

**CITY OF BEVERLY
PUBLIC MEETING MINUTES**

BOARD OR COMMISSION: City of Beverly Conservation Commission
DATE: April 7, 2026
LOCATION: Virtual via Google Meet
MEMBERS PRESENT: Chair Christine Bertoni, Vice Chair Amber Redmond,
Robert Buchsbaum, William Squibb, Grace Charles
MEMBERS ABSENT:
STAFF PRESENT: Conservation Agent David Spidaliere; Field Agent Scott
White

1. Call to Order

Chair Bertoni calls the meeting to order at 6:30 p.m. and conducts a roll call. A quorum of seated members is present. 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

Kelan Koncewicz, VHB, states that the contractor reviewed the site on Wednesday, March 27th and attempted to remove the remainder of the straw wattle. There is a bit of straw left on the site, specifically on the western end of the site. The request is to verify that the removal is satisfactory in order to close out the project.

White states that he visited the site and believes the work is as good as it can be.

There is agreement that the photographs and testimony from White could be used to verify the work was done to satisfaction.

Redmond: Motion to issue a Complete Certificate of Compliance for 110-228 Common Lane, DEP File #5-1405, including perpetual conditions #37-40. Squibb seconds. Bertoni takes a roll call vote. Motion carries (5-0).

3. Requests for Determination of Applicability

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

Spidaliere explains that there was previously confusion as to whether the areas listed as high marsh and low marsh on an old plan for the development would be considered jurisdictional wetlands or not. If they were not to be considered jurisdictional wetlands, the nearest wetlands flagged were outside of 100' from the proposed project. He spoke with an Environmental

Analyst at MassDEP who reviewed a Certificate of Compliance issued by MassDEP in October 2007. The analyst confirmed that the high and low marsh areas are exempt from Conservation Commission jurisdiction. Thus, this project takes place outside of the 100' buffer zone. The Commission can determine if it believes the delineation was sufficient.

Bertoni states that she believes a copy of the Certificate of Compliance should be obtained and kept on file.

Redmond: Motion to issue a Negative 4, that the work described in the request is not within an area subject to protection under the Act, and a Negative 6, that the area and/or work described in the request is not subject to review and approval by the local Beverly Conservation Commission, Determination of Applicability. Squibb seconds. Bertoni takes a roll call vote. Motion carries (5-0).

b. New: 222 Dodge Street – construct a deck & stairs – Emily Doucette

Spidaliere reads the public legal notice.

Andy Stevens, general contractor representing the applicant, explains that the proposal is for an 8'x12' deck off the back of the property. The scope of the work that would affect the ground includes two sonotubes and one concrete slab pad. Stevens notes that the total scope of the work proposed is relatively minor in nature and will not have any detrimental impact on the wetlands.

Spidaliere states that the resource in question is a perennial stream and so the 200' Riverfront Area applies. The proposed project is approximately 140' from the bank of the river. It would not be located closer to the resource area than the existing primary structure.

Stevens explains that the grade of the site is not proposed to be changed at all. The material under the deck will likely be a crushed stone. There will be gaps in the decking to allow water to drip through. The proposed staircase is part of the deck, leading to the backyard. The stairs will land on an 18" wide, 4' long, and 8" deep concrete pad, sitting on crushed stone.

Redmond: Motion to issue a Negative 2 Determination of Applicability for 222 Dodge Street with conditions as discussed. Squibb seconds. Bertoni takes a roll call vote. Motion carries (5-0).

c. New: 228 Common Lane – construct a deck & stairs – Vincent Orlando

Spidaliere reads the public legal notice.

As the applicant is not present, the Commission agrees to table this item to later in the meeting.

4. Enforcement Matters/Potential Violations

a. Enforcement Orders

i. New: 140 Hart Street – Jeffrey Burbank & Iron Tree Service

Spidaliere explains that he received an anonymous call that Iron Tree Service was removing several trees along the roadside of 140 Hart Street. There is no record of an application being submitted for the tree removal. There is a perennial stream running along the roadway in this area so any work within 200' of that stream would require the Commission's review. A violation notice was issued to the property owner and to Iron Tree Service. Apparently, the trees were compromised during the last storm, but this work would still require approval. Approximately ten trees were removed. Some of the trees removed were a few feet from the stream.

Jeffrey Burbank, owner, explains that there is a road culvert in this area, which is dry most of the year. They did not know this was a wetland area. He apologizes and states that they would like to make this right.

Dennis Silvio, Iron Tree Service, states that the trees were cut from the driveway using a crane. There was snow on the ground when the trees were cut so it was unclear that a wetland was nearby. A couple of the trees removed may have been taken down by National Grid last summer.

Bertoni states that the flush cutting, though not permitted, does not seem to have damaged the buffer zone or resource area. The Commission discusses restoration plantings, including six appropriate native trees and/or shrubs in the general area where the trees were removed. A planting plan shall be submitted prior to the next meeting, for the Commission's review.

Charles: Motion to issue an Enforcement Order requiring the submittal of a restoration planting plan by April 21, 2026, to be presented at the April 28, 2026, meeting. Redmond seconds. Bertoni takes a roll call vote. Motion carries (5-0).

5. Requests for Determination of Applicability

c. New: 228 Common Lane – construct a deck & stairs – Vincent Orlando – *The Commission retook this item up at this time.*

Vincent Orlando, applicant, explains that he purchased the property a couple of months ago. Bertoni explains that this property has a previous Order of Conditions under the Wetlands Protection Act and the Local Ordinance, but the project never received a Certificate of Compliance. The current proposal is for a deck project, which is likely permissible. It is within the buffer to a Bordering Vegetated Wetland. The plan submitted is not an as-built plan. Without closing out the past project, the Commission does not know whether that work was done according to the approved plan. She suggests that the applicant speak to Spidaliere regarding filing a request for a Certificate of Compliance, which will involve locating the structures that were part of the previous project from nearly 21 years ago. The Commission cannot approve the requested plan without seeing a final as-built plan and going through the Certificate of Compliance process. Orlando states that he will contact Spidaliere regarding next steps.

Squibb: Motion to continue the Request for Determination of Applicability for 228 Common Lane to April 28, 2026. Redmond seconds. Bertoni takes a roll call vote. Motion carries (5-0).

6. Other Business

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

Squibb notes that the Green Beverly event will be held April 22nd from 6pm-7:30pm.

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

Spidaliere states that this item will be tabled to a future meeting.

ii. New: MEPA comments for the Reconstruction of Runway 16-34 and Construction of Taxiway E at Beverly Regional Airport

Bertoni suggests that the Commission support the Wenham Conservation Commission letter, as presented. Bertoni suggests noting in the Beverly comment letter that an environmental assessment be included with a Notice of Intent application for the portion of the project occurring in Beverly. Spidaliere states that the plan appears to show an IVW that will have to be filled on the Beverly side, but that this is not noted on the MEPA application.

b. Expenditure Approvals, if any

i. Conservation Agent March mileage

ii. Conservation Field Inspector March mileage

Squibb: Motion to approve the Conservation Agent March mileage in the amount of \$21.84 and the Conservation Field Inspector March mileage in the amount of \$8.71. Redmond seconds. Bertoni takes a roll call vote. Motion carries (5-0).

7. Approval of Minutes (as available):

a. March 18, 2026

Redmond: Motion to approve the meeting minutes of March 18, 2026, as amended. Squibb seconds. Bertoni takes a roll call vote. Motion carries (4-0-1, Charles abstains).

8. Adjourn

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

Meeting adjourns at 8:06 p.m.

Next Regular Meeting of the Conservation Commission: Tuesday, April 28, 2026