

**CITY OF BEVERLY
PUBLIC MEETING MINUTES**

BOARD OR COMMISSION: City of Beverly Conservation Commission
DATE: July 28, 2026
LOCATION: Virtual via Google Meet
MEMBERS PRESENT: Chair Christine Bertoni, Robert Buchsbaum, Joanne Miller,
William Squibb
MEMBERS ABSENT: Vice Chair Amber Redmond
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. New.: 90 Boyles Street, DEP File #5-1458

Carl and Susan Dumas explain that they received a permit from the Commission last year to pave over their gravel driveway. They started on the project in April 2026, including installing erosion controls. The project was very successful. The next step was to add topsoil and grass seed to the transition area between the new grade of the pavement and the existing perimeter lawn area. This was inspected by Scott White. A waiver is being requested from submitting an engineer's report on the compliance based upon the fact that the project did not increase the area of the driveway and that a plot plan was submitted. Spidaliere and White state that they are okay with the proposed waiver request. There were no mitigation requirements. Bertoni suggests a note be included, if approved, that the Commission votes to waive the engineer's report requirement.

Buchsbaum: Motion to issue a Complete Certificate of Compliance for 90 Boyles Street, DEP File #5-1458, including perpetual conditions #37-40. Squibb seconds. Bertoni takes a roll call vote. Motion carries (4-0).

b. Tree Removals

i. New: 28 Whitehall Circle

This item is tabled to later in the meeting based on the applicant not being present.

ii. New: 181 Lothrop Street

Michael Dean, owner, states that there is a dead tree along Lawrence Street which will likely fall one way or another. White states that the tree is approximately 10' from a stream bed. If it falls, the tree will likely hit an existing garage.

Bertoni states that the tree is already dead. There is robust existing vegetation around it. Dean states that the tree will be removed using a crane from Lawrence Street.

Buchsbaum: Motion to approve the tree removal request for 181 Lothrop Street, with the standard tree removal conditions. Squibb seconds. Bertoni takes a roll call vote. Motion carries (4-0).

iii. New: 27 South Terrace

Gin Wallace, owner, explains that there are three trees located close to the street, with roots coming up around each other. This is causing all three to lean in various directions. Another tree in front of these three may also be causing problems, but the City has agreed to come maintain that one as it is on City property.

Bertoni states that this property is within a Riverfront Area, but this is approximately 175' from the bank of a perennial stream.

White states that there is a minimal slope in this area and it should be fine to leave the stumps intact.

Buchsbaum: Motion to approve the tree removal request for 27 South Terrace, with the standard tree removal conditions. Miller seconds. Bertoni takes a roll call vote. Motion carries (4-0).

i. New: 28 Whitehall Circle – *The Commission retook this item*

As the applicant is still not present, the Commission agrees to continue this item to the next meeting.

Buchsbaum: Motion to continue this item to the August 18, 2026 meeting. Squibb seconds. Bertoni takes a roll call vote. Motion carries (4-0).

c. Emergency Certifications

i. New: 1 Brookwood Road – emergency culvert repair – David Donato c/o Brookwood School

Spidaliere explains that the applicant, David Donato of Brookwood School, reached out to the Conservation Office on July 21, 2026 to note that a culvert running across Dan Wise Way had a hole in the top, causing a sinkhole in the pavement. As this work is within the 200' Riverfront Area, he would typically advise the applicant to submit an NOI or RDA, but the regular application process could prove too long for this situation. As such, he recommended an

Emergency Certification and informed the applicant that they will still need to submit an NOI or RDA to officially permit the work. As this is a relatively minor patch repair to the top of an existing culvert, an RDA will likely be sufficient. He issued an Emergency Certification for the work on July 23, 2026. Emergency Certifications require that the work be done within 30 days. The work will not have any impact on the wetlands and there will be no work on the Inland Bank.

Squibb: Motion to ratify the Emergency Certification for a culvert repair at 1 Brookwood Road. Buchsbaum seconds. Bertoni takes a roll call vote. Motion carries (4-0).

3. Recess for Public Hearings

Squibb: Motion to recess for Public Hearings. Buchsbaum seconds. Bertoni takes 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.: 58 West Street, DEP File #5-1472 – invasive species treatment and to reconstruct existing stairs and install a raised garden bed – Jayne Rice

Spidaliere states that some additional information still needs to be submitted and that the applicant has requested a continuance.

Buchsbaum: Motion to continue the hearing for 58 West Street, DEP File #5-1472 to August 18, 2026. Squibb seconds. Bertoni takes a roll call vote. Motion carries (4-0).

b. Cont.: 40 Prince Street, DEP File #5-1474 – raze existing house, construct new house, cabana, walkway, patio and pool, reconfigure existing driveway, repair existing seawall, ramp and gazebo, and remove invasive species – Suzanne Manitakos 2004 Revokable Trust

Miller is ineligible to vote on this item.

Evin Guvendiren of DeRosa Environmental states that a site visit was carried out since the last meeting. She notes that a fence will not be constructed on top of the seawall.

There is no public comment.

Buchsbaum: Motion to close the hearing for 40 Prince Street, DEP File #5-1474. Squibb seconds. Bertoni takes a roll call vote. Motion carries (3-0).

c. New: 200 Lothrop Street, DEP File #5-1475 – install fiber conduits – Terry Turner c/o GoNetSpeed

Spidaliere reads the public legal notice.

Nicole Ferrara, LEC Environmental, representing the applicant, explains that the Mackerel River is along the western property boundary. The site consists of an existing temple surrounded by lawn and some forested uplands to the north. The perennial stream flows towards Lothrop Street via a culvert. A little more than half of the site is within Riverfront Area. The site also has Bordering Vegetated Wetlands (BVW) adjacent to the stream. There is also a small, Isolated Vegetated Wetland (IVW) on the eastern edge of the site. All work is proposed outside the buffer zone to the IVW. The applicant is looking to install two fiber conduits to provide internet connection within the city of Beverly. The conduits will be installed using minimally disruptive techniques. There are six small bore pits proposed that measure 3'x4'. There will not be any disturbance to the surface besides the bore pits. Conduits to thread below the pavement will be installed with horizontal directional drilling. This will extend from the existing utility poles to a concrete pad proposed outside of the Riverfront Area. The work is largely limited to the temporary disturbances associated with the pits. There may be limited tree removal and pruning outside jurisdictional areas, associated with the construction of the concrete pad. The applicant is proposing erosion controls around the bore pits, as there will be temporary disturbance. An alternatives analysis considered alternative locations which would be a bit more impactful to wetlands. The plan currently being presented is the least impactful in terms of resource area impacts.

Bertoni notes that the IVW is only jurisdictional under the local ordinance. She asks how the lines will be installed to the existing poles. Ferrara states that these will be installed with a riser up to the top of the pole.

Terry Turner, GoNetSpeed, explains that the proposal is to add a new network in Beverly. This is a switching station for the internet services, similar to a large router.

Buchsbaum asks about the work being located no closer to the river than the existing conditions. Ferrara explains that the existing conditions are an edge of pavement, which this project will not move closer than.

There is no public comment.

There is agreement that a site walk is not needed.

Squibb: Motion to close the hearing for 200 Lothrop Street, DEP File #5-1475.
Buchsbaum seconds. Bertoni takes a roll call vote. Motion carries (4-0).

d. New: 343 Dodge Street, DEP File #5-1476 – install a greenhouse and to remove invasive species – Charlton Reynders

Spidaliere reads the public legal notice.

Evin Guvendiren, DeRosa Environmental, representing the applicant, states that the proposal is a greenhouse installation and invasive species management plan. There is one technical comment from DEP regarding the restoration plan being within outstanding resource waters which requires a 401 Water Quality Certificate. This is a fairly large parcel that includes a single family home and a large barn. Based on the contours of the site, there are not many flat areas available. There is a BVW associated with an intermittent stream which flows towards the reservoir. The greenhouse is proposed to be installed on a flat area next to the existing barn, where all the equipment is stored. The manufacturer for the greenhouse builds it off site and delivers it to be placed on top of a constructed foundation. A foundation will need to be prepared on site. Erosion controls are included on the plan. The edge of the BVW was delineated earlier this summer. The proposed greenhouse will be 230 s.f. The site has extensive invasive species, and the applicant is proposing a 4,200 s.f. of restoration. The species on site have been mapped on an invasive species management plan. The idea is to remove all the roots using whole plant removal techniques and then reoccupy the area with native plant species to improve the function of the wetland. The invasives are within the wetlands.

Bertoni asks if erosion controls are proposed between the areas of whole plant removal and the rest of the resource area. Guvendiren stated that these are not proposed. The idea is to immediately seed the area and stabilize it with salt marsh hay. The machinery will stay on the edge of lawn to reach the arm out to pull out the roots.

The Commission agrees that a site walk is needed and schedules one for Saturday, August 8th at 8am.

Guvendiren states that the additional roof runoff from the greenhouse will sheet flow off to infiltrate prior to entering the wetlands. The extra plantings proposed will add to the filtering process. Six trees were removed from the site without a permit, so nine replacement trees are proposed.

There is no public comment.

Squibb: Motion to continue the hearing for 343 Dodge Street, DEP File #5-1476, to August 18, 2026. Buchsbaum seconds. Bertoni takes a roll call vote. Motion carries (4-0).

e. New: 31 Haskell Street, No DEP File # as of posting – construct an addition and deck and make improvements to a driveway – Kirk Williams

Spidaliere reads the public legal notice.

Bob Griffin, Griffin Engineering, representing the applicant, explains that the applicant expanded his property approximately 23' in a northerly direction last year. There is a stream cutting through the woods on the property, along with some large, downed trees. The property contains an intermittent stream as the closest wetland resource. The applicant is proposing to construct an approximately 500 s.f. addition on the rear of the house with an approximately 350 s.f. deck

attached to the addition. The applicant currently has a gravel and bituminous concrete driveway on the side of the house, and the proposal is to make it a bit wider, by ripping up the bituminous concrete and gravel and replace it with pervious pavers. The existing driveway is 24' wide, sufficient for two cars. The applicant has a boat and recreational vehicles which he would like to park next to the house which is the reason for the proposed driveway expansion. The two-story building addition will have a concrete foundation on the back of the house, and the deck will be constructed on sonotubes or concrete piers. There will be pea stone underneath the deck, which will have open joint boards to allow runoff to flow to the pea stone area. Roof runoff from the addition will be piped from roof leaders into an infiltration trench. Erosion control fabric will be placed all around the area of proposed disturbance.

The applicant has had a lot of tree damage at his property in the last 4-5 years, and there are some hazardous trees next to the house. The proposal is to remove three large stumps on the property, along with three trees. The neighbors are in support of this project and have noted a couple of dangerous trees on their properties. The intention is to come back with a tree removal request for the other properties. The trees to be removed are not proposed to be replaced with anything as the area is well vegetated. There is a note on the plan to remove the fallen trees.

The Commission agrees that a site walk is needed and schedules one for Saturday, August 8th at 9am.

There is no public comment.

Buchsbaum: Motion to continue the hearing for 31 Haskell Street, *No DEP File # as of posting*, to August 18, 2026. Squibb seconds. Bertoni takes a roll call vote. Motion carries (4-0).

f. New: 11 & 13 Bay View Avenue, *No DEP File # as of posting* – install and maintain dune fencing – Kenyon Kellogg

Spidaliere reads the public legal notice.

Bob Griffin, Griffin Engineering, representing the applicant, notes that he updated the Commission in April regarding dune restoration work on this site. This all emanates from an Enforcement Order (EO) issued in 2024. The applicant has made considerable efforts to try to enhance the dune along this portion of property, per the EO, and would like to continue that work. There is a meandering stream on the property which moves around a bit in response to large storm events. The applicant has been able to keep a lot of trespassers off a portion of the dune with the installed dune fencing in the past year or two. There is an existing approximately 80' long dune fence around the dune enhancement area, a portion of which has been removed in the winter. The proposal is to get the existing fence permitted through an Order of Conditions. The fence posts may get moved from time to time, depending on the movement of the stream after large storm events. The applicant has been posting signage asking people to please stay off the dune and this will continue as well. The wooden posts for the dune fence will be 3" diameter and buried approximately 2.5' into the ground. The fencing is proposed to be maintained

seasonally, with the portion of fencing parallel to the ocean to be removed in the winter. The perpendicular alignment has made it through winters without much trouble and would likely remain.

Bertoni asks if this is truly a coastal dune, or a coastal beach area that moves around. Griffin states that he believes it to be a coastal dune. The sand is not driven by waves, but by wind. An aerial photograph from 1945 shows this area underwater. Bertoni states that she would like additional information on this.

Squibb states that he would like to see the phragmites addressed on the site. Griffin explains that the applicant likes the phragmites as they add an element of privacy for the site, but he will speak to the applicant about it.

Griffin explains that he believes the fencing has been helping allow the plantings to become established on the dune.

Buchsbaum asks if permanent fencing on a dune is allowed. Griffin states that he believes there are no timeframe restrictions in the regulations. Bertoni notes that the performance standards are mostly for not restricting the movements of the dune sand. She would like to know if there are other permanent fences not being removed seasonally. This should be further explored. Griffin explains that the applicant does maintenance on the fences each year.

Bertoni asks if the lawn is maintained fully, down to the coastal beach area. Griffin explains that the line previously permitted for the lawn has been held by the applicant.

Bertoni asks for public comment.

Rick Fafard, 66 Ober Street, notes that the intermittent stream comes in at the top of the north/south dune fence. This flows fairly heavily during rainstorms, and he asks if the dune fence will potentially impact its flow, creating changes to the beach. Griffin explains that there will be a 12' gap in the fencing with a rope, to discourage people from walking up the stream, but that there will be no fencing within the stream itself. Fafard states that there are two other dune fences in the Rice's Beach area and that these do not extend onto the beach like the fence proposed here. Bertoni explains that the area was previously disturbed and the Commission, at that time, requested mitigation that dune grass plugs be installed. The intention is to establish a stable area.

The Commission agrees that a site walk is needed and schedules one for Saturday, August 8th at 9:30am.

Buchsbaum: Motion to continue the hearing for 11 & 13 Bay View Avenue, *No DEP File # as of posting*, to August 18, 2026. Miller seconds. Bertoni takes a roll call vote. Motion carries (4-0).

g. **New: 22 Kittredge Street, *No DEP File # as of posting* – replace existing retaining walls and shed and install a patio and fence – Sean Deady**

Spidaliere reads the public legal notice.

Stephen DiCicco, representing the applicant, explains that the applicant is looking to make improvements to the backyard to make it more usable. This includes replacing an existing two tiered retaining wall which currently has rotten timbers on the bottom and loosely piled rocks on the top. The applicant would like to replace this wall along the property border to retain their existing property from the neighbor's yard. Additionally, there is a small shed which is quite dilapidated and almost unusable. The applicant would like to remove this and create a level pad for a future shed. The applicant also seeks to install a roughly 600 s.f. permeable paver patio space. There will be some grading of the existing lawn in order to install a fence. The fence line will be from the edge of the retaining wall to the corner of the house. Roughly 25 yards of fill is proposed on the site where the elevation will change for the retaining wall. During the last site visit, some invasive species were noticed along the riverbank. The applicant would like to remove those and do some mitigation planting behind the retaining wall, along the bank. There is a detail on the plans for an existing sump pump which currently releases into the grass. The intention is to install a drywell for that instead.

DiCicco states that three trees are proposed to be removed as part of the project and these are shown on the plan.

Bertoni asks if the new wall will be closer to the perennial stream than what currently exists on site. DiCicco states that it will not be. Bertoni states that one of the performance standards for Riverfront Area is to not put anything closer to the resource area than existing conditions and the proposed shed area seems to have a corner that would be closer. Squibb states that the Commission would likely want to see the shed placed outside of the 25' No Disturb Zone. DiCicco states that it could be moved forward a bit to do so. Bertoni states that this will be helpful and meet the standards.

There is no public comment.

The Commission agrees that a site walk is needed and schedules one for Saturday, August 8th at 10am.

Buchsbaum: Motion to continue the hearing for 22 Kittredge Street, *No DEP File # as of posting*, to August 18, 2026. Squibb seconds. Bertoni takes a roll call vote. Motion carries (4-0).

5. Reconvene Meeting

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

6. Requests for Determination of Applicability

a. New: 100 Pond View Lane – removal of 9 pine trees – Essex Crossing at Montserrat

Spidaliere reads the public legal notice.

William Krol, on the Board of Trustees for the Essex Crossing at Montserrat HOA, explains that there are nine dead trees in one area of the site. An arborist reviewed the trees and determined that they were dead. Some people have expressed concern about the dangers associated with the trees. If the trees are removed, nine new trees will be planted in their place. These are all white pines. All work to remove these will be done from a paved surface on the cul-de-sac.

Spidaliere states that he visited the site and believes the trees are dead.

The Commission discusses future planting species and notes that the applicant can work with staff to make these determinations. Photo documentation should be submitted at the end of a two-year survival period.

Squibb: Motion to issue a Negative 3 Determination of Applicability with conditions as discussed. Buchsbaum seconds. Bertoni takes a roll call vote. Motion carries (4-0).

b. New: 37 Enon Street – determination of jurisdiction – Beverly TRE, LLC c/o Transom Real Estate

Spidaliere reads the public legal notice.

Matthew Costa, Beals Associates, Inc., representing the applicant, explains that there are no resource areas on the 37 Enon Street property. An abutting property, the Commodore Plaza property of 45 Enon St., contains Isolated Land Subject to Flooding (ILSF), which has also been described as a pond. Most of the subject site is fairly flat, sloping gently towards the back. Most of the stormwater from the property runs into a series of catch basins. This all flows to the back corner where it makes its way into a detention basin in a shared easement and then continues off toward the pond. There are no resource areas elsewhere around the property. The subject property is almost fully developed with pavement, parking, a building (the existing Stop & Shop), and some small landscape islands along the parking areas.

There is not currently a project proposed for this site. The intention is to understand if any future work on the property would be subject to the jurisdiction of the Wetlands Protection Act or Beverly's Wetlands Ordinance. There were previous mapping and delineations completed on the 45 Enon St. property prior to the development of the plaza in mid-1997. At this time, the ILSF was located, including the presence of a channel or ditch leading into the ILSF area and an outlet on the Stop & Shop property. It was determined that these were not regulated resource areas and that they derived from stormwater runoff. The site was also evaluated for potential vernal pools, but it was determined that the area was simply ILSF. Later, in 2002, a Notice of Intent was filed,

and an Order of Conditions was issued for the property when they were planning the development of the Commodore Plaza. An approved boundary was reviewed by the Commission and approved at that time. The plan remains the same. As part of a Notice of Intent, sediment was removed from the ILSF. The ditch was also reconstructed. A pad was constructed to work in the area and in the basin. A large detention basin was constructed with very large boulders in a steep slope along the railroad tracks on the backside of the parking area. This area has not been very well maintained and currently contains a lot of trash and debris. As the detention basin was constructed on or around 2002, it was after that date in which stormwater basins could be classified as jurisdictional areas. The plans show a 100' buffer zone around the ILSF, which is well outside of the 37 Enon St. property. The request is for a Determination of Applicability that there are no regulated resource areas on the property or within 100' of the subject property. The ILSF is greater than 100' from the subject property, approximately 270' away from the closest point. The detention basin is an unregulated resource area and is an additional 170' away from the subject property. Any work that would occur on the property at 37 Enon St. would not be regulated by Wetlands Protection Act or Beverly's Wetlands Ordinance.

Buchsbaum asks the distance of the site from the Wenham Lake. Costa states that this is likely well over 500' away. Spidaliere confirms that it is approximately 506' away.

Bertoni notes that the delineation is approximately 30 years old. She asks if the ILSF has grown at all. Costa states that the area has been explored and reviewed and it has not gotten any larger.

Squibb states that he believes the entire area was filled in the past for the development. He states that he would like to see an aerial view from when the Commodore restaurant existed. Bertoni asks if there is any surface runoff toward the pond. Costa states that the area is upland outside of the ditch and no runoff was seen.

Bertoni asks about a catch basin near the corner of 37 Enon St. Todd Morey, Beals Associates, explains that this discharges into a manhole off the back side of the pavement. The manhole discharges into a detention basin. The intention is to confirm that, as long as work is confirmed to the 37 Enon St. property, there is no jurisdiction of the Commission or the Wetlands Protection Act.

Bertoni asks why an Abbreviated Notice of Resource Area Delineation (ANRAD) was not filed. Morey explains that there are no resource areas on the subject property. The intention is not to encumber surrounding properties, if not necessary.

Spidaliere displays the 1990s aerial imagery.

Bertoni asks if the pond is maintained at all. Morey states that the pond is likely jurisdictional. It is unclear if the ditch leading into it is jurisdictional or not. There is no resource area upstream that feeds it. However, neither of these items are on the 37 Enon St. site.

Buchsbaum states that it seems clear that the 37 Enon St. property is not within Conservation Commission jurisdiction. Squibb states that he is not able to make a similar determination, as he

believes water is flowing under the site. Bertoni states that groundwater would not be the Commission's jurisdiction. She states that she is a bit uncomfortable without an ANRAD or more updated delineation. She notes that this approval will go away after three years. Morey states that any development moving forward could include a note that anything within 100' of the property has been filed delineated.

Buchsbaum: Motion to issue a Negative 1 & 6 Determination of Applicability under the Wetlands Protection Act and Beverly's Wetlands Ordinance which state:
- Negative 1: The area described in the Request is not an area subject to protection under the Act or the Buffer Zone.
- Negative 6: The area and/or work described in the Request is not subject to review and approval by Beverly, pursuant to a municipal wetlands ordinance or bylaw.

Miller seconds. Bertoni takes a roll call vote. Motion carries (3-0-1 (Squibb abstains)).

7. Enforcement Matters/Potential Violations

a. Enforcement Orders

i. Cont.: 12 Museum Road – Elaine Crowley

George Zambouras, representing the homeowner, explains that, in October, the project was a bit shy of the 75% survival rate for the plantings that happened two years prior. At that time, the Commission asked to replant six additional plantings. These were installed and are all surviving very well. The site is well above the 75% survival rate. Spidaliere states that this was confirmed in the field.

Buchsbaum: Motion to lift the Enforcement Order. Squibb seconds. Bertoni takes a roll call vote. Motion carries (4-0).

ii. Cont.: 25 Linden Avenue – Leslie Salter

Leslie Salter, homeowner, explains that the landscaper removed approximately 60% of the invasive plants and he is now considering if other bushes on the site are invasive. Seven of the nine blueberry bushes survived. She needs more time to finish the work. Buchsbaum suggests a fence around the plantings to address herbivory by rabbits.

Buchsbaum: Motion to amend the Enforcement Order requiring the continued monitoring of the ten (10) native plants and removal and monitoring of the invasive species and that photo documentation of the plantings and invasives removed be submitted by September 30, 2026 to be presented at the October 6, 2026 meeting. Miller seconds. Bertoni takes a roll call vote. Motion carries (4-0).

iii. Cont. : 11 & 13 Bay View Avenue – Amanda Outerbridge & Kenyon Kellogg

Bob Griffin, representing the homeowner, explains that this could be retained through the course of the Notice of Intent which was filed as required. Spidaliere states that the only requirement was for the NOI to be filed. The Enforcement Order can either be lifted or left open. Bertoni agrees to leave the Enforcement Order open until a DEP File # is assigned and comments are received on the NOI. No vote necessary.

8. Other Business

a. Expenditure Approvals, if any

i. MSMCP membership dues

Squibb: Motion to pay the MSMCP Membership dues of \$50. Buchsbaum seconds. Bertoni takes a roll call vote. Motion carries (4-0).

ii. Conservation Agent June mileage

iii. Conservation Field Inspector June mileage

Buchsbaum: Motion to pay the Conservation Agent June mileage of \$26.53 and the Conservation Field Inspector June mileage of \$11.12. Squibb seconds. Bertoni takes a roll call vote. Motion carries (4-0).

9. Orders of Conditions, If Any

a. 40 Prince Street, DEP File #5-1474 – raze existing house, construct new house, cabana, walkway, patio and pool, reconfigure existing driveway, repair existing seawall, ramp and gazebo, and remove invasive species – Suzanne Manitakos 2004 Revokable Trust

Miller is ineligible to vote on this item.

The Commission reviews a draft Order of Conditions, including the following special conditions (under the Act and the Ordinance), in addition to the standard general and perpetual conditions:

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. Sediments shall be removed from the barriers as soon as they reach a depth of 6-inches.
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.
5. All demolished materials, excavated soils, or other related debris shall be stored or stockpiled outside jurisdictional resource and buffer zone areas,

- 538 if not immediately removed from the site and shall be removed and
539 appropriately disposed of off-site.
- 540 6. Storage of construction materials shall be located on existing paved areas
541 or outside the resource areas and buffer zones.
- 542 7. The plantings depicted on the approved site plan shall exhibit at least 75%
543 overall survivorship and trees shall exhibit 100% overall survivorship after
544 two growing seasons post installation and shall be verified by the
545 Conservation Agent. A complete Certificate of Compliance shall not be
546 issued until said survivorship is verified.
- 547 8. Annual monitoring reports of the native plantings outlined in Special
548 Condition #7 above shall be provided to the Conservation Agent at the end
549 of the growing season, for a minimum of two growing seasons.
- 550 9. Further alteration within the mitigation and restoration areas is prohibited,
551 except as may be required to maintain the areas in their mitigated or
552 restored condition. This condition shall survive in perpetuity beyond the
553 issuance of a Certificate of Compliance.
- 554 10. If herbicides are required for invasive species management, the applicant
555 or its designee shall obtain a valid BRP WM 04 permit for the application
556 of herbicides for the target species and a copy of the permit shall be
557 forwarded to the Commission prior to initiation of any treatment activities.
558 All application of chemicals shall be applied by an applicator licensed by
559 the Massachusetts Department of Agricultural Resources, Pesticide
560 Bureau.
- 561 11. Permeable paver installation shall have a minimum gap of ¼” between
562 pavers and set on rice stone.
- 563 12. Only clean fill is permitted for backfill, no debris from demolition may be
564 used.
- 565 13. Marine grade concrete shall be used for the ramp repairs and sonotubes.
566

567 Buchsbaum: Motion to issue an Order of Conditions for 40 Prince Street, DEP File #5-1474
568 under the Wetlands Protections Act and the Beverly Wetlands Ordinance, with the
569 special conditions discussed in this meeting, in addition to the standard general
570 and perpetual conditions. Squibb seconds. Bertoni takes a roll call vote. Motion
571 carries (3-0).
572

573 **b. 200 Lothrop Street, DEP File #5-1475 – install fiber conduits – Terry Turner c/o**
574 **GoNetSpeed**
575

576 The Commission reviews a draft Order of Conditions, including the following special conditions
577 (under the Act and the Ordinance), in addition to the standard general and perpetual conditions:

- 578 1. Prior to construction, erosion controls shall be installed as depicted on the
579 approved plan. The Conservation Field Inspector shall inspect the location
580 of erosion controls.

2. All demolished materials, excavated soils, or other related debris that are not used for backfilling shall be immediately removed from the site for appropriate disposal. No asphalt may be used as backfill.
3. During construction, 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.
7. Any trenches shall be closed at the end of each workday.

Miller: Motion to issue an Order of Conditions for 200 Lothrop Street, DEP File #5-1475 under the Wetlands Protections Act and the Beverly Wetlands Ordinance, with the special conditions discussed in this meeting, in addition to the standard general and perpetual conditions. Buchsbaum seconds. Bertoni takes a roll call vote. Motion carries (4-0).

10. Approval of Minutes (as available):
a. June 30, 2026

Squibb: Motion to approve the meeting minutes of June 30, 2026, as presented. Buchsbaum seconds. Bertoni takes a roll call vote. Motion carries (3-0-1 (Miller abstains)).

11. Adjourn

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

Meeting adjourns at 9:54 p.m.

Next Regular Meeting of the Conservation Commission: Tuesday, August 18, 2026