

**CITY OF BEVERLY
PUBLIC MEETING MINUTES**

BOARD OR COMMISSION: City of Beverly Conservation Commission
DATE: February 3, 2026
LOCATION: Virtual via Google Meet
MEMBERS PRESENT: Chair Christine Bertoni, Vice Chair Amber Redmond, Tara Duffy, Robert Buchsbaum, William Squibb
MEMBERS ABSENT: Grace Charles
STAFF PRESENT: Conservation Agent David Spidaliere; Field Agent Scott White

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. Tree removals

i. Cont.: 20 Elnew Avenue

Sarah Oo, applicant, stated that the two red maples and one cherry tree are dead and creating concerns for the property line and Norwood Pond walking path. The proposal is to have the trees removed. White confirmed that the trees may damage the existing house or fence if they fall. The trees are approximately 20 yards from the Norwood Pond walking path.

Bertoni noted that the trees are located within the 25' No Disturb Zone.

There was discussion regarding what should be done with the stumps. There was agreement to leave these cut at 10'.

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. The stumps of each tree shall be cut to at least 10' tall for wildlife usage.
3. Removal or grinding of the roots or stump is prohibited.
4. All cut material shall be removed for appropriate off-site disposal.
5. A spill kit shall be located on site during the work.

Redmond: Motion to approve the tree removal request at 20 Elnew Avenue, with the conditions as discussed. Buchsbaum seconds. Bertoni took a roll call vote. Motion carries (5-0).

b. Certificates of Compliance

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

Spidaliere stated that he heard from the applicant that they are still working on a resolution for the erosion control removal with the City of Beverly Engineering Department.

Squibb: Motion to continue this item to February 24, 2026. Buchsbaum seconds. Bertoni took a roll call vote. Motion carries (5-0).

3. Recess for Public Hearings

Redmond: Motion to recess for Public Hearings. Buchsbaum seconds. Bertoni took a roll call vote. Motion carries (5-0).

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

a. Cont.: 33 South Terrace, DEP File #5-1460 - construct an addition to a single-family house – Marcie Sidman & Brian Norris

Bob Griffin, consultant for the project, noted that a DEP File # has been assigned to this NOI.

Bertoni reminded everyone that this is for an addition of an accessory dwelling unit (ADU) to a single-family home in the buffer to Coastal Bank and within Riverfront Area.

There was no public comment at this time. There were no Commissioner questions or comments at this time.

Buchsbaum: Motion to close the hearing for 33 South Terrace DEP File #5-1461. Redmond seconds. Bertoni takes a roll call vote. Motion carries (5-0).

b. New: Offshore Lynch Park, No DEP File # as of posting – plant and monitor Eelgrass offshore of Lynch Park – Alison Frye

Spidaliere read the public legal notice.

Alison Frye, Salem Sound Coast Watch, explained that this is an eelgrass restoration project in Beverly. A grant was received from Restore America's Estuaries to restore eelgrass across four regions in Massachusetts. For the Salem Sound region, Lynch Park in Beverly was selected in order to restore one acre of eelgrass using a seed-based approach. Frye explained that she presented to the Conservation Commission last fall for a pilot restoration project. For the Dane Street Beach and Lynch Park locations, in total just over 50 square meters of eelgrass were restored. Approximately 30 volunteers helped assemble the planting bags over two days. The biodegradable bags are filled with sediment from each location, along with a small scoop of eelgrass seeds harvested from West Beach. The bags were installed via snorkel and planted in checkerboard patterns. The sites were monitored a month after planting, but actual eelgrass

growth will likely not be seen until March 2026. The current proposal is for a larger restoration off Lynch Park of approximately 1 acre this summer and next summer. The group will coordinate with the Harbormaster to ensure that the proposed eelgrass planting method and location are allowed. If not, there is a broadcast method, in which the seeds are sprinkled onto the sediment, which could be used instead. The Division of Marine Fisheries time-of-year restriction letter is in hand, which will be submitted. The MESA memo is still pending.

The Commission discussed potential conditions for approval once a DEP File number is assigned.

There was no public comment at this time.

Squibb: Motion to continue the hearing for Offshore Lynch Park, *No DEP File # as of posting*, to February 24, 2026. Redmond seconds. Bertoni takes a roll call vote. Motion carries (5-0).

- c. **New: 269 Dodge Street, DEP File #5-1461 – raze the driveway, greenhouse, and patio, construct an addition, replace a deck, and install a therapeutic pool, patio, and retaining wall – Pamela Boardway**

Spidaliere read the public legal notice.

Bob Zarelli, architect for the project, explained that the existing building is located very close to the water and within the 50' No Build Zone. Much of the work proposed on the water side of the building is considered minor, such as changes to the siding, windows, and roofing. The deck on the back needs to be rebuilt as it is completely rotted. There is also a request to install a slab to support a therapeutic pool. The pool will be brought to the site on a truck and then plumbed once in place. There is also a request to install a retaining wall to create a more level surface. The driveway, which is currently very close to the water, is proposed to be moved outside of the buffer zone.

Bertoni asked if the project includes a patio and grading in the 25' No Disturb Zone. Zarelli confirmed that this project includes a pervious paver patio. Water currently flows to the lower level of the house through the garage, and the grading is proposed to taper this area away from the house. He noted that the septic system is in place and has been approved. The addition will be a slab on grade.

Maureen Hanley, Norse Environmental Services, reviewed the plan to show the BVW which coincides with the Inland Bank. There is a fairly well defined slope which delineates the Bank and the BVW. Flagging on the site was done on October 27, 2025. Two trees are proposed to be removed.

Bertoni stated that she would like to see additional construction details for the retaining wall and patio and a profile of the proposed permeable patio going through the 25' No Disturb Zone.

Squibb asked if the driveway that services the site comes off Norwood Pond Road. Zarelli stated that this is correct. The proposal is to fill the driveway area, which would require a retaining wall. Approximately 3' of fill will be used. Currently, there is an issue with water running down the driveway and into the garage. Hanley noted that there is a proposed detached garage on the site, outside the buffer zone. The applicant is proposing to remove 3,231 s.f. of impervious area within the buffer zone. Much of that area is the existing driveway.

Bertoni asked if work can be moved outside the 25' No Disturb Zone. It appears a corner of the permeable patio encroaches slightly and leads to the removal of the two trees. Zarelli confirmed that he will look into changing the layout around the 25' No Disturb Zone.

Hanley explained that the location for the proposed permeable patio is currently existing lawn area and that many people treat their lawn with fertilizers. If the permeable patio is approved, it would eliminate the lawn area and allow rainwater to infiltrate through. This would help to reduce the phosphorus and nitrogen running into the pond. In addition, if the driveway is approved to be removed and restored to lawn area, any runoff from the driveway would be eliminated. The intention with the project was to improve the overall site relative to the 100' buffer zone.

Squibb suggested moving the location for the proposed pool closer to the existing garage. The applicant is proposing to install a retaining wall and backfill the area around the existing garage. It may be possible to move the pool around the corner to save some excavation. Zarelli noted that the pool is proposed to sit on grade.

The Commission agreed to hold a site visit on February 14, 2026, at 9AM, with other Commissioners to potentially visit the site on a different date.

There was no public comment at this time.

Buchsbaum: Motion to continue the hearing for 269 Dodge Street, DEP File #5-1461, to February 24, 2026. Squibb seconds. Bertoni takes a roll call vote. Motion carries (5-0).

5. Reconvene Meeting

Duffy: Motion to reconvene the regular meeting. Redmond seconds. Bertoni takes a roll call vote. Motion carries (5-0).

6. Requests for Determination of Applicability

a. Cont.: 28 Cliff Street – enclose existing deck and replace footings – Roberta Driscoll

Roberta Driscoll, owner of 28 Cliff Street, explained that she submitted a drawing showing that the new roof runoff could be fed directly into the existing downspouts. The existing system

contains a dry well. She noted that the new area is proposed to be approximately 300 s.f. This represents approximately 21% of the existing house square footage. The area underneath the deck is used for storage of kayaks and bikes.

The Commission reviewed the draft conditions of approval:

1. All excavated soils or other related debris shall be stored or stockpiled outside jurisdictional resource and buffer zone areas, if not immediately removed from the site and shall be appropriately disposed of off-site.
2. All areas disturbed during construction shall be immediately stabilized against erosion and revegetated with appropriate fast growing erosion control species or native plants within thirty (30) days after construction is complete.
3. Storage of construction materials shall be located on existing paved areas or outside the resource and buffer areas.
4. Erosion and sedimentation control devices shall be installed between the project area and Coastal Bank prior to construction.

Buchsbaum: Motion to issue a Negative 2 & 3 Determination of Applicability for 28 Cliff Street with conditions as discussed. Duffy seconds. Bertoni takes a roll call vote. Motion carries (5-0).

b. New: 412 Hale Street – construct additions and reconfigure walkways – Landmark School c/o Joe Dubinski

Spidaliere read the public legal notice.

Paul Avery, consultant for the applicant, explained that the bottom two parts of the main house were constructed at a different time than the upper two parts. These are at different floor elevations and there is no connection between the two. There is a wetland resource area on the campus, and an intermittent stream associated with it. The extent of the bank area was delineated by Wetlands & Land Management. The 25' No Disturb Zone is quite disturbed and is occupied by a portion of the main hall building. The 50' No Build extends halfway through the building and includes some of the entrance areas. Almost all of the building is within the 100' buffer zone. There are no internal stairways within the building; the only way to access the second floor is by the external stairways. The proposed renovations to the building look to enclose those stairways in order to access both the first and second floors from a single entrance to the building. The west side of the building shows egresses at different elevations and two metal fire escapes. The intermittent stream works its way through this area. There is an existing lawn area that is maintained and mowed. The water course then disappears into the rocks at the face of the parking lot. Due to the existing series of convoluted walkways, creating multiple points of access, the intention is to construct two additions to create a single entry into the building. An egress off the north of the building is being removed, while the metal fire escapes will remain. The work for the two additions is downgradient from the intermittent stream. The gutter system on the east side of the building will continue to be utilized. These feed into a pipe system which connects to the on-site drainage system. There are no gutters on the west side of the building. The project proposes an increase in roof area from with the two additions at 161 s.f. each,

representing a total of rooftop area increase of 322 s.f. This will be offset by simplifying and consolidating the paved walkways. The pavement areas will be reduced by 756 s.f. The project represents a reduction in impervious area of 434 s.f overall.

Bertoni asked if there are two new concrete pads shown on the plans. Avery explained that one structure is on the left is an existing metal fire escape and the proposal is to install a pad on the bottom of it. The other is a new egress from the first floor which also has a pad proposed. He omitted these from the description of work but these are included in the impervious surface calculations.

Buchsbaum asked if this would be more appropriate for a Notice of Intent. Avery stated that the non-disturbance zones are already disturbed and a majority of the proposed work is downgradient and separated from the resource area by the building, that the impervious area on the site will be reduced overall, that a stormwater management system on the site would be quite difficult due to ledge, and that a Notice of Intent filing may not lead to a different outcome. Bertoni explained that a Notice of Intent would allow the Commission a way to check and make sure that the work complete matches the plan.

Bertoni suggested a preconstruction site visit to inspect the erosion controls.

The Commission discussed various potential conditions of approval.

1. All excavated soils or other related debris shall be stored or stockpiled outside jurisdictional resource and buffer zone areas, if not immediately removed from the site and shall be appropriately disposed of off-site.
2. 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 after construction is complete.
3. Storage of construction materials shall be located on existing paved areas or outside the resource areas.
4. Erosion and sedimentation control devices shall be installed between the project area and resource areas prior to construction, as depicted on the approved site plan.
5. A preconstruction site visit shall be scheduled with the Conservation Agent prior to the start of work.
6. A landscaping plan shall be submitted to the Conservation Agent prior to the start of work.
7. An as-built plan shall be filed with the Conservation Agent after the completion of the project.

Buchsbaum: Motion to issue a Negative 3 Determination of Applicability for 412 Hale Street with conditions as discussed. Squibb seconds. Bertoni takes a roll call vote. Motion carries (5-0).

7. Enforcement Matters/Potential Violations

a. Enforcement Orders

i. Cont.: 10 Tall Tree Drive

The Commission reviewed a letter from MassDEP. Spidaliere stated that it appears they have suspended review in order to research existing noncompliance items on the site. There is nothing that can be done with this until the State makes a final determination.

Redmond: Motion to table the Enforcement Order for 10 Tall Tree Drive to the February 24, 2026, meeting. Buchsbaum seconds. Bertoni takes a roll call vote. Motion carries (5-0).

8. Other Business

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

None at this time.

b. Expenditure Approvals, if any

None at this time.

9. Orders of Conditions, If Any

a. 33 South Terrace, DEP File #5-1460

The Commission reviewed proposed special conditions for approval.

1. Any excavated materials/debris shall be removed and properly disposed of offsite.
2. Storage of construction materials shall be located on existing paved areas or outside the resource areas.
3. All areas disturbed during construction shall be immediately stabilized against erosion and revegetated with non-invasive fast growing erosion control species or local indigenous plants within thirty (30) days of final on-site grading.
4. 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 approved site plan.
5. The mitigation plantings shall exhibit at least 75% overall survivorship after two growing seasons post installation and shall be verified by the Conservation Agent.
6. Further alteration within the mitigation area is prohibited, except as may be required to maintain the area in its mitigated condition. This condition shall survive in perpetuity beyond the issuance of a Certificate of Compliance.
7. Prior to that start of construction, a mitigation planting plan shall be submitted to the Conservation Agent for approval.

Redmond: Motion to issue an Order of Conditions for 33 South Terrace, DEP File #5-1460, under the Wetlands Protection Act and the local Wetlands Ordinance, with the special conditions as discussed, and the general and perpetual conditions. Buchsbaum seconds. Bertoni takes a roll call vote. Motion carries (5-0).

10. Approval of Minutes (as available):

a. January 13, 2026

Redmond: Motion to approve the meeting minutes for January 13, 2026, as amended. Duffy seconds. Bertoni takes a roll call vote. Motion carries (5-0).

11. Adjourn

Redmond: Motion to adjourn. Buchsbaum seconds. Bertoni takes a roll call vote. Motion carries (5-0).

Meeting adjourns at 8:38 p.m.

Next Regular Meeting of the Conservation Commission: Tuesday, February 24, 2026