

Newbury Conservation Commission - Public Meeting Minutes
January 4, 2022

Members Present:

- ☒ Brian Colleran (Chair) (arrived late)
- ☒ Benjamin Gahagan (Co-Chair)
- ☒ Peter Paicos (Planning Board Liaison)
- ☒ Mary Rimmer (left early)
- ☒ Brad Duffin
- ☒ Dan Streeter
- ☐ Frank Wetenkamp
- ☒ Samantha Holt (Agent)

7:03 p.m. Meeting Called to Order

- Opening remarks from Commission Chair Brian Colleran
- Minutes review: December 21, 2021
 - Motion by Peter Paicos to approve the 12/21/2021 minutes; seconded by Dan Streeter; Ben Gahagan and Brad Duffin abstained; vote 5:0:2

PUBLIC HEARING

21 Marsh Avenue (DEP File #050-1375)

Christina Hoffman (Applicant)

- Exhibits: Notice of Intent application for 21 Marsh Ave with all attachments
- Ms. Hoffman presents a Notice of Intent for the installation of a patio, driveway resurfacing, and landscaping improvements. She described the existing conditions and the changes to be made to the property which includes slight reconfiguring of the driveway. Ms. Hoffman also noted that sediment controls in the form of straw wattles will be installed although none are shown on the plans. Commission members had the opportunity to discuss the project. Frank Wetenkamp got clarification that the current driveway surface is hardpack gravel and the Applicant anticipated resurfacing with asphalt. Dan Streeter raised concerns about paving the driveway in such proximity to the riverfront. Mary Rimmer requested to see the landscape sketch overlaid on the existing conditions plan to get a better idea of where the work is located on the property. Ms. Rimmer also requested that Land Subject to Coastal Storm Flowage, Coastal Bank delineations, and resource Buffer Zones be shown on the existing conditions plan. Mr. Streeter also requested to have the erosion control shown on the plans. Motion by Peter Paicos to continue the hearing to 7:00 pm on 2/1/2022; seconded by Dan Streeter; Ben Gahagan abstained; vote 5:1:1.

Please Note: Mary Rimmer left the meeting after the preceding hearing was continued.

COMMISSION DISCUSSION ITEM

313 Newburyport Turnpike (DEP File #050-1264)

The Governor's Academy (Applicant)

- Exhibits: Order of Conditions for 313 Newburyport Tpk with all attachments, modified plan set for 313 Newburyport Tpk
- Drew Garvin (representative) presents a request for minor modifications to an issued Order of Conditions to construct an environmental studies building and appurtenances. Tom Woodruff, Director of Facilities at The Governor's Academy is also present. Mr. Garvin outlined additional details requested at the 12/21/2021 meeting, including design plans for the boardwalk and erosion control plans. He noted that the boardwalk pilings would be placed approximately every 15 feet along an approximately 500-foot-long pathway. Commission members had the opportunity to discuss the project. Dan Streeter asked for clarification on the notes regarding the erosion control inspector, as well as limit of work, site access, and stormwater report questions. Ben Gahagan made a suggestion for a condition to give the Conservation Agent authorization to allow erosion controls to be removed. Motion by Ben

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Gahagan to grant a minor modification to the Order of Conditions with the additional conditions regarding erosion control measures and plan notes as discussed; seconded by Peter Paicos; vote 6:0:0

PUBLIC HEARINGS

141 Northern Boulevard (DEP File #unassigned) Rene Dumont (Applicant)

- Exhibits: Notice of Intent application for 141 Northern Blvd with all attachments
Tom Hughes (representative) presents a Notice of Intent for the renovation of the existing home, including the addition of a second floor, reduction of footprint, and associated site work. Mr. Hughes outlined the proposed work and existing site conditions including the fact that this property is not located within the floodplain. Commission members had the opportunity to discuss the project and got clarification on minor aspects with no major issues. Mr. Hughes requested to continue the hearing to the next meeting. Motion by Ben Gahagan to continue the hearing to 7:00 pm on 2/1/2022; seconded by Dan Streeter; vote 6:0:0

7 & 17 Marsh Avenue (DEP File #050-1374) Peter J Lariviere (Applicant)

The Applicant has requested a continuance. Motion by Ben Gahagan to continue the hearing to 7:00 PM on 2/1/2022; seconded by Dan Streeter; vote 6:0:0

8 12th Street (DEP File #050-1369) Michael Kirkpatrick (Applicant)

- Exhibits: Notice of Intent application for 8 12th St with all attachments
Samantha Holt provided an update on the project's status with the Zoning Board of Appeals to get a variance on increasing the lot coverage. She noted that no additional comments have been received from DEP on the new plans that were submitted, and that Mr. Kirkpatrick has adjusted the dimensions of the shed to meet setback requirements as described by the Building Commissioner. Motion by Ben Gahagan to issue an Order of Conditions with the standard special conditions for Plum Island construction and the additional condition that no work may commence until the Applicant has received approval from the Zoning Board of Appeals; seconded by Dan Streeter; vote 6:0:0

COMMISSION DISCUSSION ITEMS

Extension Permits

170 Orchard Street (DEP File #050-1254) MPM Companies, LLC (Applicant)

- Exhibits: Order of Resource Area Delineation for 168 (now 170) Orchard St with all attachments
This is a request to extend the Order of Resource Area Delineation that was issued on 8/17/2017. With no representative present, Samantha Holt noted that with the tolling period due to the COVID-19 pandemic, the current Order is valid until 1/25/2022 and outlined the requirements for extending an ORAD. A letter was received from Bill Mannuell with Wetlands and Land Management, Inc stating that a site visit was conducted and conditions have not changed. Ben Gahagan noted that the approved site plans listed the incorrect street address (shown as 160 Orchard Street) but they did show the correct map and lot numbers. Ms. Holt confirmed she would set up a time for a site walk. Discussion tabled until 7:00 pm on 2/1/2022 pending a site walk, all members in favor.

Other Business

- Exhibits: "Why the Newbury Conservation Commission is proposing a Wetlands By-Law Amendment?" document
Samantha Holt brought up discussion regarding a document that describes why the current Town of Newbury Wetlands By-Law is being amended and the benefits of the changes. Commission members offered suggestions for

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edits before the document gets posted to the Town Website. There was some discussion on why the by-law is being changed and confirmation on the date/time/topics of the upcoming Special Meeting with Town Counsel. Ben Gahagan also requested follow-up on an email received last week from Mark Sandt with the Recreation Committee.

Meeting adjourned at 8:48 p.m.

Respectfully submitted,

Samantha Holt, Conservation Agent