

**CITY OF BEVERLY
PUBLIC MEETING MINUTES**

BOARD OR COMMISSION: City of Beverly Conservation Commission
DATE: September 15, 2026
LOCATION: Virtual via Google Meet
MEMBERS PRESENT: Chair Christine Bertoni, Robert Buchsbaum, William Squibb, Joanne Miller
MEMBERS ABSENT: Vice Chair Amber Redmond
STAFF PRESENT: Conservation Agent David Spidaliere

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: 4 Upland Road, DEP File #5-1422

Jesse Blanchette, Griffin Engineering, explains that this was a pier and floating dock project along with some landscaping improvements. The work has been completed true to the plan. The mitigation plantings have been installed and are at 92% survivorship, meeting the requirements. There are a couple of deviations, including that the upland side of the pier had to be extended by 4' in order to sink the sonotubes into solid ground. Another minor deviation is that there was some switch grass proposed in one area of the landscaping but, due to the shallow soil cover, it was not installed. The invasives on the bank have been removed, and many natural grasses have been planted. The work on the phragmites removal in one corner is still ongoing, but this is covered under a separate Order of Conditions. The request is to close out of this Order of Conditions for the pier and landscaping work. All five mitigation trees are surviving well.

Bertoni asks if the extended pier is above mean high water. Blanchette states that it is. The project has a waterways license.

Spidaliere states that a site visit confirmed that the work has been completed and the site is stabilized.

Buchsbaum: Motion to issue a Complete Certificate of Compliance for 4 Upland Road, DEP File #5-1422, including perpetual conditions #37-40 and perpetual special conditions #6-9. Miller seconds. Bertoni takes a roll call vote. Motion carries (4-0).

ii. New: 57 Beaver Pond Road, DEP File #5-702

Richard Gilmore, attorney for the petitioner, explains that the petitioner owns 57 Beaver Pond, which is Lot 19 on the original subdivision plan. The original Order of Conditions was wholly expected to be for 65 Beaver Pond Road, Lot 20. The Order of Conditions was recorded on October 18, 2000, and the subdivision plan was filed five days later on October 23, 2000. While the Order of Conditions was intended to be for Lot 20, because it was recorded prior to the subdivision plan, it created a title issue for Lot 19, which lead to this request for a partial release. Lot 19 has nothing to do with the work covered by the Order of Conditions. Providing a partial Certificate of Compliance for Lot 19 will not impact the Order of Conditions or work for Lot 20.

Spidaliere notes that this will be an issue for the other lots that were included as part of the subdivision plan but did not have any work done on them. Staff has not yet received any requests for Certificates of Compliance from those lots. A site visit confirmed that there was no work on Lot 19.

Buchsbaum: Motion to issue a Partial Certificate of Compliance for 57 Beaver Pond, DEP File #5-702. Miller seconds. Bertoni takes a roll call vote. Motion carries (4-0).

iii. New: 2 Thaxton Road, DEP File #5-1359

Jesse Blanchette, Griffin Engineering, explains that this work was for a pool in the buffer zone. The work is complete and the area is stable. The mitigation plantings are installed and flourishing. During construction there was an inquiry from the applicant regarding dry wells and a request for these to be at grade. The applicant contacted the City Engineer and obtained approval for the dry well frame covers to be buried below the loam.

Bertoni asks if the frame covers can be easily found. Blanchette states that there are ties in order to find and access them for maintenance.

Spidaliere states that a final site inspection found everything on the site to be per the plan.

Bertoni asks about an existing trampoline in the 25' No Disturb Zone. Blanchette states that this is a temporary, movable structure and open underneath.

Buchsbaum: Motion to issue a Complete Certificate of Compliance for 2 Thaxton Road, DEP File #5-1359, including perpetual conditions #35-39 and perpetual special conditions #1, 4 & 5. Miller seconds. Bertoni takes a roll call vote. Motion carries (4-0).

iv. New: 12 Museum Road, DEP File #5-1293

George Zambouras, engineer on behalf of the applicant, explains that this is a proposal to wrap up this project. An Enforcement Order was issued to ensure the growth of the plantings on site. The applicant is requesting a final Certificate of Compliance for the deck, sidewalk and mitigation plantings.

Spidaliere states that the site visit confirmed that the work is per the plans. The Enforcement Order was lifted two meetings ago.

Buchsbaum: Motion to issue a Complete Certificate of Compliance for 12 Museum Road, DEP File #5-1293, including perpetual conditions #36-40. Miller seconds. Bertoni takes a roll call vote. Motion carries (4-0).

v. New: 662 Cabot Street, DEP File #5-1441

George Zambouras, engineer on behalf of the applicant, explains that this project was to construct a single-family residential dwelling and only a corner of it is in the buffer zone. Most of the work is for the yard, including a retaining wall, roof infiltration system, and the removal of debris and invasives on a slope. The project was constructed in accordance with the approved plan.

Buchsbaum: Motion to issue a Complete Certificate of Compliance for 662 Cabot Street, DEP File #5-1441, including perpetual conditions #37-40 and perpetual special conditions #5 & 7. Miller seconds. Bertoni takes a roll call vote. Motion carries (4-0).

vi. New: 19R & 21 Linden Avenue, DEP File #5-1375

Michael Paige, Griffin Engineering, explains that the proposed project was approved in October 2022. It was for a paver patio with stairs and a landscaping wall, reconstruction of stairs to an elevated deck, and some landscaping improvements on and around the coastal bank. The project took place between October 2022 and May 2023 and was constructed in accordance with the approved plans. The only deviation from the plans was regarding a tree at the base of the coastal bank which fell over during a storm and another tree halfway up on the coastal bank which also snapped during a windstorm. In the Order of Conditions there was a condition to install two 25' No Disturb markers. Paige believes it would be confusing to install these markers along the 25' boundary, as it runs through the deck, patio, and the house. A majority of the area in the 25' No Disturb Zone is disturbed already. Those markers were not installed.

Spidaliere notes that this Order of Conditions was sent to MassDEP without a copy of the general and perpetual conditions. This was a clerical error. In the Order, the applicant was requested to install the markers. The applicant met all of the special conditions, aside from the markers.

Miller: Motion to issue a Complete Certificate of Compliance for 19R & 21 Linden Avenue, DEP File #5-1375. Buchsbaum seconds. Bertoni takes a roll call vote. Motion carries (4-0).

vii. New: 5 Curtis Point, DEP File #5-1431

George Zambouras, on behalf of the applicant, explains that the project was to take an existing roof system that was being discharged into crushed stone at the surface, and route it into a new infiltration system in the front yard. In addition, it was to install bulkhead access to the basement. All of the gutters on the oceanside of the house were rerouted through a drainage system into an infiltration system in the front yard. All of the work has been completed.

Miller: Motion to issue a Complete Certificate of Compliance for 5 Curtis Point, DEP File #5-1431, including perpetual conditions #37-40 and perpetual special condition #5. Buchsbaum seconds. Bertoni takes a roll call vote. Motion carries (4-0).

viii. New: 32 Haskell Street, DEP File #5-1444

Jordan Foulds, representing the applicant, explains that this project was for an addition and garage to an existing single-family home. The garage portion of the addition was not constructed and will not be constructed. The remaining addition has been completed and the site is stabilized. There was a decrease in impervious area within the buffer zone by approximately 293 s.f. and a tree was not cut as originally proposed. Three no disturbance monuments have been installed.

Bertoni asks for a figure of the current impervious surface to the previous amount. Foulds states that there was previously 4,607 s.f. and the existing is 4,314 s.f. Bertoni asks about mitigation requirements for the project. Foulds states that there were none. The requirement was for the site to be stabilized, which it is with grass.

Spidaliere states that a final site inspection found no issues.

Miller: Motion to issue a Complete Certificate of Compliance for 32 Haskell Street, DEP File #5-1444, including perpetual conditions #37-40 and perpetual special condition #6. Buchsbaum seconds. Bertoni takes a roll call vote. Motion carries (4-0).

ix. New: 4 Bridle Path Lane, DEP File #5-1361

Jordan Foulds, DeRosa Environmental, explains that the original partial Certificate of Compliance was issued for this project on June 5, 2025, pending the confirmation of 75% survivorship of the mitigation plantings over two growing seasons. After a final inspection of the mitigation area, 95% survivorship of the mitigation plantings was observed, satisfying the 75% survivorship requirement.

Spidaliere states that a final site inspection found no issues. The requirement for survivorship has been met.

Buchsbaum: Motion to issue a Complete Certificate of Compliance for 4 Bridle Path Lane, DEP File #5-1361, including perpetual conditions #35-39 and perpetual special

conditions #2, 3 & 6. Miller seconds. Bertoni takes a roll call vote. Motion carries (4-0).

b. Tree Removals

i. New: 565 Hale Street

Greg Thomas, homeowner, explains that he is requesting removal of four trees: one black birch and three beech trees. These are located alongside the driveway and there could be a safety risk. A certified arborist visited the site to confirm this. All heavy equipment work will be via the driveway.

Buchsbaum: Motion to approve the tree removal request at 565 Hale Street, with the conditions as discussed. Miller 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.: 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.

Jesse Blanchette, Griffin Engineering, explains that there have been a few changes to the project. On the northeast side of the proposed residence, a lawn service path has been braided in. The purpose of the path is for landscape equipment to be able to access the front of the property and the rear of the property for normal maintenance activities such as lawn mowing. A pre-existing retaining wall in one area will be repaired but, for now, this is a graded hillside that will be well-vegetated and stable. Another project change is that the basement slab has been raised approximately 3'. This has a trickle-down effect of raising the pool terrace area as well. There will be some lawn steps that come up from the existing grade to the elevated area. Another revision is that, due to the service path being constructed in one area, a generator and some propane tanks will be moved to the west of the garage. This is outside of the buffer zone and outside of Land Subject to Coastal Storm Flowage. Finally, the roof leaders and drainage have been coordinated so that all of the downspouts will run into robust infiltration beds. A comment from DEP was received and is similar to a comment received from the abutters at 75 Paine Ave. The DEP comment reads that "the proponent should evaluate if the proposed project and filling will change flow characteristics, redirecting it onto adjacent properties, or increase the volume and velocity of flow". The applicant responded to DEP with the revised plans noting a comparison of pre-construction and proposed impervious surfaces, resulting in a net decrease of 1,200 s.f. from the proposed redevelopment. Also, the applicant will provide substantially more on-site infiltration. The preconstruction drainage system included a couple of dry wells in a

parking court but no other evident drainage structures. A robust drainage system has been designed to capture the entire interior of the building and the parking court. This will be piped over to a subsurface infiltration bed. At the rear the property, there are drainage grates in the pool terrace and downspouts to collect the rear portion of the building and pipe it over to an infiltration field. With regard to another comment from the abutter regarding maintaining the seawall, the applicants intend to maintain the seawall, and this will likely come forward as part of a future filing.

Bertoni asks about the construction access. Blanchette states that access is from the roadway. Fill will be brought in and placed in the general vicinity. Bertoni states that the construction access had already been constructed as seen during the site visit and there was quite a bit of fill that had traveled to the abutter's property. There was a request for erosion controls to be installed. Jeff Lawler, representing the applicant, states that this was installed after the site walk.

Bertoni asks about a manhole/drain cover outside of the project area but still within the property. Blanchette states that the structure looks to be in good shape, with an existing 6" clay pipe that runs under it. There is no evidence of a manhole structure or pipe on one of the abutting properties, but a manhole was found on another abutting property. The water level in that manhole was a couple of feet lower. Bertoni asks about the fill being brought onto the site and any impact on the existing drainage system. Blanchette states that he believes the flow will continue and drainage will continue to function as it currently does.

Buchsbaum suggests a couple of alternative planting species. Devin Hefferon, representing the applicant, explains that the intention is to use native species.

There is no public comment.

Buchsbaum: Motion to close the hearing for 76 & 78 Paine Avenue, DEP File #5-1479. Miller 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: 21 Wirling Drive – replace existing top deck and pool deck – Glenn Battistelli

Spidaliere reads the public legal notice.

Richard Accomando, representing the applicant, explains that the proposal is to replace two decks in kind. These will be in the same footprint and size and will be open to allow rainwater to full through. Four footings will be added for the top deck, and 13 footings will be added for the deck surrounding the pool, per code. These will be placed 48" deep.

There is discussion regarding erosion controls, such as silt sock. The concrete will need to be cleaned up and not allowed to stay on the property or flow onto Wirling Drive.

Bertoni notes that there is a local buffer that extends 25' for a No Disturb Zone and 50' for a No Build Zone. These should be shown on the plan.

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

b. New: 451 Essex Street – replace a portion of grass with artificial turf – Beth Costanzo

Spidaliere reads the public legal notice.

Beth Costanzo, applicant, explains that the proposal is to replace the grass on this site with artificial turf, in order to fulfill the ADA requirements after discussion with Jim Butler, Building Commissioner. This will be a play area for children.

Bertoni notes that the area is approximately 660 s.f. She asks how the turf is proposed to be installed. Costanzo explains that the grass will be removed. Crushed stone, sand and artificial turf will then be layered in the area. This will allow for infiltration and drainage. The grade of the area will not be raised. There is not much maintenance required. The turf will be nontoxic.

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

7. Other Business

a. Expenditure Approvals, if any

i. Conservation Agent August mileage

ii. Conservation Field Inspector August mileage

Buchsbaum: Motion to pay the Conservation Agent August mileage of \$15.88 and the Conservation Field Inspector August mileage of \$36.45. Miller seconds. Bertoni takes a roll call vote. Motion carries (4-0).

8. Orders of Conditions, If Any

a. 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.

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. Any pool backwash and/or dewatering shall be directed away from resource areas, and into the infiltration field. This condition shall survive in perpetuity beyond issuance of a Certificate of Compliance.
7. Pool backwash shall not occur within two weeks of chlorination. This condition shall survive in perpetuity beyond issuance of a Certificate of Compliance.
8. The plantings depicted on the approved site plan 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.
9. The applicant shall substitute *Lupinus perennis* for *Lupinus polyphyllus* in the planting plan.

Buchsbaum: Motion to issue an Order of Conditions for 76 & 78 Paine Avenue, DEP File #5-1479 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. Miller seconds. Bertoni takes a roll call vote. Motion carries (4-0).

9. Approval of Minutes (as available):
a. August 18, 2026

Squibb: Motion to approve the meeting minutes of August 18, 2026, as amended. Buchsbaum seconds. Bertoni takes a roll call vote. Motion carries (3-0-1).

Spidaliere notes that there will be a site walk this Saturday at 9AM at 11 & 13 Bay View Avenue. A new Commissioner should be available for the Commission's next meeting. That will also, unfortunately, be Redmond's last meeting. The Commission can hold a vote for officer elections at a future meeting.

359 **10. Adjourn**

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

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364 Meeting adjourns at 8:24 p.m.

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366 *Next Regular Meeting of the Conservation Commission: Tuesday, October 6, 2026*