

Newbury Conservation Commission - Public Meeting Minutes
May 3, 2022

Members Present:

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

7:05 p.m. Meeting Called to Order

- Opening remarks from Commission Chair Brian Colleran
- Minutes review: Motion by Mary Rimmer to accept the minutes as written for 3/15/2022, 4/5/2022, and 4/19/2022; seconded by Dan Streeter; vote 4:0:0

PUBLIC HEARINGS

Newbury Salt Marsh (File #NCC-394)

Peter Phippen, MVPC (Applicant)

- Exhibits: Request for Determination of Applicability for *Phragmites australis* control in the Newbury Salt Marsh with all attachments

Mr. Phippen is present to discuss the Request for Determination of Applicability for work to continue management of Common Reed (*Phragmites australis*) in various areas of the Newbury salt marsh, including the Plum Bush Creek area, the salt marsh to the south of the Plum Island Turnpike Bridge, and those located along the Parker and Mill Rivers. He outlined the project, and noted that this is the third round of *P. australis* control treatments that MVPC has presented to the Commission, and approximately the tenth round that has been conducted in other towns in the Great Marsh. He also noted that treatments have been successful, and they are currently down to necessary maintenance treatments for persistent *P. australis* stands. Commission members had an opportunity to discuss the project. Questions were raised regarding prospective future work, no concerns for the current proposed project were noted. Motion by Mary Rimmer to issue a negative Determination of Applicability; seconded by Ben Gahagan; vote 4:0:0

24 Plum Island Turnpike, Plum Island Airport (File #NCC-395)

MassDOT Aeronautics (Applicant)

- Exhibits: Request for Determination of Applicability for 24 Plum Island Tpk with all attachments

James Matz (representative) presents a Request for Determination of Applicability for work to resurface the existing paved runway. Mr. Matz outlined the project, and noted that the footprint of the runway would not be increased, and that a portion of paved area will be removed and vegetation restored in place. He also noted locations for materials and machinery staging in the existing parking areas and that all work will be conducted only within the Buffer Zone and to reduce impact to all resources and the Buffer Zone as much as possible. Commission members had an opportunity to discuss the project. Questions were raised regarding the emergency portion of the runway (which will not be altered), disposal of removed material (which will be taken off-site and disposed of appropriately), wetland flagging timeline (done within the last several years, appear to be accurate and does not need to be redelineated), stormwater management upgrades (none planned), type of grass seed mix (will be provided), and erosion controls. Requests were made add conditions to utilize compost wattles rather than straw wattles for erosion controls, and to note in the Determination of Applicability that there was no confirmation of wetlands delineations. Motion by Mary Rimmer to issue a negative Determination of Applicability with the discussed conditions; seconded by Ben Gahagan; vote 4:0:0

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16 6th Street (DEP File #050-1381)

John Glazebrook

(Applicant)

- Exhibits: Notice of Intent application for 16 6th St with all attachments

Mr. Glazebrook is present to discuss a Notice of Intent for work to install a deck and complete partial upward expansion to the existing single-family home. Mr. Glazebrook briefly outlined the project, and Samantha Holt noted that the deck is being installed over the existing paved driveway with minimal disturbance to vegetation (which is all lawn grass). Ms. Holt also noted that the upward expansion is to add additional living space laterally over the roof, and will not add an additional floor to the home. Materials and machinery will be staged in the paved driveway. Commission members had an opportunity to discuss the project. One question was raised regarding the deck location. Requests were made to add conditions that there shall be no concrete poured for the deck footings, footings shall be diamond pier or steel driven piles (or similar) only; and, that post-construction photographs of the property shall be submitted to document that the work was completed in compliance, including reseeding of disturbed vegetation. Motion by Mary Rimmer to issue an Order of Conditions with all standard conditions for construction on Plum Island, as well as those discussed in the hearing; seconded by Dan Streeter; vote 4:0:0

1 & 3 Main Street (DEP File #050-1380)

Nicolo & Rita Distefano (Applicants)

- Exhibits: Abbreviated Notice of Resource Area Delineation application for 1 & 3 Main St with all attachments

Greg Hochmuth (representative) presents an Abbreviated Notice of Resource Area Delineation to confirm delineations of Bordering Vegetated Wetlands and an intermittent stream. Mr. Hochmuth described the property and the located resource areas. Having no questions regarding the plans, the Commission scheduled a site walk with Mr. Hochmuth for 8:00 AM on 5/10/2022. Motion by Mary Rimmer to continue the hearing to 7:00 PM on 5/17/2022 pending the scheduled site walk; seconded by Dan Streeter; vote 4:0:0

42 Middle Road (DEP File #unassigned)

Martin Pitasi (Applicant)

- Exhibits: Notice of Intent application for 42 Middle Rd with all attachments

Kristan Farr (representative) presents the continued Notice of Intent for work to construct a single-family home with a septic system and wetland crossing for driveway installation, including wetland restoration and mitigation work. Ms. Farr noted that during the scheduled site walk several issues arose regarding the wetland delineations. There were no questions from the Commission, and Ms. Farr requested a continuance on behalf of the Applicant, pending revision of the wetland delineations. Motion by Ben Gahagan to continue the hearing to 7:00 PM on 5/17/2022; seconded by Dan Streeter; vote 4:0:0

5 Cinder Avenue (DEP File #050-1379)

James & George Simas (Applicant)

- Exhibits: Notice of Intent application for 5 Cinder Ave with all attachments

Samantha Holt noted that new revisions to the plan had been submitted and shared to the Commission, in which the Applicant's representative believed all concerns raised by the Commission were addressed. There was some discussion regarding invasive plants on the property, and a request to add a condition that the Japanese Knotweed on the property shall be effectively controlled or managed prior to issuance of a Certificate of Compliance. The condition was amended to state that the Applicant or their representative shall submit a Japanese Knotweed control plan at the time of the pre-construction meeting. Motion by Brian Colleran to issue an Order of Conditions with the standard conditions for construction on Plum Island, as well as the additional condition as discussed (amended by Mary Rimmer); amended motion seconded by Ben Gahagan; vote 4:0:0

7 Bittersweet Lane (DEP File #unassigned)

Gage Foley (Applicant)

The Applicant has requested a continuance. Motion by Dan Streeter to continue the hearing to 7:00 PM on 5/17/2022; seconded by Ben Gahagan; vote 4:0:0

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10 10th Street (DEP File #050-1378) Ben Legare (Applicant)

The Applicant has requested a continuance. Motion by Mary Rimmer to continue the hearing to 7:00 PM on 5/17/2022; seconded by Ben Gahagan; vote 4:0:0

0 Pine Island Road/Lot 5 (DEP File #050-1330) David Manty (Applicant)

The Applicant has requested a continuance. Motion by Ben Gahagan to continue the hearing to 7:00 PM on 5/17/2022; seconded by Mary Rimmer; vote 4:0:0

COMMISSION DISCUSSION ITEMS

Enforcement Issues

48 Green Street Michael Hatheway (Owner)

Tom Hughes (representative) noted that he does not believe there is a wetland filling violation, and that the nearby stream can be classified as being intermittent which resolves several issues. Mr. Hughes does believe there is some work to be done, which Mr. Hatheway has agreed to. Dan Streeter noted that there is a need to maintain erosion controls around the compost area. Mary Rimmer suggested that Mr. Hughes and Samantha Holt walk the site to come up with a plan of action so a letter can be issued outlining the work to be completed and a date for it to be done by. The discussion was tabled until 7:00 PM on 6/7/2022.

Other Business

Newbury Town Day

The Commission held discussion on interest in volunteering to assist in Newbury Town Day, scheduled for 6/18/2022. Several Commission members requested more information, which Samantha Holt will gather and pass on from the coordinators.

Samantha Holt provided updates on a recent influx of submittals, Mass Audubon's monitoring of Piping Plovers on Plum Island, and upcoming vacancies on the Commission. She noted that anyone interested in volunteering to serve on the Commission should submit letters of interest to the Select Board.

Meeting adjourned at 8:49 p.m.

Respectfully submitted,

Samantha Holt, Conservation Agent