

**CITY OF BEVERLY
PUBLIC MEETING MINUTES**

BOARD OR COMMISSION: City of Beverly Conservation Commission
DATE: August 18, 2026
LOCATION: Virtual via Google Meet
MEMBERS PRESENT: Chair Christine Bertoni, Robert Buchsbaum, William Squibb
MEMBERS ABSENT: Joanne Miller, 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: 19 Temi Road, DEP File #5-1417

George Zambouras, representing the applicant, explains that a Certificate of Compliance was filed for last year, but the buffer zone plantings had not gone through two growing seasons and so only a partial was issued. There are 17 healthy plants at this time, out of the 15 required.

White states that he has confirmed this on site.

Buchsbaum: Motion to issue a Complete Certificate of Compliance for 19 Temi Road, DEP File #5-1417, including perpetual conditions #37-40. Squibb seconds. Bertoni takes a roll call vote. Motion carries (3-0).

b. Tree Removals

i. Cont.: 28 Whitehall Circle

Steve Smith, owner, explains that there are two dead gray birch trees in the wetlands on the property. There are other existing trees and bushes in this area.

Bertoni agrees that no mitigation is required. There is agreement to allow for these to be left as 10' habitat trees, instead of flush cutting them.

Buchsbaum: Motion to approve the tree removal request for 28 Whitehall Circle, with the standard tree removal conditions. Squibb seconds. Bertoni takes a roll call vote. Motion carries (3-0).

ii. New: 27 Whitehall Circle

William Doyle, owner, states that there is a large dead Ash tree in a gully on the property. If the tree falls, it could hit the house. He will keep 15' of the tree, if the Commission so chooses.

Bertoni asks if the invasives could be removed from the tree. Doyle states that he would do so, if the Commission sees fit.

There is agreement to allow for this to be left as a 15' habitat tree, instead of flush cutting it.

Buchsbaum: Motion to approve the tree removal request for 28 Whitehall Circle, with the standard tree removal conditions. Squibb seconds. Bertoni takes a roll call vote. Motion carries (3-0).

iii. New: 27 Crescent Avenue

Paul Jacobson, owner, explains that the proposal is to remove a Norway Maple tree that is growing over a retaining wall and is rotting, creating a shape that is threatening both his and his neighbor's house. The intention is to flush cut it and not plant anything in its place.

The Commission agrees that the tree can be flush cut with no stump grinding.

Buchsbaum: Motion to approve the tree removal request for 27 Crescent Avenue, with the standard tree removal conditions. Squibb seconds. Bertoni takes a roll call vote. Motion carries (3-0).

3. Recess for Public Hearings

Squibb: Motion to recess for Public Hearings. Buchsbaum seconds. Bertoni takes a roll call vote. Motion carries (3-0).

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

Bertoni states that a site plan was reviewed quite late. The Commission was seeking details for the proposed retaining wall. Also, the size and location of the proposed garden and its location/orientation.

Tom Pallazola, representing the applicant, states that the rectangle on the revised plan shows where the garden will be located in terms of where the existing deck is. The proposed retaining wall will also be measured from the deck.

Bertoni asks what the garden will be surrounded with. Pallazola states that this will be ½” pea stone with landscape fabric underneath. Bertoni asks what will keep the pea stone and fabric in place. Pallazola states that the stone will not move as this is a flat area. There will be approximately 3” of stone placed.

Pallazola states that there will be drip irrigation installed. A location for the proposed irrigation pipe is not shown on the plan. Bertoni states that this should be shown on the plan.

Bertoni asks if fill will be brought onto the site. Pallazola states that there will be a cut where the wall is and the fill will be used on site. Loam will be brought in for the plants on the hillside and the garden.

Buchsbaum asks if the invasives will be removed mechanically. Pallazola states that use of an herbicide was planned. He is licensed for herbicide application. Buchsbaum notes that there may be a separate license for working in a wetland. Pallazola states that this work will be done in the buffer zone only.

There is no public comment.

Buchsbaum: Motion to close the hearing for 58 West Street, DEP File #5-1472. Squibb seconds. Bertoni takes a roll call vote. Motion carries (3-0).

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

Mike DeRosa, on behalf of the applicant, states that a site walk was conducted since the last meeting. He believes everything has been addressed at this time.

There is no public comment.

Squibb: Motion to close the hearing for 343 Dodge Street, DEP File #5-1476. Buchsbaum seconds. Bertoni takes a roll call vote. Motion carries (3-0).

c. Cont.: 31 Haskell Street, DEP File #5-1477 – construct an addition and deck and make improvements to a driveway – Kirk Williams

Bob Griffin, on behalf of the applicant, explains that a site walk was conducted and a change was made to the plan to remove any mention of tree removal on abutting properties. There was a request made to calculate the amount of fill required for the driveway improvements and this is approximately 200 cubic square yards.

Bertoni notes that an area of BVW was noticed on the site.

There is no public comment.

Buchsbaum: Motion to close the hearing for 31 Haskell Street, DEP File #5-1477. Squibb seconds. Bertoni takes a roll call vote. Motion carries (3-0).

d. Cont.: 11 & 13 Bay View Avenue, DEP File #5-1478 – install and maintain dune fencing – Kenyon Kellogg

Bob Griffin, representing the applicant, notes that the applicant was unable to attend the previously scheduled site walk and would like to reschedule for a different date.

The Commission schedules a site walk for September 19, 2026, at 9am, pending Commissioner availability.

There is no public comment.

Buchsbaum: Motion to continue the hearing for 11 & 13 Bay View Avenue, DEP File #5-1478, to October 6, 2026. Squibb seconds. Bertoni takes a roll call vote. Motion carries (3-0).

e. Cont.: 22 Kittredge Street, DEP File #5-1480 – replace existing retaining walls and shed and install a patio and fence – Sean Deady

Sean Deady, owner, explains that a revised plan was submitted after the site visit. The two main changes were removing the proposed shed location from the No Disturb Zone and adding a fourth small pine tree for removal.

Bertoni states that the intention is to preserve a tree near the retaining wall. Deady states that a comment has been added to the plan noting this intention.

Spidaliere explains that DEP has requested a perpetual condition to permanently protect all mitigation areas and maintenance on the permeable pavers and dry well.

There is no public comment.

Buchsbaum: Motion to close the hearing for 22 Kittredge Street, DEP File #5-1480. Squibb seconds. Bertoni takes a roll call vote. Motion carries (3-0).

f. New: 76 & 78 Paine Avenue, DEP File #5-1479 - demolish existing residence and construct new single-family residence with associated in-ground pool, terrace, pickleball court, and driveway - Trisha Nappa c/o 76 Paine Avenue Realty Trust.

Spidaliere reads the public legal notice.

Bob Griffin, representing the applicant, explains that the entire parcel is approximately 5.5 acres of land. The existing house and the tennis court are proposed to be removed and replaced. There is a 30' elevation grade change on the property. Erosion controls will be set to demarcate the limit of work. The new building is approximately 300 s.f. larger than the current building. Thus, there is a slight increase in impervious surfaces. The same utilities will be used for the new building. An existing irrigation well will be tested for future use. A catch basin will be placed at the edge of the driveway. Both proposed infiltration beds have overflow provisions. The tennis court is being changed to a pickleball court.

Bertoni states that the associated resource area for the site is land subject to coastal storm flowage as well as buffer zone to Bordering Vegetated Wetlands. Griffin explains that the bottom of the stairs is at roughly the same elevation as currently exists. The terrace is at elevation 14 which lines up with the basement elevation. This area currently slopes and fill will be brought in to flatten it a bit. The house will be outside of land subject to coastal storm flowage. The parking court will be an impervious stone material. This is the same for the terrace. The driveway court will flow to the infiltration bed. Most of the grades around the parking court will remain the same.

Bertoni asks about a service path shown on the plans. Griffin explains that this will be used to get a golf cart or wheeled vehicle to the lawn area. Devin Hefferon, representing the applicant, explains that this will be a natural lawn material or pea stone used to access the lawn for mowing, etc.

Spidaliere reads a comment letter received from David Ries and Paul Ware, the trustees of the 75 Paine Avenue Nominee Trust and the Joseph W. Haley 2010 Trust, which expresses concern regarding the proposed work impacting 75 Paine Avenue and it being at a lower elevation. The letter requests that all stormwater from this site be contained within its boundaries. Also, concerns were expressed regarding the adequacy of the seawall and rip rap to withstand stormwater, and a condition was requested for continued maintenance of these items. A photo is provided showing some flooding that occurs when a flapper valve is blocked.

Griffin explains that there will be a reduction in runoff from current conditions based on the stormwater mitigation items to be installed. There has been some deterioration of the seawall over the years, and it is in the applicant's best interest to maintain it.

The Commission agrees to a site visit on August 27, 2026, at 8am.

Buchsbaum: Motion to continue the hearing for 76 & 78 Paine Avenue, DEP File #5-1479, to September 15, 2026. Squibb seconds. Bertoni takes a roll call vote. Motion carries (3-0).

5. Reconvene Meeting

Squibb: Motion to reconvene the meeting. Buchsbaum seconds. Bertoni takes a roll call vote. Motion carries (3-0).

6. Enforcement Matters/Potential Violations

a. Enforcement Orders

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

Spidaliere states that the applicant has done what they need to do and the Enforcement Order can be lifted once it is determined if the Notice of Intent is closed.

The Commission agrees to continue this matter to October 6, 2026, along with the other item for this applicant.

7. Other Business

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

i. New: Eelgrass restoration project off Burgess Point at Lynch Park

Spidaliere states that the eelgrass restoration has started and the Harbor Master has been helpful in the process. The Commission agrees to draft a thank you note to the Harbor Master.

b. Expenditure Approvals, if any

i. Conservation Agent June mileage

ii. Conservation Field Inspector July mileage

Buchsbaum: Motion to pay the Conservation Agent July mileage of \$18.56 and the Conservation Field Inspector July mileage of \$28.27. Squibb seconds. Bertoni takes a roll call vote. Motion carries (3-0).

8. Orders of Conditions, If Any

a. 58 West Street, DEP File #5-1472 – invasive species treatment and to reconstruct existing stairs and install a raised garden bed – Jayne Rice

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. All demolished materials, 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 removed and appropriately disposed of off-site.
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. This Order allows the use of the following chemicals: Herbicide – Glyphosate. Herbicide shall be used to treat invasive species only in the buffer zone to wetlands. No herbicides shall be used within wetlands and shall maintain a minimum 25-foot setback from any wetland resource area. Once herbicides are used, the dead plant material shall be removed and appropriately disposed of off-site.
6. All application of chemicals shall be applied by an applicator licensed by the Massachusetts Department of Agricultural Resources, Pesticide Bureau.
7. Annual monitoring reports shall be submitted to the Conservation Agent by December 31 on the progress of invasive species management for three (3) years after initial invasives removal.
8. Prior to the issuance of a Certificate of Compliance, the mitigation plantings shall exhibit at least 75% overall survivorship for herbaceous plants and shrubs and 100% overall survivorship for trees, after two (2) growing seasons post installation.
9. There shall be no change in grade within Bordering Land Subject to Flooding.
10. There shall be no fertilizers applied on the slope within the 50-Foot No Build Zone.

Buchsbaum: Motion to issue an Order of Conditions for 58 West Street, DEP File #5-1472 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. Squibb seconds. Bertoni takes a roll call vote. Motion carries (3-0).

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

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 demolished materials, 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 removed and appropriately disposed of off-site.
5. Storage of construction materials shall be located on existing paved areas or outside the resource areas and buffer zones.
6. The removal and management of invasive species shall follow the approved Invasive Species Management Plan, the whole plant removal process (figure 2d.).
7. The plantings depicted on the approved plan (figure 2e.) shall exhibit at least 75% overall survivorship and trees shall exhibit 100% overall survivorship after two growing seasons post installation and shall be verified by the Conservation Agent. A complete Certificate of Compliance shall not be issued until said survivorship is verified.
8. Annual monitoring reports of the native plantings outlined in Special Condition #7 above shall be provided to the Conservation Agent at the end of the growing season, for a minimum of two growing seasons.
9. Further alteration within the mitigation and restoration areas is prohibited, except as may be required to maintain the areas in their mitigated or restored condition. This condition shall survive in perpetuity beyond the issuance of a Certificate of Compliance.

Buchsbaum: Motion to issue an Order of Conditions for 343 Dodge Street, DEP File #5-1476 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. Squibb seconds. Bertoni takes a roll call vote. Motion carries (3-0).

c. Cont.: 31 Haskell Street, DEP File #5-1477 – construct an addition and deck and make improvements to a driveway – Kirk Williams

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. All demolished materials, 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 removed and appropriately disposed of off-site.
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. For tree removals: 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; no grinding of roots; all cut materials shall be removed for appropriate off-site disposal, unless approved by the Conservation Agent or Commission.
6. Only clean fill shall be used.

Buchsbaum: Motion to issue an Order of Conditions for 31 Haskell Street, DEP File #5-1477 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. Squibb seconds. Bertoni takes a roll call vote. Motion carries (3-0).

d. Cont.: 22 Kittredge Street, DEP File #5-1480 – replace existing retaining walls and shed and install a patio and fence – Sean Deady

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. During the work, any storage of equipment shall be located on existing paved areas or as close to the street as possible.
3. Prior to any work occurring, staked sediment controls shall be installed between the proposed work and the wetland resource area and shall remain in place for the duration of the work and until final site stabilization.
4. After work completion, any disturbed soils shall be seeded and stabilized to avoid sedimentation into the resource areas.
5. The bottom of the fencing shall have at least 4 inches of space between the bottom member of the fence and the ground surface to allow for small wildlife movement.
6. Soil excavated from fence post holes shall be taken off site and disposed of properly.
7. For the removal of four trees: tree removal shall be conducted via hand tools and/or all heavy equipment shall be operated from paved surfaces only; all cut materials shall be removed for appropriate off-site disposal; a spill kit shall be located on site during the work.
8. The plantings depicted on the approved site plan shall exhibit at least 75% overall survivorship after two growing seasons post installation and shall be verified by the Conservation Agent. A complete Certificate of Compliance shall not be issued until said survivorship is verified.

- 401 9. Further alteration within the mitigation areas is prohibited, except as may
402 be required to maintain the areas in their mitigated condition. This
403 condition shall survive in perpetuity beyond the issuance of a Certificate
404 of Compliance.
405 10. The permeable paver patio and drywell shall be maintained in good
406 condition. This condition shall survive in perpetuity beyond the issuance
407 of a Certificate of Compliance.
408

409 Buchsbaum: Motion to issue an Order of Conditions for 22 Kittredge Street, DEP File #5-1480
410 under the Wetlands Protections Act and the Beverly Wetlands Ordinance, with the
411 special conditions discussed in this meeting, in addition to the standard general
412 and perpetual conditions. Squibb seconds. Bertoni takes a roll call vote. Motion
413 carries (3-0).
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415 **10. Approval of Minutes (as available):**

416 **a. July 28, 2026**

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418 Squibb: Motion to approve the meeting minutes of July 28, 2026, as presented.
419 Buchsbaum seconds. Bertoni takes a roll call vote. Motion carries (3-0).
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421 **11. Adjourn**

422
423 Buchsbaum: Motion to adjourn. Squibb seconds. Bertoni takes a roll call vote. Motion carries
424 (3-0).
425

426 Meeting adjourns at 8:48 p.m.

427
428 *Next Regular Meeting of the Conservation Commission: Tuesday, September 15, 2026*