

CITY OF BEVERLY
PUBLIC MEETING MINUTES

BOARD OR COMMISSION: Beverly Conservation Commission
SUBCOMMITTEE: N/A
DATE: August 24, 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 (arrives at 8:24pm)
MEMBERS ABSENT:
OTHERS PRESENT: Environmental Planner Jenna Pirrotta, Associate Director of
Planning Chelsea Zakas, Mayor Mike Cahill, Sustainability
Director Erina Keefe
RECORDER: Stacia Chamberlain

1. Bertoni calls the meeting to order at 7:05 p.m.

2. **Recess for Public Hearings**

Alden – St. Pierre moves to recess for public hearings. Seconded by Buchsbaum. The motion carries 3-0.

3. **Notices of Intent/Abbreviated Notices of Intent/Requests for Amended Orders of Conditions**

a. **Continued: 58 West Street, DEP File #5-1343 – replace an existing deck, walkway, and steps, and construct a new patio – Patrick J. Carlucci**

Documents Reviewed: Notice of Intent Application dated July 20, 2021 and Plan of Land to Accompany NOI by Hancock Associates, revised dated August 17, 2021

Devon Morse of Hancock Associates, representing the applicant recaps the proposed project, including the Commission’s site walk on August 9, 2021. Buchsbaum asks for clarification about plantings and lawn near the restoration area. Morse confirms the native plantings selected in the landscape plan and that the Atlantic white cedar was swapped for northern white cedar and that lawn would be located at the bottom of the slope.

There being no further questions or comments from Commissioners or members of the public, Alden-St. Pierre moves to close the hearing. Seconded by Buchsbaum. The motion carries 3-0.

4. **Reconvene Regular Meeting**

Buchsbaum moves to reconvene the regular meeting. Seconded by Alden – St. Pierre. The motion carries 3-0.

5. **Requests for Determination of Applicability**

a. Continued: 36 Middlebury Lane – remove existing deck; construct screen porch, multi-level deck, and patio – Kevin & Jennifer Wagner

Documents Reviewed: Request for Determination of Applicability Application, with associated attachments and plans by Griffin Engineering, revised dated July 27, 2021

Jesse Blanchette of Griffin Engineering, representing the applicant, presents the revised plan and recaps the proposed project including the Commission's site visit on July 17, 2021. He notes the changes include installation of a drywell and the use of river stone in some areas.

There being no further comments or questions, Alden – St. Pierre moves to issue a Negative 3 Determination with the conditions as discussed. Seconded by Buchsbaum. The motion carries 3-0.

b. New: 253 Essex Street –tree removal and landscaping activities – Jonathan Goodwin

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

Pirrotta reads the legal notice.

Applicant Jonathan Goodwin discusses his application, highlighting how the landscape is overrun by poison ivy vines, up to 30 to 40-feet above ground level. His proposal is to remove Norway maple and elm trees, eradicate the poison ivy, and replant the area. Iron Tree would perform the tree removal. Buchsbaum is favorable to replacing the invasive Norway maples with indigenous tree varieties and provides some examples for Goodwin to consider. Bertoni asks how the landscaping will be accomplished, including stages of development. Alden-St. Pierre and Buchsbaum agree with Bertoni that a site visit should be held as there are a lot of trees to be removed, and a relatively large area of grading. Commission members schedule a site visit for Friday, September 27, 2021 at 5pm.

There being no further comments or questions, Alden-St. Pierre moves to continue discussion to the September 14, 2021 meeting. Seconded by Buchsbaum. The motion carries 3-0.

c. New: 12 Jordan Street – above ground pool installation – Krystina Bloise

Documents Reviewed: Request for Determination of Applicability Application, with associated attachments, dated August 10, 2021

Pirrotta reads the legal notice.

Applicant Krystina Bloise discusses her proposal and presents an overview of how land grading and pool installation would be performed. Bertoni points out that the work is within Bordering Land Subject to Flooding and compensatory flood storage should be provided. Bloise comments that several adjacent properties have above ground pools and states that her property is the least vulnerable property in the area for flooding, according to FEMA data. Bertoni recommends a site visit. Bloise believes the property has a FEMA Letter of Map Amendment and may no longer be

within the flood zone. She will try to locate that document and forward it to the Commission. The Commission schedules a site visit for Friday, September 27, 2021 at 5:45pm.

There being no further comments or questions, Alden-St. Pierre moves to continue the discussion to the September 14, 2021 meeting. Seconded by Buchsbaum. The motion carries 3-0.

6. Old/New/Other Business

a. Minor Modification to Order of Conditions

i. Cont: 175 Elliott Street, DEP File #5-1281

Documents Reviewed: Request for Minor Modification to the Order of Conditions and plans by Griffin Engineering including Site Planting Plan, revised dated August 18, 2021

Bob Griffin of Griffin Engineering recaps the proposed modifications to the property. He discusses landscaping and the need for the additional parking spaces. Griffin notes there is significant stormwater management on the property, highlighting the improvement from previous conditions. Bertoni states concern with the need for new paving in order to satisfy funding requirements for solar installation. She states that she feels a condition is necessary regarding avoidance of a precedent for other solar projects and installation of new paving. Bertoni asks when the landscaping will be completed. Keith Mercy of Kaestle Boos Associates, Inc describes how and when the landscaping will be put in, by October 2021. He states that erosion control fabric can be installed to mitigate runoff and movement of seed. Buchsbaum recommends adding a survivorship condition for the landscaping. The Commission discusses implementing the landscaping as soon as practicable and that the paving of parking lot to accommodate solar canopy is unique to this project and should not be a prerequisite for future installations.

There being no further comments or questions, Buchsbaum moves to issue the minor modification, with the conditions as discussed. Alden-St. Pierre seconds. Motion passes 3-0.

b. Enforcement Orders

i. Continued: 62 South Terrace

Documents Reviewed: Restoration Site Plan by Griffin Engineering, revised dated July 28, 2021

Griffin of Griffin Engineering presents the revised plan to bring the site back into compliance with the expired Order of Conditions, DEP File #5-894. The Commission asks about the changes from the previous plan and raises concern with the proposed increase in height of the seawall. Griffin is unsure whether the existing wall has a Chapter 91 license. The Commission would need additional information if the applicant were to raise the seawall. Bertoni asks about the timing for completion and suggests a date of March 15, 2022. The applicant would then be able to seek a Certificate of Compliance for the expired Order.

There being no further comments or questions, Buchsbaum moves to amend the Enforcement Order with the conditions as discussed. Alden-St. Pierre seconds. Motion passes 3-0.

ii. Continued: 6 Cavendish Square

Documents Reviewed: Buffer Zone and Riverfront Area Restoration Monitoring letter, dated August 9, 2021 from Wetlands & Land Management

Owner Jeff Williams, discusses the recent letter from Wetlands & Land Management and ongoing monitoring of the unauthorized cut area. Pirrotta notes that the recently issued Order of Conditions, DEP File #5-1340 also includes follow up monitoring and reporting of this area and agrees with the recommendations in the letter based on recent observations.

There being no further comments or questions, Alden-St. Pierre moves to lift the Enforcement Order. Seconded by Buchsbaum. Motion passes 3-0.

iii. New: 183 West Street

Owner Maura Blundin is attending the meeting in response to the Enforcement Order issued by Pirrotta. She notes that she has retained Griffin Engineering Group to assist her in gaining compliance with the Commission's directives. Blundin recaps the work that was already begun to replace the stone wall and that she did not know she needed approval.

(Squibb arrives at 8:24pm)

The Commission discusses options for compliance in addition to approving future landscaping and septic work that Blundin wants to complete. Bertoni suggests that a Notice of Intent would be appropriate, rather than a restoration plan. Griffin will plan to have the Notice of intent submitted by the end of October 2021.

There being no further comments or questions, Alden-St. Pierre moves to amend the enforcement order as discussed. Seconded by Buchsbaum. Motion passes 4-0.

iv. 181 Elliott Street

Dennis Clarke and Steve Drohosky, representing the Cummings Center, are in attendance in response to the Enforcement Order issued by Pirrotta. Clarke discusses the unauthorized activities including installation of a new drainage structure. Clarke explains the issue of stormwater negatively impacting the Cummings Center property. He reports that recent stormwater from upstream areas has flooded parts of the northern building and parking lots. In order to mitigate flooding and restore drainage into the pond, the Cummings Center staff installed a drainpipe to redirect the flow of water runoff.

Clarke provides details of recent flooding events on the property, highlighting these as ongoing problems. Squibb suggests that the campus drainage system may need to be reworked. Bertoni asks if the work is designed to be temporary; Clarke and Drohosky say that they would like for this to be more permanent stormwater redirection and suggest that they could file a Request for Determination of Applicability to have the Commission approve the work, as they would like to keep the pipe as they work toward a permanent solution. The Commission requests more information including a plan of what is proposed before agreeing on what type of filing may be acceptable and want to hear

from Mass DEP and the City Engineering Department. Although the Enforcement Order called for the applicant to cease from further activities, the Commission discusses allowing work to stabilize the site.

There being no further comments or questions, Alden-St. Pierre moves to amend the Enforcement Order with the conditions as discussed. Seconded by Buchsbaum. Motion passes 4-0.

c. Potential Violations, If Any

i. 91 R Hale Street

Griffin reports that he plans to submit an existing conditions plan for this property to the Commission next week.

d. Tree Removals, If Any

Pirrotta reports there are none for review.

e. Tree Removal Protocol Update

Pirrotta reports there are no updates available.

f. Minor Project Permits, If Any

Pirrotta reports there are none for review.

g. New: Open Space and Recreation Plan update – Chelsea Zakas, Beverly Planning Department

Chelsea Zakas, Beverly Planning Department Associate Planner, gives an overview of the Open Space and Recreation Plan update process. This information is available through a PowerPoint presentation as well. She solicits the Commission for feedback on the draft survey that she is planning to release for public response in a few weeks. The Commission reviews the draft and offers comments.

h. Continued: Beverly Airport – update on Vegetation Management Program – Airport Solutions Group

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

With regards to how the Commission conducts its meetings, Pirrotta says that there are technology concerns with having hybrid meetings. She updates Commission members how other boards and committees have been managing meetings, with either hybrid, virtual, or in-person meetings. The members decide that they will continue to have meetings in-person until further notice.

71 Shortell Avenue, DEP File #5-1288

Pirrotta reports receipt of complaints regarding stormwater and sediment runoff from an active work site, subject to an open Order of Conditions, DEP File #5-1288. Erosion controls have not been effective and Pirrotta visited the site with the City Engineer to review options. Alden-St. Pierre moves to issue an Enforcement Order for the applicant to submit a revised erosion control plan to address the failed erosion controls and stabilize the site until work completion and final stabilization. Buchsbaum seconds. The motion carries 4-0.

j. Expenditure Approvals, If Any

Pirrotta reports receipt of an invoice from Greenbelt. Alden-St. Pierre moves to renew the Commission's annual membership to Greenbelt for \$100. Seconded by Buchsbaum. Motion passes 4-0.

7. Orders of Conditions, If Any

a. 58 West Street, DEP File #5-1343

The Commission recaps the project and discusses suggested conditions. Alden – St. Pierre moves to issue an Order of Conditions under the Massachusetts Wetlands Protection Act and Beverly Wetlands Protection Ordinance that includes the standard general and perpetual conditions, as well as the special conditions as discussed. Seconded by Buchsbaum. The motion carries 3-0-1 with Squibb abstaining.

8. Approval of Minutes (as available)

a. May 13, 2021

The Commission reviews the May 13, 2021 minutes and offers edits. Alden-St. Pierre moves to approve the minutes for May 13, 2021 with the revisions as discussed. Seconded by Buchsbaum. The motion carries 4-0.

9. Adjournment

Buchsbaum moves to adjourn the meeting at 10:02 p.m. Seconded by Alden-St. Pierre. The motion carries 4-0.

**Next Meeting of the Conservation Commission:
Tuesday, September 14, 2021 - Regular Meeting**