

CITY OF BEVERLY
PUBLIC MEETING MINUTES

BOARD OR COMMISSION: City of Beverly Conservation Commission
SUBCOMMITTEE:
DATE: January 31, 2023
LOCATION: Virtual via Google Meet
MEMBERS PRESENT: Chair Christine Bertoni, Vice Chair Robert Buchsbaum,
William Squibb, Meghan Jones, Amber Redmond
MEMBERS ABSENT:
OTHERS PRESENT: City 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.
2. **Motion:** Buchsbaum moves to recess. Seconded by Squibb. Bertoni takes a roll call vote. Motion passes 5-0.
3. **Recess for Public Hearings**
4. **Notices of Intent/Abbreviated Notices of Intent/Requests for Amended Orders of Conditions**
 - a. Cont.: 0 Dodge Street - Norwood Pond, DEP File #5-1381 – construct a pedestrian bridge and bog bridge – City of Beverly Planning Department c/o Darlene Wynne

David Alden-St. Pierre, Chair of the Beverly Open Space and Recreation Committee, and Mary Rimmer of Rimmer Environmental Consulting are present. Alden-St. Pierre updates the Commissioners on the status of the larger and smaller boardwalks. At the site visit it was noted that there is a white pine tree that is compromised at its base, putting the boardwalk at risk. Spidaliere received comments from MassDEP about whether what is being proposed is permissible. Rimmer contacted the reviewer at MassDEP to discuss the comments but has not heard back at the time of this meeting. Rimmer summarizes MassDEP comments regarding the BVW and Bordering Land Subject to Flooding and states that they have not been resolved as of this date. Rimmer advises that the Commission keep the item open to resolve this issue and thus avoid getting a superseding order of conditions from MassDEP.

The Commissioners discuss continuing the item and documenting the removal of the compromised tree.

Motion: Squibb moves to continue the NOI to the February 22, 2023 meeting. Seconded by Redmond. Bertoni takes a roll call vote. Motion passes 5-0.

- b. New: 275 Hale Street, DEP File #5-1380 – reconstruct an existing pool structure and spa, a conservatory and associated landscaping – Jared & Rebecca Bartok

Spidaliere reads the legal notice. Devon Morse, Project Wetland Scientist of Hancock Associates, Rebecca Verner, Landscape Architect of Gregory Lombardi Design, and Miles Connors of Parterre Ecological are present. Morse states that the lot is 2.75 acres and describes the resource areas on the site map. Verner describes the proposed changes to the site and the wetlands impact, including that there will be no change to existing walls, that repairs will be made within the structure of the existing pool, that the existing spa will be shifted slightly, that the deck area will be extended and that there will be a small amount of retaining wall expansion. The paved area around the pool will be reduced and stepping stone pavers will be introduced. The existing water feature will remain in place, with a reduction of the paved area and the introduction of pavers.

The Commissioners discuss the increased pervious surface area, redirecting the pool drainage, and the applicant's proposed mitigation work. Connors presents an overview of the land management plan, including a combined manual hand-pulling and mechanical removal of invasive species, methods to deal with bittersweet, and inventory of native plants.

A site visit is scheduled for February 11, 2023.

Motion: Squibb moves to continue to the February 22, 2023 meeting. Seconded by Redmond. Bertoni takes a roll call vote. Motion passes 5-0.

- c. New: 478 Rantoul Street, Local IVW ANRAD – review and affirm the extent of wetland resource areas delineated – Vincent Orlando

Spidaliere reads the legal notice. Evin Guvendiren of DeRosa Environmental is present on behalf of the applicant. There is no wetland on site, but there is an isolated vegetated wetland (IVW) just outside the parcel. Guvendiren presents the zoning on the site plan, describes the lack of evidence of the area functioning as a vernal pool, and explains that only the local bylaw is applicable in this case as this is an IVW.

The Commissioners discuss there being no anticipated projects planned for the site at this time and whether a site visit is necessary and concluded that a site visit is not necessary.

Motion: Buchsbaum moves to affirm the IVW boundaries as correct. Seconded by Squibb. Bertoni takes a roll call vote. Motion passes 5-0.

- d. New: Longham Road, DEP File #5-1382 – install a raw water meter vault along a section of the Longham raw water supply pipeline on SBWSB property – Salem and Beverly Water Supply Board c/o Alan Taubert, Jr.

Spidaliere reads the legal notice. Juli Marrion Project Engineer with AECOM, Tom Touchet Wetland Scientist with AECOM, Alan Taubert, Jr., Executive Director of the Salem and Beverly Water Supply Board, and Brad Perron Deputy Director of the Salem and Beverly Water Supply Board are present. The proposed project is for the installation of a raw water flow meter vault along the existing water pipeline to totalize the flow being conveyed from Longham Reservoir to Wenham Lake to meet the Board's reporting requirements under its Water Management Act (WMA) permit.

Touchet presents the project site plan, stating that work will take place off Longham Road. Touchet points out two bordering vegetated wetlands in the vicinity of the proposed project. The main project area will be below grade, with only a flow meter vault, concrete panel, two bollards, and a vent at grade. There will be a permanent loss of 33 cubic feet of soil, which will be compensated for by recontouring the southern limits of the bank.

The Commissioners discuss the location and stabilization of the compensatory flood storage.

A site visit is scheduled for February 11, 2023.

Motion: Redmond moves to continue the hearing to the February 22, 2023 meeting. Seconded by Squibb. Bertoni takes a roll call vote. Motion passes 5-0.

- e. New: 400 Hale Street, DEP File #5-1384 – continue previously approved work from DEP File #5-1197, which includes pond management activities such as chemical treatment and hydro-raking to impede eutrophication – Endicott College c/o Rick Gagnon

Spidaliere reads the legal notice. Joseph Orzel, Wetlands Specialist with Lucas Environmental, Rick Gagnon, Director of Facilities at Endicott College, and Naomi Valentine with SWCA Environmental Consultants are present. Orzel presents plans to continue to prevent algal growth of the pond, including the use of hydro-raking.

Commissioners discuss updates in pond management techniques, frequency of water quality sampling, frequency of cleaning out the sumps in the catch basins, the units of measurement used for the chlorophyll readings, and the length of allowable time and number of extensions for this type of long-term project.

Motion: Buchsbaum moves to close the hearing. Seconded by Squibb. Bertoni takes a roll call vote. Motion passes 5-0.

- f. New: 46 Prince Street, DEP File # 5-1383 – install an in-ground pool, patio and landscape improvements, reconstruct driveway and retaining wall and repoint seawall – Aaron & Michelle Galis

Spidaliere reads the legal notice. Bob Griffin of Griffin Engineering and Matt Ulrich of Ulrich Landscaping Collaborative are present on behalf of the applicants. Griffin presents the site plan and shows the location of the proposed pool, the existing failing retaining wall, the driveway, the copper beech tree that needs to be removed, and the landscaping beds. Griffin describes the water drainage management, the repairs to the seawall and retaining wall, erosion controls, and replacement of rosa rigosa with native plantings.

The Commissioners discuss the retaining wall repair plan, the age of the existing wall, whether pervious pavers can be used for the additional parking space, whether there is any treatment option for the beech tree's disease, whether the existing driveway will be torn up, and the construction plan for rerouting the forced main.

A site visit is scheduled for February 11, 2023. The Commissioners discuss the tide cycle on that date.

Motion: Redmond moves to continue the hearing to the February 22, 2023 meeting. Seconded by Squibb. Bertoni takes a roll call vote. Motion passes 5-0.

Motion: Squibb moves to reconvene the regular meeting. Seconded by Buchsbaum. Bertoni takes a roll call vote. Motion passes 5-0.

5. Reconvene Regular Meeting

6. Requests for Determination of Applicability

- a. New: 400 Hale Street – remove and replace the existing turf field at Hampstead Stadium – Endicott College c/o Rick Gagnon

Spidaliere reads the legal notice. David Kelley of Meridian Associates and Rick Gagnon, Director of Facilities at Endicott College, are present. Kelley states that the artificial turf will be removed in strips, the field leveled, and new artificial turf will then be placed on top.

The Commissioners discuss the material makeup of the existing artificial turf and the replacement turf, how the loose rubber pellets will be contained when the turf is removed, that the strips will be promptly removed off site, the drainage of the field, whether additional fill will be needed for leveling, whether there is water quality testing in place for field runoff, the O & M plan for the field, and whether the new turf product contains per/polyfluoroalkyl substances (PFAS). Kelley states the project is scheduled tentatively for May 2023 and that he will provide the information on the PFAS levels to the Commission prior to the start of construction. Spidaliere states that the COC for the original field was issued December of 2013.

Motion: Buchsbaum moves to continue the hearing until the February 22, 2023 meeting. Seconded by Squibb. Bertoni takes a roll call vote. Motion passes 5-0.

7. Old/New/Other Business

a. Requests for Minor Modification to existing Order of Conditions

- i. New: 12 Conway Street, DEP File #5-1379

Bill Manuell of Wetlands and Land Management is present. Manuell presents the site plan and shows the planned work being done on the opposite side of the house from the wetland resource area. The Commissioners discuss whether there was any mitigation on the original Order of Conditions, whether this modification changes the intent of the original project, the demolition of the stairs, the removal of a section of sidewalk, and the overall net increase in pervious surface.

Motion: Buchsbaum moves to approve the squaring off of the building as proposed in this request as a minor modification. Seconded by Squibb. Bertoni takes a roll call vote. Motion passes 5-0.

b. Tree Removal Requests, If Any

- i. New: 86 Corning Street

Derrick Munyon is present and states that the hickory tree on the property is entirely dead as confirmed by Bartlett Tree Services, and that it continues to lose limbs during storms. Spidaliere states that he visited the site and the tree appears to be a lost cause. Munyon states that there is no immediate plan to replace the tree due to the property line issues between his property, the neighbor's, and the City's, and due to its proximity to the wetland. Munyon states that he has been working on removing the ivy on his property over time, and that he has also observed increasing growth of Japanese knotweed in the adjacent wetlands over the years.

Motion: Squibb moves to approve the hickory tree removal request at 86 Corning Street with the standard conditions for hazard tree removal. Seconded by Redmond. Bertoni takes a roll call vote. Motion passes 5-0.

- ii. New: 9 Tall Tree Drive

The applicant for 9 Tall Tree Drive was not present for the meeting, so the tree removal request is continued to the February 22, 2023 meeting.

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

The Commissioners discuss the response letter from the West Beach Corporation, the resident abutter letters that have been sent to the Mayor, and that the piping plover habitat area encompasses more than just the land of the West Beach Corporation. Spidaliere has been working with the City Solicitor on a response. The Commission discusses DEP memos and guidelines that are relevant to the Priority Habitat designation, and that it may be appropriate for the Commission as a whole to meet with the City Solicitor.

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

i. Donation to Cape Ann Vernal Pond Team

Spidaliere states that the donation funding was denied. Spidaliere learned from Darlene Wynne, City of Beverly Director of Planning and Development, that Conservation Commission funds cannot be used for donations.

8. Orders of Conditions, If Any

Motion: Buchsbaum moves to issue an ORAD under the local ordinance only for 478 Rantoul Street. Seconded by Squibb. Bertoni takes a roll call vote. Motion passes 5-0.

Motion: Buchsbaum moves to issue an order of conditions with the conditions as discussed under WPA and local bylaw for 400 Hale Street project for pond management activities, DEP #5-1384. Seconded by Squibb. Bertoni takes a roll call vote. Motion passes 5-0.

9. Approval of Minutes (as available)

a. January 10, 2023

Members review and offer edits to the draft meeting minutes. Redmond moves to approve the minutes of the January 10, 2023 meeting, as amended. Seconded by Jones. Bertoni takes a roll call vote. Motion passes 5-0.

The Commissioners discuss the decades-old Orders of Conditions that are outstanding with the Beverly Municipal Airport, and the best path to proceed.

10. Adjournment

Motion: Seconded by Jones. Bertoni takes a roll call vote. Motion passes 5-0.

Meeting ends at 10:02 p.m.

The next regular meeting of the Conservation Commission is scheduled for February 22, 2023.