

**CITY OF BEVERLY
PUBLIC MEETING MINUTES**

BOARD OR COMMISSION:	City of Beverly Conservation Commission
DATE:	January 13, 2026
LOCATION:	Virtual via Google Meet
MEMBERS PRESENT:	Chair Christine Bertoni, Vice Chair Amber Redmond, Tara Duffy, Robert Buchsbaum,
MEMBERS ABSENT:	William Squibb, Grace Charles
STAFF PRESENT:	Field Agent Scott White
STAFF ABSENT:	Conservation Agent David Spidaliere
RECORDER:	Kristan Patenaude

1. Call to Order

Chair Bertoni called the meeting to order at 6:30 p.m. and conducted a roll call. There was a quorum of seated members. Bertoni reads the public notice regarding holding meetings remotely due to COVID-19 provisions.

2. Certificates of Compliance/Minor Modifications/Extensions/Tree Removals/Emergency Certifications

a. Certificates of Compliance

i. New: 110-228 Common Lane, DEP File #5-1405

Kelan Koncewicz, representing the applicant, explained that there was an underground gas line installed underneath the roadway for the length of Common Lane. Erosion controls were installed as part of the project. The trenching work was completed and, afterwards, the Beverly DPW paved Common Lane. An as-built plan was submitted to the Conservation Commission to depict an underground trench installed in the roadway. The Field Agent visited the site to verify completion of the work and that erosion controls were installed. The erosion controls consisted of straw wattles installed on the side of the road. Those were left in place in order for the Beverly DPW to complete the paving work. The erosion controls were cut open and left in place, and the Conservation Commission would like these removed in order to close out the permit.

Bertoni stated that the erosion controls are a mess. The straw wattles were opened up but not fully spread. This was done without final approval from the Agent. White stated that it appears the wattles were chopped up in place. There are small piles of somewhat frozen straw along the street. Bertoni stated that these piles are near a wetland animal crossing and there is also netting leftover. A Certificate of Compliance cannot be issued until this is resolved. An Enforcement Order may also be considered.

Duffy expressed concern that vernal pool animals may begin trying to cross in this area before the straw can be removed. White stated that he does not believe this is a critical issue, based on his observations.

Buchsbaum: Motion to continue this item to February 3, 2026, pending resolution of the mulched straw wattles. Redmond seconds. Bertoni took a roll call vote. Motion carries (4-0).

b. Tree removals.

i. New: 20 Elnew Avenue

It was noted that the owner was not present at the meeting and the Commission agreed to continue the item to a future meeting.

Redmond: Motion to continue this item to February 3, 2026. Duffy seconds. Bertoni took a roll call vote. Motion carries (4-0).

ii. New: 3 Greenwood Avenue

Dori Paras, owner of 3 Greenwood Avenue, there is a dead tree in front of the house, probably over 100' tall. It is leaning towards the power lines and could potentially hit the neighbor's house. A tree company approached her regarding potential removal of the tree.

Buchsbaum asked about a potential replacement tree or shrub.

The Commission reviewed the conditions for hazard tree removal, including:

1. Tree removal shall be conducted via hand tools and/or all heavy equipment shall be operated from paved services only.
2. Tree shall be cut flush to grade, except for the willow stump as discussed.
3. Removal or grinding of the roots or stump is prohibited.
4. All cut material shall be removed for appropriate off-site disposal, unless approved by the Conservation Agent or Commission.
5. A spill kit shall be located on site during the work.
6. A minimum of three wetland shrub plants be planted as mitigation.
7. Owner may be allowed to keep some of the wood as firewood, in further discussion with the Conservation Agent.

Buchsbaum: Motion to approve the tree removal request for one dead white pine at 3 Greenwood Avenue, with the tree removal conditions and that a wetland shrub species be planted nearby. Redmond seconds. Bertoni took a roll call vote. Motion carries (4-0).

3. Recess for Public Hearings

Duffy: Motion to recess for Public Hearings. Buchsbaum seconds. Bertoni took a roll call vote. Motion carries (4-0).

4. Notices of Intent/Abbreviated Notices of Intent/Requests for Amended Orders of Conditions/Abbreviated Notices of Resource Area Delineations

a. Cont: 40 Cliff Street - DEP File #5-1459– to install a gangway and floating dock - Michele and Francis Kershaw.

Michael Paige, consultant for the project, explained that the project site is located along the river, near where the Bass River meets the Danvers River. There is an existing concrete pad on the site. The proposed pier consists of a gangway and floating dock. The structure is not proposed to move any closer to the neighbor. This site has a previous Order of Conditions which is complete. The applicants will submit for a Certificate of Compliance once two growing seasons are complete. The proposal includes a 3' x 40' gangway with floating docks and three piles. The 8' x 30' pier is proposed to be in sections, such as three, 8' x 10' sections. The plan shows two 12" piles by the gangway and one additional pile at the end of the float to stabilize it. By breaking the pier into section, a fourth pile is not necessary. The floats have legs in order to maintain a 30" separation from the bottom of the floats to the coastal beach. The gangway will be hoisted up and the floats removed and stored off-site, seasonally.

Bertoni stated that all construction is proposed to take place seaward of mean high water, to be completed from a barge.

Bertoni asked for any public comments. Maureen Driscoll voiced support for the project.

Redmond: Motion to close the hearing for 40 Cliff Street. Buchsbaum seconds. Bertoni takes a roll call vote. Motion carries (4-0).

**b. New: 33 South Terrace, *No DEP file # as of posting* - construct an addition to
a single-family house – Marcie Sidman & Brian Norris.**

White read the public legal notice.

Michael Paige, consultant for the project, explained that the property is located approximately 90' from mean high water. There are a few single family residences and the South Terrace right of way located between the site and the river. The entire project is located within the riverfront area and there is work proposed within the buffer zone. The project is a one-story 1,000 s.f. addition which will be used as an accessory dwelling unit (ADU). The structure will be located on the east side of the existing structure. As part of the project, an existing bulkhead, landing, stairs, walkway, and patio will be removed, and a new bulkhead will be provided on the partial basement side of the additions. Also, the applicants will provide an infiltration field to capture and infiltrate roof runoff from some portion of the existing structure and from the proposed addition. There are two trees located adjacent to the addition which will be protected. The project proposes three mitigation areas, one along the north boundary line, one on the west side of the site, and one along the foundation. This project meets the performance standards for riverfront area, based on the issuing authority to allow alteration of 5,000 s.f. or 10% of the riverfront area, or whichever is greater. In this case, there is approximately 9,000 s.f. of above ground area on the site, or 93% of the parcel, in the riverfront area. Thus, the 5,000 s.f. requirement is greater and would be applied to the project. The post-development degraded area will be 3,750 s.f.,

which is less than the 5,000 s.f. allowed. The project also satisfies the standard for redevelopment within previously developed area. The project improves the riverfront area by installing native shrubs within the mitigation areas and providing stormwater management. The proposed addition will be no closer to the river than the existing structure. The standard only allows a 10% disturbance, but as the parcel is already over the 10% disturbance, anything further must be mitigated. The current disturbance on the parcel is approximately 2,860 s.f. and the new alterations will increase this by approximately 885 s.f., which requires a 1,770 s.f. mitigation area at a 2:1 ratio. The first mitigation area is located along the north side of the property where there are some existing shrubs. Anything in poor condition will be removed and new shrubs will be installed. The second mitigation area is located along the west side in an existing lawn area. Paige provided a detail of the infiltration field which will allow for a surplus of storage. All proposed work will take place within existing lawn area or within previously disturbed areas. No mature trees will be removed.

Bertoni asked how the coastal bank was established. Paige stated that aerial maps were used to view the seawalls and make this determination.

Redmond asked if the first mitigation area is existing. Paige stated that this is currently a mulched area with some plantings in it. Additional native salt-tolerant plants are proposed to be added. The mulch is proposed to remain.

There was no public comment at this time.

The Commission agreed that a site walk was not needed.

Redmond: Motion to continue the hearing for 33 South Terrace to February 3, 2026, pending issuance of a DEP File #. Duffy seconds. Bertoni takes a roll call vote. Motion carries (4-0).

5. Reconvene Meeting

Buchsbaum: Motion to reconvene the regular meeting. Redmond seconds. Bertoni takes a roll call vote. Motion carries (4-0).

6. Requests for Determination of Applicability

- a. Cont.: 22 Kittridge Street – remove and replace a retaining wall and shed, remove 3 trees, install a new privacy fence and patio, and landscape improvements - Sean Deady**

Stephen Dicicco, representing the applicant, noted that only two Commissioners attended the site walk. The project consists of the rebuilding of a backyard to make it more usable, safe, and family friendly. A grading plan shows that there will not be any major grading except for one area where there is an old two tiered retaining wall. The proposal is to remove the landscape timber wall and rock wall and build a new wall, approximately 4' tall. This would require part of

the area to be filled with new soil. The area between the new wall and the fence would be cleaned up and potentially mulched. An existing shed will be removed, and a proposed new shed would be installed. There will be no machine work close to the riverfront area. The plans also show a new patio, approximately 600 s.f. of permeable pavers. Currently, within the 100' riverfront area, there is 740 s.f. of surface and after the project is completed, this is proposed to increase to 840 s.f. This includes 600 s.f. of low impact material, the permeable pavers. There will be no change within the 100' and 200' riverfront frontage. Currently, 26% of the lot is non-permeable and the proposed changes will increase this to 38% of the lot. This includes buildings, driveways, walkways, and decks. The retaining wall is proposed to be 1.5' wide and is included as part of the non-permeable surfaces. All of the work will occur in existing degraded areas. The proposed fill to be brought in totals approximately 300 s.f., or 60 cubic yards. There will be some light grading of the site, approximately 2"-3". There is an existing sump pump on the site which connects to an existing underground pipe which releases elsewhere on the property. It is active in the spring. If a drywell in that area ever reached capacity, it would overflow into a grass area. The planting plan shows planting beds along the outskirts of the property and at the top of the bank. There is an existing dilapidated fence which is proposed to be removed and replaced.

Bertoni stated that the scope of this project includes work along the bank of the stream, fill, grading, a pervious paver patio, a shed to be removed and reinstalled in a slightly changed location, and landscaping along the bank. This is beyond what the Commission typically conditions under a Request for Determination of Applicability in order to safely protect the resource. This is a small lot and a big project. This rises to the level of a Notice of Intent. An RDA does not provide a way to confirm that all work is completed according to the submitted plan.

Buchsbaum agreed that this should be submitted under a Notice of Intent, due to the fill and comprehensive items proposed. Duffy and Redmond agreed based on the scope as presented.

Buchsbaum: Motion issue a Positive 1 and a Positive 3 for 22 Kittridge Street. Duffy seconds. Bertoni takes a roll call vote. Motion carries (4-0).

b. New: 28 Cliff Street – enclose existing deck and replace footings – Roberta Driscoll

White read the public legal notice.

Roberta Driscoll, owner of 28 Cliff Street, noted that she received ZBA approval for enclosing an existing deck. The proposal is to enclose a deck which can only be used during certain times due to wind. There are a couple of existing footings where the land is sloped which are 10" sonotubes and the Building Inspector stated that an enclosed deck would likely require larger ones. The only disturbance is that a few of the footings will need to be replaced. There are no square footage changes proposed to the deck itself. The deck material will be replaced with tongue and groove decking of a composite material. The deck will be enclosed to become a three season porch.

Bertoni asked about the plan for stormwater in terms of the roof runoff from the new covered deck. Driscoll stated that there are existing gutters on the house and the proposal would be to tie the enclosed deck into that system. Bertoni stated that additional details regarding the gutter system are needed, including the total square footage of the new roof area and a sketch/details of the proposed stormwater runoff system.

Buchsbaum: Motion continue the hearing for 28 Cliff Street to February 3, 2026. Duffy seconds. Bertoni takes a roll call vote. Motion carries (4-0).

7. Enforcement Matters/Potential Violations

a. Enforcement Orders

i. Cont.: 33 Budleigh Avenue

White stated that the Enforcement Order and restoration plan has been carried out on the site.

Buchsbaum: Motion to rescind the Enforcement Order for 33 Budleigh Avenue. Duffy seconds. Bertoni takes a roll call vote. Motion carries (4-0).

ii. Cont.: 10 Tall Tree Drive

Bertoni stated that DEP comments are still pending and this item should be tabled until that time.

Redmond: Motion to table the Enforcement Order for 10 Tall Tree Drive to the February 3, 2026, meeting. Buchsbaum seconds. Bertoni takes a roll call vote. Motion carries (4-0).

8. Other Business

a. Discussion or Action Items Related to Commission Business, Correspondence, etc.

None at this time.

b. Expenditure Approvals

i. Conservation Agent November Mileage

ii. Conservation Field Inspector November Mileage

iii. Conservation Agent December Mileage

iv. Conservation Field Inspector December Mileage

Redmond: Motion to pay the following mileage expenditures: \$8.58; \$18.69; \$13.74; \$29.08. Duffy seconds. Bertoni takes a roll call vote. Motion carries (4-0).

9. Orders of Conditions, If Any

a. 40 Cliff Street - DEP File #5-1459

The Commission reviewed the conditions of approval:

1. A minimum of 2.5 feet between the bottom-most horizontal member of the float and the mud flat surface shall be maintained even with any float foot settling.
2. Should any part of the pier, gangway, or float be damaged, dislodged and/or washed away, the owner shall be responsible for recapturing and collecting said material for proper disposal. This condition shall survive in perpetuity beyond the issuance of a Certificate of Compliance.
3. Watercraft of any kind shall not be allowed to ground out at low tide. This condition shall survive in perpetuity beyond the issuance of a Certificate of Compliance.
4. Personal watercraft shall be stored on the float or pier. This condition shall survive in perpetuity beyond the issuance of a Certificate of Compliance.
5. As described in the NOI, the float shall be placed seasonally and shall be moved and stored outside flood zone for winter storage and before major storm events. The gangway shall be raised seasonally. This condition shall survive in perpetuity beyond the issuance of a Certificate of Compliance.
6. Machinery on the barge is to be inspected prior to entering the work area and repaired promptly if needed. The barge shall be removed from the work area as soon as practicable. The barge is to avoid prop dredging and unnecessary disturbance at all times. The barge shall not ground out.
7. Any demolished materials, excavated soils, or other related debris shall be immediately removed from the site for appropriate disposal.
8. 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.
9. Dredging is neither proposed nor permitted in this filing.

Buchsbaum: Motion to issue an Order of Conditions for 40 Cliff Street - DEP File #5-1459, including general conditions, special conditions, and the perpetual conditions, as noted. Redmond seconds. Bertoni takes a roll call vote. Motion carries (4-0).

10. Approval of Minutes (as available):

a. December 2, 2025

Redmond: Motion to approve the meeting minutes of December 2, 2025, as amended. Duffy seconds. Bertoni takes a roll call vote. Motion carries (4-0).

b. December 22, 2025

Duffy: Motion to approve the meeting minutes of December 22, 2025, as presented. Buchsbaum seconds. Bertoni takes a roll call vote. Motion carries (4-0).

Duffy noted that she has sent her notice of resignation to the Mayor due to a new, upcoming job position. The resignation will take effect on February 25th.

11. Adjourn

Duffy: Motion to adjourn. Redmond seconds. Bertoni takes a roll call vote. Motion carries (4-0).

Meeting adjourns at 8:35 p.m.

Next Regular Meeting of the Conservation Commission: Tuesday, February 3, 2026