

CITY OF BEVERLY
PUBLIC MEETING MINUTES

BOARD OR COMMISSION: Beverly Conservation Commission
SUBCOMMITTEE:
DATE: July 13, 2021
LOCATION: Beverly City Hall, 3rd Floor Council Chambers,
191 Cabot Street, Beverly, MA 01915
MEMBERS PRESENT: Chair Christine Bertoni, Vice Chair Robert Buchsbaum,
David Alden-St. Pierre, William Squibb
MEMBERS ABSENT:
OTHERS PRESENT: Environmental Planner Jenna Pirrotta
RECORDER: Sarah Scott-Nelson

Bertoni calls the meeting to order at 7:07 p.m.

Recess for Public Hearings

Alden-St. Pierre moves to recess for public hearings. Seconded by Squibb. The motion carries 4-0.

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

Cont.: 9 Ober Street, DEP File #5-1337 – coastal bank stabilization – Ocean View Realty Trust

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

Jesse Blanchette of Griffin Engineering, representing the applicant, recaps the project and notes the Commission held a site walk on June 24, 2021. Bertoni asks about the use of coir logs in the velocity zone. There being no further questions from the Commission nor comments from the public, Buchsbaum moves to close the hearing. Seconded by Alden-St. Pierre. The motion carries 4-0.

Cont.: 55 Thissell Street, DEP File #5-1339 – construct in ground pool, gravel parking, pumped sewer system, and associated appurtenances – Jerome & Kristin Kyllingstad

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

By request of the consultant, Alden-St. Pierre moves to continue the hearing to the August 3, 2021 meeting. Seconded by Buchsbaum. The motion carries 4-0.

Cont.: 6 Cavendish Square, DEP File #5-1340 – construct an above ground pool – Jeffrey & Megan Williams

Documents Reviewed: Notice of Intent Application by Wetlands and Land Management Inc, dated June 1, 2021, and Site Plan by LeBlanc Survey Associates Inc, revised dated July 6, 2021

Bill Manuell of Wetlands & Land Management Inc, representing the applicant, describes the revised plan, with the addition of an infiltration trench to mitigate the impervious surface area associated with the new patio. Manuell notes that the perennial stream originates from a pond near Essex Street and discharges near Dane Street beach. Manuell notes that Accord or Rodeo aquatic herbicide will be applied on the invasive Bittersweet vines. Bertoni suggests that the herbicide application be allowed by the current homeowner only. Buchsbaum asks about follow up monitoring reports of the bittersweet treatment areas.

Bertoni opens the hearing to members of the public. Abutter Martin Greenstein, 65 Cross Lane, expresses concern with the removal of trees and the use of herbicides within the buffer zone. Manuell and Bertoni clarify that the Commission issued an Enforcement Order to the applicant for the tree removal, which is being resolved. Bertoni reads the letter from Manuell dated April 29, 2021, describing the trees that were cut and the monitoring for regrowth. Manuell notes that the cut tree stumps are sprouting as expected and native herbaceous plants are growing. Squibb clarifies that the herbicide will be used only to control the invasive vines. There being no further questions or comments, Alden-St. Pierre moves to close the hearing. Seconded by Buchsbaum. The motion carries 4-0.

New: 13 Pond View Lane, DEP File #5-1341– Erin Beauregard

Documents Reviewed: Notice of Intent Application by Seekamp Environmental Consulting Inc, dated June 8, 2021; “Plan to Accompany Notice of Intent” revised dated July 8, 2021

Pirrotta reads the legal notice. Michael Seekamp of Seekamp Environmental Consulting Inc, representing the applicant, explains the project to create a fenced terraced lawn area. Seekamp explains that the plan has been revised to remove the landscaped wall area and to extend the fence line. The revised plan submitted on July 8, 2021 has the same date as the date included on the original submittal, May 18, 2021. Seekamp describes the location of the wetland which is approximately 30 feet lower than the yard. There will be approximately 600 square feet of grading with about 33 cubic yards of fill added. Bertoni confirms with the consultant that there is no Bordering Land Subject to Flooding on the property. There were no comments from members of the public. There being no further questions or comments, Squibb moves to close the hearing. Seconded by Buchsbaum. The motion carries 4-0.

New: 175 & 179 West Street, No DEP File # as of posting– Schulmeyer 2011 Irrevocable Trust c/o Gerhard Schulmeyer

Documents Reviewed: Notice of Intent Application by Hancock Associates and Demolition & Erosion Control Plan and Site Plan dated June 28, 2021

Pirrotta reads the legal notice. Devin Morse of Hancock Associates, representing the applicant, explains the project involving seawall reconstruction, fence replacement, and landscaping. Morse notes that the applicant is still awaiting a DEP file number. Morse clarifies that the seawall is not a sediment source and it provides storm damage prevention. Charlie Wear, engineer for Hancock Associates notes that the height of the wall will be raised to match that of the abutters and notes that the waves regularly come over the seawall at its current height. Morse confirms that there are no stairs from the seawall going down to the beach and that the applicant will be filing for a Chapter 91 license once an Order of Conditions is issued for the work. Wear confirms the existing wall is in good shape, and that the intent is to raise the height so that waves overtop it less frequently. There are no comments from members of the public and there is no DEP File number. Squibb moves to continue the hearing to the August 3, 2021 meeting. Seconded by Bertoni. The motion carries 4-0.

Reconvene Regular Meeting

Alden-St. Pierre moves to reconvene the regular meeting. Seconded by Squibb. The motion carries 4-0.

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 by Megan and Michael Jones, with associated attachments and plans, revised dated May 26, 2021; 17 Columbia Road GPS sketch plan by LEC Environmental dated July 6, 2021

The Commission appreciates receipt of the revised plan and discusses proposed conditions for the project. Alden-St. Pierre moves to issue a Negative 3 Determination with the conditions as discussed. Seconded by Buchsbaum. The motion carries 4-0.

New: 5 Morgan's Island Road – Ulli Mueller

Documents Reviewed: Request for Determination of Applicability Application by Ulli Mueller, with associated attachments and plans, dated June 4, 2021

Pirrotta reads the legal notice. Applicant Ulli Mueller explains the project including expansion of an existing porch with 3 footings and additional supports for the stairs. Bertoni asks about the location of the flood area and confirms that no trees are proposed for removal. Mueller describes where the wetlands are located and clarifies that he has a FEMA Letter of Map Amendment noting the structures are not in the floodplain. Mueller adds that he plans to include stepping stones below the deck. There being no further questions, Squibb moves to issue a Negative 3 Determination with the conditions as discussed. Seconded by Alden-St. Pierre. The motion carries 4-0.

New: 16 Jewett Road – deck construction – Sebastian Lovasco

Documents Reviewed: Request for Determination of Applicability Application by Sebastian Lovasco, with associated attachments and plans, dated June 23, 2021

Pirrotta reads the legal notice. Dineen Lovasco representing the owner, introduces the project for the construction of a new deck. Craig Tanzella, contractor for the project, describes the plans noting the deck would be located between the 25 Foot No Disturbance Zone and 50-Foot No Build Zone, with no stairs to the lawn. Bertoni clarifies there will be three footings and that there will be spacing between the decking for infiltration. Buchsbaum moves to issue a Negative 3 Determination with the conditions as discussed. Seconded by Alden-St. Pierre. The motion carries 4-0.

New: 40 Haven Way – Janet Grey

Documents Reviewed: Request for Determination of Applicability Application by John Dick, with associated attachments and plans, dated June 23, 2021

Pirrotta reads the legal notice. John Dick, representing the applicant, explains the work including the tree and vegetation that was already removed and the invasives species management and installation of at least 6 native plantings. Dick explains his recommendations for native plantings which should be successful at the site. Bertoni clarifies that no herbicides will be used. There being no further questions, Alden-St. Pierre moves to issue a Negative 2 and 3 Determination with the conditions as discussed. Seconded by Squibb. The motion carries 4-0.

New: 36 Middlebury Lane – Kevin & Jennifer Wagner

Documents Reviewed: Request for Determination of Applicability Application, with associated attachments and plans by Griffin Engineering, dated June 24, 2021

Pirrotta reads the legal notice. Jesse Blanchette of Griffin Engineering, representing the applicant, explains the project to remove the existing deck and construct a screen porch, multi-level deck, and patio. Blanchette notes there is limited earth disturbance and that there will be increased impervious surface from the screen porch and paver patio. In response to Bertoni's question on how the additional runoff will be addressed, Blanchette responds that gutters will be used. The Commission expresses concern with increased runoff near the steep slope. Buchsbaum asks whether a drywell was considered. The Commission schedules a site visit for Saturday, July 17, 2021 at 8:00 a.m. Squibb moves to continue to the August 3, 2021 meeting. Seconded by Alden-St. Pierre. The motion carries 4-0.

New: 85 Sam Fonzo Drive – CM&B, Inc. c/o Len Cubellis

Documents Reviewed: Request for Determination of Applicability Application, with associated attachments and plans from Hancock Associates, dated June 28, 2021

Pirrotta reads the legal notice. Charlie Wear of Hancock Associates, representing the applicant, explains the project to repave the existing parking lot, install fencing, and complete landscaping

improvements. A stockade fence would be attached to the existing guardrail along the edge of the pavement. Bertoni asks whether the catch basins are deep sump basins. Wear believes they are, due to the timing of installation and notes that the catch basins ultimately empty into the wetlands. Bertoni asks about maintenance of the catch basins and suggests they could be cleaned once the silt sacs are removed. Buchsbaum moves to issue a Negative 3 Determination with the conditions as discussed. Seconded by Alden-St. Pierre. The motion carries 4-0.

New: 11 Rezza Road – Kevin & Jennifer Stacey

Documents Reviewed: Request for Determination of Applicability Application by Kevin and Jennifer Stacey, with associated attachments and plans, dated June 29, 2021

Pirrotta reads the legal notice. Applicants Kevin & Jennifer Stacey explain the project involving the demolition and replacement of an existing garage. Jennifer Stacey explains that the garage is currently unusable as the rear side has sunk by two feet and the door no longer opens. The garage will be rebuilt within the current footprint with an additional connection to the house. Bill Manuell of Wetlands & Land Management delineated the stream bank and provided a plan with the location. Bertoni asks about stormwater and the applicants noted they would consider stones at the new roof drip edge. Alden-St. Pierre moves to issue a Negative 3 Determination with the conditions as discussed. Seconded by Squibb. The motion carries 4-0.

Requests for Certificates of Compliance

Cont.: 16 Fosters Point, DEP File #5-819 – maintain existing pier and construct gangway and floats – 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; photos from the owner showing area of removed floats dated July 13, 2021

Pirrotta notes that the current property owner provided photos showing the area of the removed floats and recaps the salt marsh monitoring report. Owner Julie Tsakirgis is in attendance and confirms she had the floats removed. Buchsbaum moves to issue a partial Certificate of Compliance for approval of the work, except for the monitoring of the salt marsh restoration area. Seconded by Alden-St. Pierre. The motion carries 4-0.

New: 11 Cabot Street, DEP File #5-458 – construct fender system and add additional dockage – City of Beverly

Documents Reviewed: Request for Certificate of Compliance from GZA GeoEnvironmental dated June 14, 2021 and As-Built Plan set by Vine Associates dated 2009, 2011, 2012

Luke Taylor of GZA GeoEnvironmental, representing the applicant, explains the project, noting that no work was completed under the Order and the filing has since lapsed. Pirrotta reports she was on site with Sean Ciancarelli of Beverly Engineering Department. Buchsbaum moves to issue an invalid Order of Conditions. Seconded by Bertoni. The motion carries 4-0.

New: 11 Cabot Street, DEP File #5-881 – reconstruct existing building, dock repair, and construct access ramp – City of Beverly

Documents Reviewed: Request for Certificate of Compliance from GZA GeoEnvironmental dated June 14, 2021 and As-Built Plan set by Vine Associates dated 2009, 2011, 2012

Luke Taylor of GZA GeoEnvironmental, representing the applicant, explains the work completed under the Order. Taylor confirms that the proposed concrete ferry float was never built and confirms that the project has met the Special Conditions as noted in the Order. Bertoni requests clarification on whether there is one plan to serve as the as-built. Taylor describes that since the approved work was completed in different phases with separate funding sources throughout the years that there is not one final plan showing all of the completed work. The Order was extended through the Permit Extension Act and formal extensions, allowing multiple years of work. Pirrotta reports she was on site with Sean Ciancarelli of Beverly Engineering Department. Buchsbaum moves to issue a complete Certificate of Compliance with the perpetual conditions 36, 37, and 38. Seconded by Alden-St. Pierre. The motion carries 4-0.

Old/New/Other Business

Enforcement Orders

Cont.: 11/13 Bay View Avenue

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

Pirrotta notes that the consultant was unable to attend the meeting and requested the issue be continued to the next meeting. The Commission expresses concern with the length of time that this issue remains unresolved. Alden-St. Pierre moves to continue to the August 3, 2021 meeting with Pirrotta to submit a letter to the applicant regarding the need for the plan. Seconded by Bertoni. The motion carries 4-0.

Cont.: 29 Foster Street

Documents Reviewed: Enforcement Order response letter with photos, dated June 28, 2021

Owner Chester Walsh notes that he provided the requested plans and photographs for the Commission's review. Walsh explains the work that he completed including replacement of the existing stairs, retaining wall garden, and landscape plantings and discusses the ongoing flooding on the property. He notes he does not use any chemicals for control of Japanese knotweed but he hand-pulls the invasive plants and added mulch, which has been successful. Bertoni recommends that Walsh files an after-the-fact RDA to document and approve the work, so that it does not need to be removed. The Commission agrees and explains the process for Walsh to submit the application. Walsh is unable to attend the August 3, 2021 meeting, and because Walsh has thoroughly explained the work, the Commission agrees that he does not need to be in attendance at the meeting to discuss the RDA.

Cont.: 62 South Terrace

Documents Reviewed: Restoration Site Plan by Griffin Engineering, dated September 15, 2021

Pirrotta notes that the consultant was unable to attend the meeting and requested the issue be continued to the next meeting.

Potential Violations, If Any

91 R Hale Street

Pirrotta reports that the owner received the letter from the Commission and that the owner's attorney requested that this be continued to the August 3, 2021 meeting. The owner has engaged Griffin Engineering to prepare an existing conditions plan to submit to the Commission in order to inform next steps. The plan would likely be available in mid to late August 2021, however there is currently no ongoing work.

183 West Street

Pirrotta reports that there was an anonymous report of concrete being placed on the beach at this location. She will follow up and report any updates to the Commission.

Minor Project Permits, If Any

4 Pasture Road

Pirrotta reports that a Minor Project Permit was issued for replacement of an existing deck outside of the 50-Foot No Build Zone. The Commission reported no objections.

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

18 Meadow Road

Pirrotta reports that the Commission received a copy of the wetland replication completion report. The replication was completed as part of an Administrative Consent Order issued by MassDEP and an Enforcement Order from the Commission to complete required restoration from an expired Order of Conditions (DEP File #5-936).

Expenditure Approvals, If Any

Pirrotta reports on some recent invoices sent to the Commission. Buchsbaum moves to pay the Massachusetts Association of Conservation Commissions \$573 to renew annual Commission membership, \$60 for staff membership, and \$75 for the e-handbooks. Seconded by Alden-St. Pierre. The motion carries 4-0.

Alden-St. Pierre moves to pay the Massachusetts Society of Municipal Conservation Professionals the \$20 annual membership fee. Seconded by Squibb. The motion carries 4-0.

Squibb moves to pay the Ipswich River Watershed Association \$50 for the annual membership fee. Seconded by Buchsbaum. The motion carries 4-0.

Orders of Conditions, If Any

9 Ober Street

The Commission discusses the proposed conditions for the project. Buchsbaum moves to issue an Order of Conditions with the special conditions as discussed including the standard general and perpetual conditions under the MA Wetlands Protection Act and Beverly Wetlands Protection Ordinance. Seconded by Alden-St. Pierre. The motion carries 4-0.

6 Cavendish Square

The Commission discusses the proposed conditions for the project. Alden-St. Pierre moves to issue an Order of Conditions with the special conditions as discussed including the standard general and perpetual conditions under the MA Wetlands Protection Act and Beverly Wetlands Protection Ordinance. Seconded by Buchsbaum. The motion carries 4-0.

13 Pond View Lane

The Commission discusses the proposed conditions for the project. Alden-St. Pierre moves to issue an Order of Conditions with the special conditions as discussed including the standard general and perpetual conditions under the MA Wetlands Protection Act and Beverly Wetlands Protection Ordinance. Seconded by Squibb. The motion carries 4-0.

Approval of Minutes (as available)

April 6, 2021

The Commission reviews the minutes and offers edits. Buchsbaum moves to approve the minutes with the revisions as discussed. Seconded by Squibb. The motion carries 4-0.

April 27, 2021

The Commission reviews the minutes and offers edits. Buchsbaum moves to approve the minutes with the revisions as discussed. Seconded by Alden-St. Pierre. The motion carries 4-0.

June 15, 2021

The Commission reviews the minutes and offers edits. Buchsbaum moves to approve the minutes with the revisions as discussed. Seconded by Alden-St. Pierre. The motion carries 4-0.

Adjournment

Buchsbaum moves to adjourn at 11:03 p.m. Seconded by Alden-St. Pierre. The motion carries 4-0. The next regular meeting of the Conservation Commission is Tuesday, August 3, 2021 at 7:00 p.m. held at Beverly City Hall, 3rd Floor Council Chambers, 191 Cabot Street, Beverly, MA 01915.