

**CITY OF BEVERLY
PUBLIC MEETING MINUTES**

BOARD OR COMMISSION: City of Beverly Conservation Commission
DATE: March 18, 2026
LOCATION: Virtual via Google Meet
MEMBERS PRESENT: Chair Christine Bertoni, Vice Chair Amber Redmond,
Robert Buchsbaum, William Squibb
MEMBERS ABSENT: Tara Duffy, Grace Charles
STAFF PRESENT: Conservation Agent David Spidaliere; Recording Secretary
Kristan Patenaude
STAFF ABSENT: Field Inspector 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. Certificates of Compliance

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

Spidaliere explained that coordination between the City Engineering Department and National Grid is still ongoing.

Redmond: Motion to continue this item to April 7, 2026. Squibb seconds. Bertoni took a roll call vote. Motion carries (4-0).

ii. New: 176 Colon Street, DEP File #5-824

Ed Myers, 176 Colon Street, explained that the Order of Conditions (OOC) was dated October 15, 2003, and the work was completed in the summer of 2004. He apologized for not requesting the Certificate of Compliance (COC) earlier when the work was completed. The project was designed for two phases. The first phase was to add a new room and porch at the far end of the house. Phase 2 was to add a new raised terrace patio in front of the house and to repave an existing driveway using concrete pavers. He and his wife decided to complete the patio on the driveway portion of the project, but the room addition was never started. As they significantly reduced the magnitude of the project and an OOC was issued without a stamped plan, he requested that the Commission waive items #2 and #3 of condition #41 which require a letter from a registered professional engineer certifying post-construction compliance with the order and a stamped as-built plan. There have been no erosion issues on the site. The required erosion controls were in place while the patio and driveway were being built.

There was discussion regarding perpetual conditions #46-49.

Redmond: Motion to issue a Certificate of Compliance for the driveway resurfacing and the terrace/patio work, with the perpetual conditions #46-49, and to waive sections #2 and #3 of condition #41. Buchsbaum seconds. Bertoni took a roll call vote. Motion carries (4-0).

b. Minor Modifications

i. New: 41 Lothrop Street, DEP File #5-1455

Lisa Chandler, City Engineer, stated that, since this project was initially approved, she went before Community Preservation Committee (CPC) to obtain funding to build the improvements for the memorial at Lothrop Street. The improvements include a street level plaza, including a widened sidewalk and some signage information regarding the historical relevance of the park itself. The CPC specifically requested adding an ADA compliant walkway spur to the existing walkway that leads to the memorial. The proposal requires approximately 368 s.f. of disturbance within the 100' buffer zone. In terms of materials, the preference is for asphalt as it would be easier for both maintenance purposes and its ability to remain ADA compliant over time. The rest of the project, which was already approved, remains the same. The hope is to start this project next month with a goal for the entire project to be completed by the end of June. This is a stipulation of the funding sources.

In response to a question from Squibb, Chandler explained that the existing walkway is blacktop. The small area that needs to be reconstructed to make the ADA compliant walkway will be redone in blacktop.

Bertoni asked if there has been public comment for the proposal. Chandler explained that there was public comment during the CPC filing process. Buchsbaum noted that the CPC did not hear any objections about the ADA compliance part of the project. The existing bushes will be trimmed so that the monument is more easily seen. Landscaping will be done around the new staircase.

There was discussion regarding snow clearing of the ADA section of the walkway in order to access the monument. Chandler stated that, if the City were to maintain it, it would use a standard snowblower. She noted that none of the walkways within the City's parks are currently cleared of snow by the City. Spidaliere noted that there is a perpetual condition that no salt be used within the 100' buffer zone.

Redmond: Motion to approve the Minor Modification for the additional asphalt ADA-compliant walkway for DEP File #5-1455 under the local ordinance. Buchsbaum seconds. Bertoni took a roll call vote. Motion carries (4-0).

3. Recess for Public Hearings

Squibb: Motion to recess for Public Hearings. Redmond 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.: 269 Dodge Street, DEP File #5-1461 – raze the driveway, greenhouse, and patio, construct an addition, replace a deck, install a therapeutic pool, patio, and retaining wall – Pamela Boardway

Robert Zarelli, architect for the project, stated that the changes made to the plan should represent the interests of the environment, as well as the expectations of the customer. There was a narrative submitted by Norse Environmental Services which reviews all the aspects of the job, including a cross section of the front side of the house down to the pond. The roof runoff will flow into the chambers which will then disperse it.

Bertoni explained that the Commission was curious about the process of delineating a coastal bank versus an inland bank. The environmental consultant provided a good explanation.

The plans pull the patio 1' from the 25' No Disturb Zone (NDZ). The timber steps down to the dock are proposed to be replaced with granite, and this is within the 25' NDZ.

Bertoni asked if a material stockpile shown on the plan is needed in the 100' buffer. Zarelli stated that he would eliminate this.

There was no public comment.

Redmond: Motion to close the hearing for 269 Dodge Street, DEP File #5-1461. Buchsbaum seconds. Bertoni takes a roll call vote. Motion carries (4-0).

b. New: 28 Porter Street – Gillis Park, DEP File #5-1463 – reconstruction of basketball court and addition of a pavilion and pathway – City of Beverly

Spidaliere read the public legal notice.

Caitlin White, Hancock Associates, explained that the site is currently developed as a public park. The resource areas on site include Coastal Bank and Riverfront Area. The scope of work includes the conversion of an existing basketball court into a half court with a pavilion area. This represents a reduction of impervious area. Three trees are proposed to be planted on the site. Outside the buffer zone, the applicant is proposing a new patio paver entrance with a seating wall, flagpole, and an ADA compliant ramp. Erosion controls are proposed and a limit of work is shown on the plan. The entire half court and pavilion area will be located within the footprint of the existing full basketball court. There are no new structures proposed within the 50' No Build Zone. The project will adhere to the Riverfront Area redevelopment standards as no work is proposed closer to the river and there is a reduction in impervious area.

Bertoni asked if lighting will be installed. Jon Ouellette, landscape architect for the project, stated that none is proposed by the City at this time. There will be some fill brought in to bring the new park entrance up to a 2% grade for safety reasons. Bertoni stated that this should be clean fill. Lisa Chandler noted that this will be outside of the buffers and resources areas.

Brad Jones and Suzie LaMont, 20 Porter Street, asked about the three trees proposed along the basketball court. They noted that it was previously stated by Bruce Doig, Director of Parks & Recreation, that there would not be any trees proposed as part of this project. Chandler stated that trees have always been planned as a part of this project. Jones stated that Doig mentioned that there would not be trees numerous times during past meetings. Jones asked Ouellette to comment on this. Ouellette stated that he does not remember Doig saying this. He stated that the trees have been on the plan for several months. These will be white flowering dogwood trees. This can be reviewed with Doig at a later date, but is not a Conservation Commission issue. LaMont stated that the tree roots may affect the surface of the basketball court. White explained that the trees are approximately 10'-15' away from the court.

There was no additional public comment.

There was agreement amongst the Commission that a site walk is not needed.

Redmond: Motion to close the hearing for 28 Porter Street, DEP File #5-1463. Squibb seconds. Bertoni takes a roll call vote. Motion carries (4-0).

5. Reconvene Meeting

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

6. Requests for Determination of Applicability

a. New: 5 Hawk Hill Road – Construction of an enclosed addition over an existing deck – Steve & Catherine Krendal

Spidaliere read the public legal notice.

Dorian Sulaj, Dorald Design & Construction, explained that the proposal is to enclose an existing deck. There will be no foundation to the addition, so water can easily flow through it to the ground. Per to proposed plan, this area is just outside of the 100' buffer zone. There was a previous OOC for the site that the applicant was not aware of, and that OOC shows "high marsh" and "low marsh" areas. The proposed plan denotes these as stormwater management features, but it is unclear whether the stormwater management features are considered jurisdictional wetland areas. If they were to be jurisdictional wetlands, this project would require Conservation Commission approval.

Bertoni asked the square footage of the deck that will be covered. Sulaj stated that this will be 15'x12', approximately 180 s.f., and open to the ground.

Bertoni stated that the original OOC for this property had a Superseding OOC issued by MassDEP. This was done under the Wetlands Protection Act and not under the local ordinance. The original plans show a BVW nearby and the closest part of the deck proposed to be covered is 106' from that. This would be outside of the Commission's jurisdiction, but the stormwater management facility items are shown within jurisdiction. There is a question as to whether the State ever issued a COC for the Superseding OOC.

Spidaliere explained that he is currently working with the MassDEP to figure out whether the "high marsh" and "low marsh" areas are jurisdictional or not.

Bertoni noted that the previous project, as approved, required a wetland replication area. This project is likely not near that replicated wetland.

Dave Foss, HOA President, noted that he is responsible for maintaining the stormwater system. He asked if the COC was essentially accepted, as the City has accepted the entire development. Spidaliere stated that the Commission was never sent a copy of the COC, if it was in fact issued. It is unclear if these are jurisdictional wetlands or not without this information. Foss stated that nearly $\frac{3}{4}$ of the people in the development will be affected by this, if these are jurisdictional wetlands.

The Commission agreed to wait until hearing from MassDEP before making any decisions on this application.

Redmond: Motion to continue this item to April 7, 2026. Buchsbaum seconds. Bertoni takes a roll call vote. Motion carries (4-0).

7. Enforcement Matters/Potential Violations

a. Enforcement Orders

i. New: 181 Elliott Street – Beverly Commerce Park LLC c/o Steve Drohosky

Steve Drohosky explained that there have been two major snowstorms during which there was some inadvertent blowing of snow. Beverly Commerce Park bought a snow blower from an airport to allow for the movement of large piles of snow. There was an underestimation of how far the snow blows from the machine. Since the Enforcement Order (EO) was issued, an erosion control sock has been placed between the pond and the large snow pile. A portion of the pile is at the pond's edge. Discussion was had regarding better snow storage locations in the future, one being on the west side of Building 500, between the building and the soccer field, and another being the parking area north of the Police Station. Drohosky stated that this was an inadvertent mistake and apologized.

Bertoni asked if the applicant flagged the bank to memorialize the extent of the snow pile, as listed in the EO. Drohosky stated that it is believed the pile went beyond the bank of the pond by approximately 10'-12'. Spidaliere stated that the erosion control sock on site marks the extent.

Bertoni stated that this cannot happen again. This pile went onto the pond itself and is covering the pedestrian trail. She requested that the applicant provide Spidaliere with a site plan that shows proposed areas for snow storage moving forward. Additional information should be included in a restoration plan submitted to Spidaliere. Drohosky noted that a tree may have been damaged by the snow blowing and will be replaced if needed.

Redmond: Motion to amend the Enforcement Order to have an update provided by April 21, 2026, in order to be heard at the April 28, 2026 meeting, regarding the status of the snow pile and other vegetation restoration items needed, and to provide a site plan showing the snow storage areas moving forward. Squibb 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.

i. New: Potential sidewalk construction project abutting vernal pool at 90 & 92 Boyles Street – City of Beverly c/o Lisa Chandler

Spidaliere noted that the Mayor would like to discuss this further, but was unable to attend this meeting. The proposal is for an extension of a sidewalk which the Commission approved a few months back. This proposal would go into an area where a vernal pool is close by. The Mayor would like to discuss potential options. This will be added to the April 7, 2026 agenda.

Squibb noted that Green Beverly has a project starting in May and will be doing a Bio Blitz. There will be a meeting on April 23rd at the Library to give an overview of the project.

b. Expenditure Approvals, if any

i. Conservation Agent February mileage

ii. Conservation Field Inspector February mileage

Redmond: Motion to approve the Conservation Agent February mileage in the amount of \$8.51 and the Conservation Field Inspector February mileage in the amount of \$7.24. Squibb seconds. Bertoni takes a roll call vote. Motion carries (4-0).

9. Orders of Conditions, If Any

a. 269 Dodge Street, DEP File #5-1461

The Commission reviewed proposed special conditions for 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. Storage of construction materials shall be located on existing paved areas or outside the resource areas and buffers.

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. For the removal of the one (1) tree: tree removal shall be conducted via hand tools and/or all heavy equipment shall be operated from paved surfaces only; trees shall be cut flush to grade; removal or grinding of the roots or stumps is prohibited; all cut materials shall be removed for appropriate off-site disposal; a spill kit shall be located on site during the work.
6. If chlorinated pool water needs to be drained, water shall not be directly drained into the wetlands. Pool water will be released slowly over the existing lawn and landscaping using the following steps: (1) shut off the chlorination system or stop adding chlorine one week before draining pool water; (2) ensure the pH level is between 6.5 and 8.5, the normal pH range of surface and ground waters; and (3) drain pool water where it will not flow directly into the wetland or stream.
7. The use of timbers pressure treated with A.C.Q. (Alkaline Copper Quats) or the equivalent is permitted as construction material for the deck replacement. Creosote treated timber is prohibited. Wood preservative must be dry before any treated wood is used in construction.
8. If any landscaping is proposed, a plant list shall be sent to the Conservation Agent for approval prior to installation.
9. Construction details pertaining to the replacement steps leading down to the pond shall be sent to the Conservation Agent prior to the start of work.

Redmond: Motion to issue an Order of Conditions for DEP File #5-1461 under the local Wetlands Ordinance and the Wetlands Protection Act with conditions as discussed. Buchsbaum seconds. Bertoni takes a roll call vote. Motion carries (4-0).

b. 28 Porter Street – Gillis Park, DEP File #5-1463

The Commission reviewed proposed special conditions for approval.

1. 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.
2. Erosion and sedimentation control devices shall be inspected daily during periods of active construction and bi-weekly during the remainder of the construction period.
3. During construction, disturbed areas shall be kept to a minimum and vegetative stabilization of these areas shall occur as soon as possible.
4. 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.

- 315 5. All demolished materials, excavated soils, or other related debris shall be stored or
316 stockpiled outside jurisdictional resource and buffer zone areas, if not immediately
317 removed from the site and shall be removed and appropriately disposed of off-site.
318 6. Storage of construction materials shall be located on existing paved areas or outside the
319 resource areas.
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321 Redmond: Motion to issue an Order of Conditions for DEP File #5-1463 under the local
322 Wetlands Ordinance and the Wetlands Protection Act with conditions as
323 discussed. Buchsbaum seconds. Bertoni takes a roll call vote. Motion carries (4-
324 0).
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326 **10. Approval of Minutes (as available):**
327 **a. February 24, 2026**
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329 Redmond: Motion to approve the meeting minutes of February 24, 2026, as amended.
330 Buchsbaum seconds. Bertoni takes a roll call vote. Motion carries (4-0).
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332 **11. Adjourn**
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334 Redmond: Motion to adjourn. Buchsbaum seconds. Bertoni takes a roll call vote. Motion
335 carries (4-0).
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337 Meeting adjourns at 9:10 p.m.
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339 ***Next Regular Meeting of the Conservation Commission: Tuesday, April 7, 2026***