

CITY OF BEVERLY
PUBLIC MEETING MINUTES

BOARD OR COMMISSION: City of Beverly Conservation Commission
SUBCOMMITTEE:
DATE: March 14, 2023
LOCATION: Virtual via Google Meet
MEMBERS PRESENT: Chair Christine Bertoni, Vice Chair Robert Buchsbaum,
Amber Redmond
MEMBERS ABSENT: William Squibb
OTHERS PRESENT: Director of Planning & Development Darlene Wynne
RECORDER: Naomi Moca

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.

Redmond: Motion to recess. Buchsbaum seconds. Chair Bertoni takes a roll call vote.
Motion carries (3-0).

2. **Recess for Public Hearings**

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

- a. **Cont.: 43 Haven Way, DEP File #5-1385** – replace a swimming pool, shed, fence, and construct a pergola with associated low retaining wall – Olaf Stelling

Chris Broyles of Meridian Associates is present on behalf of the applicant. Broyles states that Meridian provided an updated site plan to the Commission to include the existing and proposed distances to the brook, the addition of one gate, and the grading area. The members conducted a site visit on March 11, 2023. Broyles states that there will be protection around the septic system to prevent compaction of the area during the construction of the pool.

The Commission discusses the fact that the paver material will be impervious, that the increase in impervious area will total 31 square feet, and that the pool's filtration system will be saltwater.

Buchsbaum: Motion to close the hearing. Redmond seconds. Chair Bertoni takes a roll call vote. Motion carries (3-0).

- b. **Cont.: 39 Crescent Avenue, DEP File #5-1386** – construct an addition, repair existing pier, and make landscape improvements – Jak and Sarah Letien

Bob Griffin of Griffin Engineering is present on behalf of the applicant. The Commission conducted a site visit on March 11, 2023. Griffin outlines the carpentry, utility, and construction work that is planned. Griffin states that the owners plan to move out of the home while the structure is being worked on.

The Commission discusses that the tides will not impact the stairs, the plans to leave the existing pier structure untouched, and the planting plans.

Redmond: Motion to close the hearing. Buchsbaum seconds. Chair Bertoni takes a roll call vote. Motion carries (3-0).

- c. **New: 46 River Street, DEP File #5-1387** – for a natural gas pipeline extension, relief valve, and equipment enclosure project – Boston Gas Company c/o Jaime Walker

Wynne reads the legal notice. Andrew Johnson, Environmental Scientist of LEC Environmental Consultants, Inc. is present on behalf of Boston Gas Company. Johnson summarizes the project, which entails the installation of a 12” diameter low-pressure gas main extension, relief valve, and 8’ x 10’ prefabricated equipment enclosure. Johnson states that the work is planned to take place within Land Subject to Coastal Storm Flowage and the 200-foot Riverfront Area associated with the Bass River. The installation involves excavation of a four-foot-wide trench, which will be backfilled immediately. The disturbed areas will be stabilized with a native seed mix and straw.

The Commission clarifies that the site plan is dated February 22, 2023, that the area is Land Subject to Coastal Flowage, and that the applicant will need to come before the Commission again should blasting become necessary. Johnson confirms that the construction is technically new construction to extend and stabilize the existing line. Johnson describes the area as an unmanicured area of grass, gravelly soil, and scrub brush. The Commission discusses the length of the project taking one to two weeks, that it may be prudent to place erosion controls around the stockpile and excavated material, and that the site, being a Riverfront resource, has almost reached the maximum permissible impervious surface area. The Commission discusses the dimensions of the trench and that as a straightforward project, a site visit is not necessary.

Redmond: Motion to close the hearing. Buchsbaum seconds. Chair Bertoni takes a roll call vote. Motion carries (3-0).

- d. **New: 34 South Terrace, DEP File #5-1389** – construct a fixed pier with associated gangway, floating dock, and stairs – Virginia Wallace

Wynne reads the legal notice. Bob Griffin of Griffin Engineering is present on behalf of the applicant. Griffin states that the applicant filed an NOI for the pier in 2016, but due to various delays, the NOI expired. The parcel of land is approximately 5,000 square feet. Griffin states that the Chapter 91 license, issued in 2018, is still valid. The proposal is to construct a platform to extend the existing pier to provide safe access to the beach and the water. The float and gangway are intended to be seasonal. Griffin shares the site plan and the design of the pier and gangway

and explains the adjustments that were requested in the Division of Marine Fisheries (DMF) letter.

The Commission discusses the concrete anchoring to the exposed ledge, the float stops and pile stops, how the seasonal float detaches for off-season storage, and the fact that not all the members have read the DMF letter yet. The Commission and Griffin agree that extending the pier to the subtidal zone would not be appropriate. The Commission discusses the proposed planting of Spreading Juniper, which is a hardy, salt-tolerant shrub.

The Commission discusses that the previous Order of Conditions includes a condition that the applicant investigate whether helical anchors in place of the proposed concrete anchor block and chains is appropriate.

A site visit is scheduled for March 25, 2023 at 8:00 a.m.

Buchsbaum: Motion to continue to the April 4, 2023. Redmond seconds. Chair Bertoni takes a roll call vote. Motion carries (3-0).

- e. **New: 140 Livingstone Avenue, DEP File #5-1388** – demolish and reconstruct a single-family residence, install an in-ground pool and patio, pool house, driveway, utilities, storm water management features and landscaping – 140 Livingstone, LLC c/o Edward Doherty

Wynne reads the legal notice. Bob Griffin of Griffin Engineering and Natalie Adams, Landscape Architect of Verdant Landscape Architecture, are present on behalf of the applicant. Griffin summarizes the site plan, which includes an existing house structure that will need to be demolished. The proposed project is a new single-family residence with an in-ground pool, patio, pool house, and pervious shell driveway. The resources are Land Subject to Coastal Storm Flowage, Coastal Beach, Coastal Bank, Salt Marsh, 200-foot Riverfront Area associated with the Danvers River, and 25-foot NDZ and 50-foot NBZ to Coastal Bank and Salt Marsh.

Griffin describes the landscaping plan, which includes replacing phragmites with appropriate vegetation, the planned grading of the site and driveway, the garage slab elevation, and the plan for abandoning the existing septic system. Griffin states that for roof runoff, there are two infiltration areas and overflow relief onto the adjacent lawn areas.

The Commission discusses that there will be an overall reduction of impervious surface area. Griffin states that the structures will be farther from the bank than before, and that the riverfront area will benefit from significant planting and habitat improvements. The Commission discusses that there is no requirement for compensatory flood storage. Griffin clarifies that the circular turnaround area of the site plan is comprised of pervious pavers, and the plan is to raise the elevation from 8 feet to 11-12 feet in order to match the grade of the site. Griffin states that the finished project will not affect the movement or flow of the surrounding water. Griffin states that the lot has a gradual grade that will not be steep enough to require sediment controls.

The Commission discusses the plan for suppressing and controlling the phragmites before placing the plantings, and that it is appropriate to include this plan in the NOI. Griffin and the Commission agree that he will provide an analysis, in cooperation with the plan's architect, to attempt to accommodate the placement of the pool house outside the 50-foot No-Build Zone.

The Commission discusses that 28 trees are planned to be planted, and Griffin agrees that he will provide the number of trees planned for removal.

A site visit is scheduled for March 25, 2023 at 8:45 a.m.

Redmond: Motion to continue the hearing to the April 4, 2023. Buchsbaum seconds. Chair Bertoni takes a roll call vote. Motion carries (3-0).

Buchsbaum: Motion to reconvene the regular meeting. Redmond seconds. Chair Bertoni takes a roll call vote. Motion carries (3-0).

4. Reconvene Regular Meeting

5. Requests for Determination of Applicability

- a. Cont.: 55 Ober Street, 145 Livingstone Avenue, 28 Porter Street** – install kayak racks at Lynch Park, Obear Park, and Pleasant View Beach – City of Beverly

David Suminsby of the City of Beverly Harbor Management Authority is present and states that he provided updated maps with buffer zones to the Conservation Agent. Suminsby states that there is no need to cut any vegetation, that the racks do not block pedestrian trails or footpaths, and that the digging will be done by backhoe, not by hand. The base of each rack is constructed by digging a trench that is 18" deep, 19" wide, and six' long, then pouring in concrete. Suminsby states that while the RDA is for more racks, this year only one kayak rack each at Pleasant View Beach and Obear Park and two racks at Lynch Park are planned.

The Commission discusses that the single filing is dealing with three sites, that the footings should be adjusted if any ledge is encountered, and that there should be no blasting. The members and Suminsby agree that a pre-construction site visit with the Conservation Agent is an appropriate condition. The Commission discusses the conditions that excavated soil shall be taken off-site and not deposited into the wetland resource areas or buffer zones, and that clean sand shall be placed back on the beach. The Commission discusses the condition that there shall be monitoring of any impact from foot traffic and kayak or paddle board transport in the areas of wetland resources.

Redmond: Motion to issue Negative 2 and 3 determinations, with the conditions discussed, for kayak racks at the three sites as specified and as shown on the plans provided to the Commission under the State and Local ordinances.

Buchsbaum seconds. Chair Bertoni takes a roll call vote. Motion carries (3-0).

6. Old/New/Other Business

a. Tree Removal Requests, If Any

i. Cont.: 9 Tall Tree Drive – Scott Grenert

Wynne states that Spidaliere conducted a site visit with Dodge Tree Service and observed that a red maple, an ash and a cherry tree were dead and rotting, and that a white pine tree was significantly leaning toward the house. Spidaliere informed Wynne that he agrees that they should be removed. Spidaliere stated to Wynne that the applicant is open to replacement plantings in the future. The Commission discusses encouraging the applicant to discuss replacement plantings with the Agent.

Materials added to the record

- Site visit photos from February 27, 2023

Buchsbaum: Motion to approve the tree removal request at 9 Tall Tree Drive with the condition that the applicant discuss with the Agent replacement plantings with appropriate trees. Redmond seconds. Chair Bertoni takes a roll call vote. Motion carries (3-0).

ii. New: 100 Cross Lane

Lee Curtis of BSC Group and Andrew Cole of National Grid are present. Curtis states that, according to arborists on the N-192 Cable Replacement Project, three oak trees located on Cross Lane were noted to have several significant impact injuries at the base of each tree due to past tragedies, being directly adjacent to the roadway. Curtis states that in addition to the existing damage, the upcoming construction, which includes trenching and manhole vault installation, will likely further damage the root systems. The arborists believe the three trees are not salvageable as they will likely not survive or will be posing a significant safety hazard in the future. All three are adjacent to the road, but still within the 100-foot Buffer Zone. Due to their proximity to the road, full stump removal may be required, in which case fiber rolls or similar could be installed between the tree removal and the adjacent wetland.

The Commission discusses that the standard conditions include flush cutting the stumps to grade. Cole agrees that if it becomes necessary to remove or grind the stumps, the Agent will be consulted, and that the applicant is amenable to a site visit by the Agent if appropriate.

The Commission discusses the following conditions: tree removal shall be conducted via hand tools and/or all heavy equipment shall be operated from paved surfaces only; a spill kit shall be located on site during the work; trees shall be cut flush to grade; removal or grinding of roots or stump is prohibited; if stump removal and/or grinding become necessary, the applicant will contact the Agent; if grinding is necessary, erosion controls shall be employed; all cut materials shall be removed off-site for appropriate disposal.

Redmond: Motion to approve the tree removal request at 100 Cross Lane with the conditions discussed. Buchsbaum seconds. Chair Bertoni takes a roll call vote. Motion carries (3-0).

iii. New: 59 Grover Street – Brett Morgan

Brett Morgan, property owner, is present and states that there is a cluster of seven dead and dying trees at the corner of Independence Circle. Morgan states the cluster, which on his property, is also the location of a bus stop for the Beverly Middle School, so safety is a concern.

The Commission discusses that a number of the trees pose a risk of damaging Morgan's home if they were to fall, and the members discuss with Morgan that he is open to replanting. The Commission discusses that the Austrian Pine is a non-native species, and it is unknown how they came to be planted there. The Commission discusses that there are additional dead trees outside of the 100-foot Buffer Zone that Morgan would like to remove in the future in order to extend the fence. The members encourage Morgan to contact the Agent with a plan for replanting with native species.

The Commission discusses the following conditions: tree removal shall be conducted via hand tools and/or all heavy equipment shall be operated from paved surfaces only; a spill kit shall be located on site during the work; trees shall be cut flush to grade; removal or grinding of roots or stump is prohibited; all cut materials shall be removed off-site for appropriate disposal.

Buchsbaum: Motion to approve the tree removal request at 59 Grover Street with the conditions discussed. Redmond seconds. Chair Bertoni takes a roll call vote. Motion carries (3-0).

iv. New: 10 Fieldstone Lane – Lisa Ambrosino

The applicant is not present. Wynne states that the Red Oak has root rot/heaving, a large amount of dead wood, and is leaning. The White Oak has a rotten trunk and is leaning. The Commission discusses requiring planting two native species to replace the trees being removed as a condition.

Redmond: Motion to approve the tree removal request at 10 Fieldstone Lane with standard conditions and the additional condition that two native trees will be planted to replace the trees that are being removed. Buchsbaum seconds. Chair Bertoni takes a roll call vote. Motion carries (3-0).

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

The Commission discusses the meeting with West Beach residents held March 9, 2023. Wynne states that she is pursuing a meeting with NHESP to follow up on some of the legal questions brought up at the meeting. The Commission discusses the next steps.

f. Expenditure Approvals, If Any

i. New: Conservation Agent February Mileage Reimbursement

Buchsbaum: Motion to approve the mileage reimbursement totaling \$17.42. Redmond seconds. Chair Bertoni takes a roll call vote. Motion carries (3-0).

ii. Conservation Agent MACC Annual Conference Reimbursement

Buchsbaum: Motion to approve the reimbursement totaling \$150.00. Redmond seconds. Chair Bertoni takes a roll call vote. Motion carries (3-0).

iii. Funding a Part-Time Field Assistant

The Commission discusses where the funding for the position would come from, that the number of hours would be 15-19 hours per week, that the salary range would be \$22-30 per hour, and that the position would not be eligible for unionizing or for benefits. Wynne summarizes the history of the position and states that the position would report directly to the Agent. The Commission discusses the potential measurable impact of a Field Assistant in making the Agent's workload more manageable. Wynne states that at this time the Commission's funds are primarily used for reimbursement of mileage and conference registrations. The Commission and Wynne discuss the way other cities handle their funding.

The Commission discusses the need for additional Commission members and strategies for publicizing the open slots.

7. Orders of Conditions, If Any

- a. **Cont.: 43 Haven Way, DEP File #5-1385** – replace a swimming pool, shed, fence, and construct a pergola with associated low retaining wall – Olaf Stelling

The Commission discusses the following conditions:

1. Monitor any erosion caused by construction equipment along the access route to the construction area related to the pool, and all disturbed soils shall be reseeded with an appropriate seed mix.
2. Any excavated materials/debris shall be removed and properly disposed of offsite.
3. Storage of construction materials and dumpster shall be located on existing paved areas or outside the resource areas.
4. Any pool backwash or dewatering shall be directed away from the resource area and into the drywell. This condition shall survive in perpetuity beyond issuance of a Certificate of Compliance.
5. Pool backwash shall not occur within two weeks of chlorination. This condition shall survive in perpetuity beyond issuance of a Certificate of Compliance.
6. Erosion and sedimentation control devices shall be installed along the edge of the down gradient side of the project area prior to construction as depicted on the site plan.
7. The mitigation plants within the landscaped area shall exhibit at least 75% overall survivorship after two growing seasons post installation and shall be verified by the Conservation Administrator.

Buchsbaum: Motion to issue Order of Conditions for 43 Haven Way under the State Act and Local Ordinance as discussed, general and special, including standard perpetual conditions. Redmond seconds. Chair Bertoni takes a roll call vote. Motion carries (3-0).

- b. **Cont.: 39 Crescent Avenue, DEP File #5-1386** – construct an addition, repair existing pier, and make landscape improvements – Jak and Sarah Letien

The Commission discusses the following conditions:

1. Any excavated materials/debris shall be removed and properly disposed of offsite.
2. Storage of construction materials and dumpster shall be located on existing paved areas or outside the resource areas.
3. Erosion and sedimentation control devices shall be installed along the edge of the down gradient side of the project area prior to construction as depicted on the site plan.
4. Erosion and sedimentation control devices shall be inspected daily during periods of active construction and bi-weekly during the remainder of the construction period.
5. Runoff from the site shall be directed through sedimentation control barriers.
6. During construction, disturbed soils are to be re-stabilized and re-vegetated as soon as possible.
7. All construction activities shall be conducted from the landward side of the top of the coastal bank. No heavy construction equipment, vehicles or fill are allowed seaward of the limit of work area shown on the plan of record.
8. All areas disturbed during construction shall be immediately stabilized against erosion and revegetated with appropriate fast-growing erosion control species or local indigenous plants within thirty (30) days of final on-site grading.
9. Prior to commencement of construction and after consultation with the local shellfish officer, any shellfish in the immediate vicinity of the pier shall be moved and replanted in a suitable location approved by the Division of Marine Fisheries [310 CMR 10.34 (6)].
10. The use of timbers pressure treated with A.C.Q.(Alkaline Copper Quats) or the equivalent is permitted as construction material. Creosote treated timber is prohibited. Wood preservative must be dry before any treated wood is used in construction.
11. The mitigation plants shall exhibit at least 75% overall survivorship after two growing seasons post installation and shall be verified by the Conservation Administrator.

Buchsbaum: Motion to issue Order of Conditions as discussed, general and special, including standard perpetual conditions under the State Act and Local Ordinance. Redmond seconds. Chair Bertoni takes a roll call vote. Motion carries (3-0).

- a. **New: 46 River Street, DEP File #5-1387** – for a natural gas pipeline extension, relief valve, and equipment enclosure project – Boston Gas Company c/o Jaime Walker

The Commission discusses the following conditions:

1. Prior to construction, erosion controls shall be installed along the south and west portions of the proposed area of work. The Conservation Agent shall inspect the location of erosion controls.
2. All demolition materials, excavated soils, or other related debris that are not used for backfill shall be immediately removed from the site for appropriate disposal.
3. Stockpiles of soils, aggregate, or any other unconsolidated construction materials permitted by this Order within the 200-foot Riverfront Area shall be covered with tarpaulins when not being worked with. Stockpiles in place for greater than twenty-four (24) hours shall be ringed with an erosion control barrier and covered by properly secured tarpaulins at the close of each workday. Erosion controls shall be inspected daily, and maintained or reinforced if necessary. After any storm event, any accumulated silt adjacent to the barriers shall be removed.
4. Vegetated areas temporarily disturbed by construction activities shall be re-seeded with an appropriate seed mix.
5. During the work, any storage of equipment shall be located on existing paved areas or as close to the street as possible.
6. When mechanical equipment is being used, contractors shall keep hazardous material spill containment kits on-site in case of a release of oil, gasoline, or other toxic substances.

Redmond: Motion to issue Order of Conditions for 46 River Street under the Wetlands Protection Act and Local Ordinance as discussed, general and special, including standard perpetual conditions. Buchsbaum seconds. Chair Bertoni takes a roll call vote. Motion carries (3-0).

8. Approval of Minutes

a. February 22, 2023

Members review and offer edits to the February 22, 2023 draft meeting minutes.

Redmond: Motion to accept the February 22, 2023 meeting minutes as amended. Buchsbaum seconds. Chair Bertoni takes a roll call vote. Motion carries (3-0).

9. Adjournment

Redmond: Motion to adjourn. Buchsbaum seconds. Chair Bertoni takes a roll call vote. Motion carries (3-0).

Meeting ends at 10:30 p.m.

The next regular meeting of the Conservation Commission is scheduled for Tuesday, April 4, 2023.