renovation of the house, noting that work is completed. Griffin clarifies what work was under the approved Order of Conditions and what deviates, noting which items he would recommend to complete. Griffin notes the intertidal area is gravel and that it is unlikely that salt marsh grass would thrive there. He asks that the Commission consider the outstanding items be permitted to be completed under a restoration plan instead of a Notice of Intent. Buchsbaum moves to modify the Enforcement Order to have a restoration plan submitted for the July 13, 2021 meeting deadline. Seconded by Herbster. The motion carries 5-0.

Potential Violations, If Any

91R Hale Street

Buchsbaum describes changes occurring at this site over the years and moves to issue a cease and desist letter to the owners, requesting they appear before the Commission and explain this un-permitted activity. Seconded by Herbster. The motion carries 5-0.

Minor Project Permits, If Any

57 Sonning Road

Pirrotta reports that the project is to replace existing above ground pool, with a smaller one that would be in the same footprint. An RDA was filed in the past for the original installation. The Commission reported no objections.

13 Holly Lane

Pirrotta reports that the project is for the replacement of existing deck same footprint and no expansion. The Commission reported no objections.

161 Hart Street

Pirrotta reports that the project is also for the replacement of existing deck same footprint and no expansion. The Commission reported no objections.

Independence Park

Pirrotta reports Harbor Management Authority is proposing to install a viewing post within the 100 Foot Buffer. The Commission reported no objections.

Other: Discussion or Action Items Related to Commission Business, Correspondence, etc. Received/Issued After Publication of Agenda, If Any

Buchsbaum notes his appointment to the Community Preservation Committee is expiring in July, but that he is willing to continue to serve on the Committee as the Conservation Commission representative. Alden-St. Pierre nominates Buchsbaum to serve as the representative. Seconded by Bertoni. The motion carries 5-0.

Alden-St. Pierre reports that the Open Space and Recreation Committee is interested in submitting a proposal for small scale trail activities, which would outline the guidelines for trail work and which items would not require individual review, provided the conditions are met. The Commission discusses the level of design that would be required and Alden-St. Pierre refers to examples from other communities that could be pulled from. Pirrotta notes that the City would want a department head to submit proposals rather than committees. Bertoni notes using planks to cross wet areas could be a temporary solution while working towards something more permanent, provided the bank is not disturbed.

Approval of Minutes (as available)

March 16, 2021

The Commission reviews the draft minutes and offers edits. Herbster moves to approve the March 16, 2021 minutes as amended. Seconded by Squibb. The motion carries 5-0.

May 18, 2021

The Commission reviews the draft minutes and offers edits. Herbster moves to approve the May 18, 2021 minutes as amended. Seconded by Buchsbaum. The motion carries 5-0.

May 24, 2021

The Commission reviews the draft minutes. Alden-St. Pierre moves to approve the May 24, 2021 minutes as written. Seconded by Squibb. The motion carries 5-0.

Orders of Conditions, If Any

163 & 167 West Street, DEP File #5-1323 – Marc & Heather Hazel

The Commission recalls the project details and discusses suggested conditions. Alden-St. Pierre moves to issue an Order of Conditions under the MA Wetland Protection Act and Beverly Wetland Protection Ordinance as discussed, including the standard general and perpetual conditions. Seconded by Herbster. The motion carries 5-0.

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

The Commission recalls the project details and discusses suggested conditions. Alden-St. Pierre moves to issue an Order of Conditions under the MA Wetland Protection Act and Beverly Wetland Protection Ordinance as discussed, including the standard general and perpetual conditions. Seconded by Herbster. The motion carries 5-0.

4 McPherson Drive & 1 Dock Lane, DEP File #5-1336 – Kearsarge Beverly LLC c/o Andrew Bernstein

The Commission recalls the project details and discusses suggested conditions. Buchsbaum moves to issue an Order of Conditions under the MA Wetland Protection Act and Beverly Wetland Protection Ordinance as discussed, including the standard general and perpetual conditions. Seconded by Squibb. The motion carries 5-0.

10 Fieldstone Lane, DEP File #5-1335 – Lisa Ambrosino

The Commission recalls the project details and discusses suggested conditions. Herbster moves to issue an Order of Conditions under the MA Wetland Protection Act and Beverly Wetland Protection Ordinance as discussed, including the standard general and perpetual conditions. Seconded by Squibb. The motion carries 5-0.

50 Dunham Road, DEP File # 5-1334 – 50 DR, LLC c/o Damien Savoie

The Commission recalls the project details and discusses suggested conditions. Squibb suggests that more than 2 signs be placed since the site has a vernal pool. Bertoni suggests that additional information be provided if the 6th tree needs to be removed. Squibb moves to issue an Order of Conditions under the MA Wetland Protection Act and Beverly Wetland Protection Ordinance as discussed, including the standard general and perpetual conditions. Seconded by Herbster. The motion carries 4-1, with Bertoni voting no.

57 Lothrop Street, DEP File #5-1338 – Joseph & Kathryn DiPietro

The Commission recalls the project details and discusses suggested conditions. Herbster moves to issue an Order of Conditions under the MA Wetland Protection Act and Beverly Wetland Protection Ordinance as discussed, including the standard general and perpetual conditions. Seconded by Alden-St. Pierre. The motion carries 5-0.

Adjournment

Alden-St. Pierre moves to adjourn at 11:06 p.m. Seconded by Herbster. The motion carries 5-0. The next regular meeting of the Conservation Commission is **Tuesday, July 13, 2021 at 7:00 p.m.**