

Newbury Conservation Commission - Public Meeting Minutes
May 24, 2022

Members Present:

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

7:05 p.m. Meeting Called to Order

- Opening remarks from Commission Co-Chair Ben Gahagan
- Minutes review: Motion by Dan Streeter to accept the minutes as written for 5/3/2022; seconded by Pete Paicos; vote 4:0:0

COMMISSION DISCUSSION

Other Business

Vacant Seats

Samantha Holt noted that there are currently two open seats on the Commission, with at least one more seat opening up in July. She stated that the Commission is currently looking for volunteers to serve on the board. Interested parties should contact her directly (conscom@townofnewbury.org) for more information, or send Letters of Interest to Julie O'Brien (asstadmin@townofnewbury.org), with the Select Board, no later than June 21, 2022.

Caldwell Farm Trail Agreement

Martha Taylor (Newbury Planning Director) is present to discuss the pending Caldwell Farm Trail Agreement. In the Open Space Residential Development special permit from the Planning Board for Caldwell Farm, there was an agreement to include an open space plan with trail easement. Currently, there is a document outlining the easement and operations/restrictions, as well as a general path plan for the trail. The Commission had an opportunity to view the trail plan and the agreement document, there were no questions or comments from the Commission. Motion by Dan Streeter to accept the trail agreement; seconded by Pete Paicos; vote 3:0:0

PUBLIC HEARINGS

11 Adams Lane (File #NCC-396)

Maureen Heffernan (Applicant)

- Exhibits: Request for Determination of Applicability for 11 Adams Ln with all attachments
- Samantha Holt presents (on behalf of the Applicant) the Request for Determination of Applicability for work to remove two large hazard trees from the property, both located in the buffer zone. The Applicant received a letter from a Certified Arborist confirming that the trees presented risk to life and property. Commission members had an opportunity to discuss the project. Concerns were raised for the trees dropping into wetlands once they are felled. Motion by Dan Streeter to issue a negative Determination of Applicability with the condition that the trees be felled in a way that does not impact wetlands; seconded by Pete Paicos; vote 3:0:0

90 Northern Boulevard (File #NCC-398)

Andrew Chess (Applicant)

- Exhibits: Request for Determination of Applicability for 90 Northern Blvd with all attachments
- Amish Patel (representative) presents a Request for Determination of Applicability for work to install a home backup generator. Mr. Patel stated there would be no trench digging and they would be using helical piles to create a platform to elevate the generator the required two feet, and that no cement will be poured. Commission members

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had an opportunity to discuss the project. One question was raised regarding the location of proposed propane tanks, there is an existing tank on the property and the propane line will be run along the house. Motion by Dan Streeter to issue a negative Determination of Applicability; seconded by Pete Paicos; vote 3:0:0

4 Roy Avenue (File #NCC-397)

Timothy Leonard (Applicant)

• Exhibits: Request for Determination of Applicability for 4 Roy Ave with all attachments
Ashley Perrine (representative) presents a Request for Determination of Applicability for work to install an 18kW generator. The generator will be elevated the required two feet and hooked up to an existing propane tank. Commission members had an opportunity to discuss the project. Motion by Dan Streeter to issue a negative Determination of Applicability; seconded by Pete Paicos; vote 3:0:0

42 Middle Road (DEP File #unassigned)

Martin Pitasi (Applicant)

• Exhibits: Notice of Intent application for 42 Middle Rd with all attachments
There is no one present to discuss the project. Samantha Holt noted that she would be meeting with representatives from Hancock Associates on Thursday to conduct wetland delineation revisions in the field. Motion by Dan Streeter to continue the hearing to 7:00 PM on 6/7/2022; seconded by Pete Paicos; vote 3:0:0

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 noted that during the site walk a vernal pool was identified but no other wetland lines were revised. The plans were revised and submitted. Commission members had an opportunity to discuss the project. Motion by Dan Streeter to issue an Order of Resource Area Delineation confirming the wetland delineations identified in the 5/23/2022 plan revision; seconded by Pete Paicos; vote 3:0:0

7 Bittersweet Lane (DEP File #unassigned)

Gage Foley (Applicant)

Tom Hughes (representative) provided a brief update. The Applicant has requested a continuance. Motion by Dan Streeter to continue the hearing to 7:00 PM on 6/7/2022; seconded by Pete Paicos; vote 3:0:0

10 10th Street (DEP File #050-1378)

Ben Legare (Applicant)

Tom Hughes (representative) provided a brief update. The Applicant has requested a continuance. Motion by Dan Streeter to continue the hearing to 7:00 PM on 6/7/2022; seconded by Pete Paicos; vote 3:0:0

NOTE: Brian Colleran joined the meeting as the following hearing was being opened.

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

David Manty (Applicant)

Tom Hughes (representative) presents a Notice of Intent for work to construct a dock/pier, ramp, and floating dock within salt marsh resource area and ACEC. Mr. Hughes noted that a new plan had been submitted and was stamped by an engineer (Steve Sawyer, present). Mr. Hughes outlined minor changes to the plans and details of construction. Commission members had an opportunity to discuss the project. Questions were raised regarding the ground clearance for the ramp at low tide, Mr. Hughes agreed to develop a revised profile view plan showing the ramp clearance at low tide. Questions were also raised regarding the stability of the ramp when occupied, grounding out of a vessel when moored during low tide, removal of the float at the end of each season, erosion control measures, and potential erosion of the marsh and its impact on the structure. Samantha Holt noted that, in drafting potential conditions for this project, there was an idea to include a perpetual condition requiring the dock to remain in

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compliance, and should sea-levels change or the marsh area be altered through erosion, the Owner would be required to come before the Commission to determine steps to rectify the issue. Motion by Pete Paicos to continue the hearing to 7:00 PM on 6/7/2022; seconded by Brian Colleran; vote 4:0:0

Meeting adjourned at 8:26 p.m.

Respectfully submitted,

Samantha Holt, Conservation Agent