

Newbury Conservation Commission - Public Meeting Minutes  
May 16, 2023

Members Present:

- ☒ Bob Connors (Chair)
- ☒ Mary Rimmer (Vice Chair)
- ☒ Peter Paicos (Planning Board Liaison)
- ☒ Brad Duffin
- ☒ Dianne O'Brien
- ☒ TJ Conte
- ☒ Samantha Holt (Agent)

7:00 p.m. Meeting Called to Order

- Opening remarks from Conservation Agent Samantha Holt
- Minutes Review: Commission members reviewed minutes from the 4/4/2023, 4/18/2023, and 5/2/2023 meetings
  - ***Motion by Brad Duffin to approve the 4/4/2023 minutes as drafted; seconded by Dianne O'Brien; vote 6:0:0.***
  - ***Motion by Brad Duffin to approve the 4/18/2023 minutes as drafted; seconded by TJ Conte; vote 6:0:0.***
  - ***Motion by Brad Duffin to approve the 5/2/2023 minutes as drafted; seconded by Dianne O'Brien; vote 6:0:0.***

**CERTIFICATE OF COMPLIANCE**

94 Northern Boulevard (DEP File #050-0795)

Daniel LaRue (Applicant)

Samantha Holt presents a request for a CoC for work to construct a second-floor addition and replace the existing deck. Ms. Holt noted that there is no file record for this project other than the recorded OOC, and the description is based on historic imagery and the building department file. A site inspection was conducted and all work appears to have been completed in compliance with what was approved. ***Motion by Mary Rimmer to issue a complete Certificate of Compliance; seconded by Brad Duffin; vote 6:0:0.***

**ENFORCEMENT ORDER**

18 Fordham Way (Blue Inn)

Ryan Guthrie (Owner)

Samantha Holt presents an administrative EO issued for unpermitted work to replace two staircases providing hotel guest access to the lower part of the beach. Ms. Holt provided an update on an Emergency Certificate which was issued to Mr. Guthrie for the work on April 27, 2023. A letter was received from MA DEP revoking the Emergency Certificate, and since the work had already been completed at that time, the EO was issued to mandate the filing of a Notice of Intent as required in the DEP letter. Ms. Holt noted that the DEP letter required an OOC to be issued within 60 days of receipt of the revocation, but due to local meeting schedules and deadlines this would not be feasible for Mr. Guthrie's consultant. Ms. Holt reached out to DEP, and received written confirmation that DEP agreed to instead give Mr. Guthrie 60 days to file the NOI. Commission members had an opportunity to discuss the EO. Questions were raised regarding what appears to be placement of sand under the staircases, as well as whether the EO is necessary if we already have the DEP letter. ***Motion by Peter Paicos to ratify the Enforcement Order as revised; seconded by Dianne O'Brien; vote 6:0:0.***

**PLEASE NOTE:** Mary Rimmer left the meeting after the preceding discussion concluded.

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**PUBLIC HEARINGS**

17 & 19 10<sup>th</sup> Street (DEP File #unassigned) Kevin & Lisa Barlow (Applicants)  
The Applicant has requested a continuance. ***Motion by Brad Duffin to continue the hearing to 7:00 PM on 6/6/2023; seconded by Dianne O'Brien; vote 5:0:0.***

**ADMINISTRATION**

Brad Duffin inquired about the status of the combined sewer overflow (CSO) discussions. Bob Connors noted that there have been discussions held by Senator Bruce Tarr regarding CSO releases and there is talk of additional proposed legislature to address CSO releases beyond just notifying the public they have occurred.

Meeting adjourned at 7:26 p.m.  
Respectfully submitted,  
Samantha Holt, Conservation Agent