

Newbury Conservation Commission - Public Meeting Minutes  
July 5, 2022

Members Present:

- ☒ Peter Paicos (Planning Board Liaison)
- ☒ Bob Connors
- ☒ Dan Streeter
- ☒ Dianne O'Brien
- ☒ Mary Rimmer
- ☒ TJ Conte
- ☒ Samantha Holt (Agent)

7:03 p.m. Meeting Called to Order

- Opening remarks from Conservation Agent Samantha Holt
- Minutes review: discussion tabled; no minutes ready for review.

COMMISSION DISCUSSION

Other Business

E-Signatures

Marry Rimmer outlined the need for this vote. Being in virtual meetings significantly increases the amount of time it takes to get signatures from members and to get permits issued within the 21-day required time frame. This vote will allow the Commission to authorize the Agent to provide electronic signatures on behalf of the Commission members that will hold the same weight as a wet signature on any issued permit, order, or determination. This authorization will help to speed up the overall process and get paperwork issued to applicants faster. A draft of the authorization was written and approved by Town Counsel. Motion by Pete Paicos for the Newbury Conservation Commission to hereby recognize and accept the provisions of M.G.L. c. 110G regarding electronic signatures and that its members will henceforth execute documents either with electronic signatures or with wet ink signatures and that both will carry the same legal weight and effect; seconded by Bob Connors; vote 6:0:0.

Modifications

1 Elm Street (DEP File #050-1289)

The Governor's Academy (Applicant)

- Exhibits: Request for minor modifications for 1 Elm Street with all attachments

Tom Woodruff and Curtis Cheney (representatives) presents a request for minor modifications to an Order of Conditions issued for work install a dock and pier off the Parker River. Modifications include structural design and construction material changes, the overall footprint will not change. Mr. Woodruff and Mr. Cheney outlined the changes and presented the new plans. Commission members had an opportunity to discuss the project. Questions were raised regarding changes in excavation plans, grade changes, erosion control measures and soil stockpiling, off-season storage plans, conditions in the original permit that discourage large block anchors which are proposed in this modification, and clearance of the float to the river bank. The question of whether these changes can be covered in a minor modification or if they constitute the need for a full amendment was also discussed. Motion by Bob Connors to continue the hearing to 7:00 PM on 7/19/2022; seconded by Pete Paicos; vote 6:0:0. In follow-up discussion the Applicant agreed to file a full amendment in time for the 8/2/2022 meeting.

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PUBLIC HEARINGS

140R Main Street (DEP File #unassigned)

Borrego Solar Systems, Inc (Applicant)

- Exhibits: Notice of Intent for 140R Main Street with all attachments

Rob Roseen (representative) presents a Notice of Intent for a limited project to construct an access road along an existing farm road with wetland crossings for electric utility maintenance to access the interconnection. Mr. Roseen provided a brief history on the project and its connection to the 136 Main Street solar array project. The access road as presented is being proposed to satisfy the maintenance access requirements of National Grid and includes one low-water crossing and one 135-foot bridge crossing over a perennial stream. Commission members had an opportunity to discuss the project. Questions were raised regarding rare species habitat on the property, the low-water crossing, temporary and permanent impacts to wetlands (request made to provide more details about temporary impacts not outlined in application), construction methods for the bridge, and wetland restoration plans. A site walk was scheduled for 8:00 AM on 7/7/2022. Motion by Bob Connors to continue the hearing to 7:00 PM on 7/19/2022; seconded by Dan Streeter; vote 6:0:0

49 Southern Boulevard (File #NCC-402)

Ana Machado (Applicant)

- Exhibits: Request for Determination of Applicability for 49 Southern Boulevard with all attachments

Ms. Machado presents a Request for Determination of Applicability for work to maintain existing and install new landscape plants, and to resurface and reconfigure the existing driveway. Ms. Machado outlined plans to close off the end of the driveway with plants and open up two access points for safer entry and exit, and to resurface the asphalt driveway with pavers. Two large concrete pads will also be removed, and a retaining wall on either side of the driveway will be reconstructed to accommodate the driveway reconfiguration. Commission members had an opportunity to discuss the project. Questions were raised regarding existing permits for work on the house and possibly doing this as a modification, extent of excavation for driveway reconfiguration, resurfacing materials, need for elevation notes on plans, concerns for issues with public roadway maintenance, and relocation of the propane tanks. Steve Mangion (Plum Island resident) raised questions in public comment regarding possible increased parking area. Motion by Pete Paicos to continue the hearing to 7:00 PM on 8/2/2022; seconded by TJ Conte; vote 6:0:0

323 High Road (File #NCC-403)

Brian & Beth Dacey (Applicant)

- Exhibits: Request for Determination of Applicability for 323 High Road with all attachments

Tom Hughes (representative) presents a Request for Determination of Applicability for work to replace an existing shallow well with a deeper well adjacent to it. Mr. Hughes outlined the project, noting that the existing well has run dry and that the new one is needed to provide water to the home. He also noted that the existing piping serving the home will be reused with the new well. Commission members had an opportunity to discuss the project. Questions were raised regarding possible need for dewatering and vegetation disturbance. Conditions that a stilling basin would be utilized if needed and that no mature trees shall be removed. Motion by Bob Connors to issue a negative Determination of Applicability with conditions as discussed; seconded by TJ Conte; vote 6:0:0

18 20<sup>th</sup> Street (File #NCC-404)

Stephanie O'Rourke (Applicant)

The Applicant has requested a continuance. Motion by Pete Paicos to continue the hearing to 7:00PM on 7/19/2022; seconded by Bob Connors; vote 6:0:0

7 Grove Street (DEP File #050-1383)

Penelope Bardsley (Applicant)

- Exhibits: Notice of Intent for 7 Grove Street with all attachments

Jim Scanlan (representative) presents a Notice of Intent for work to upgrade the existing septic system. Mr. Scanlan outlined the project including grading plans, erosion control measures, and means of access to the work area.

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Commission members had an opportunity to discuss the project. Questions were raised regarding access options to the work area. Motion by Dan Streeter to issue an Order of Conditions with standard special conditions for septic system installments; seconded by Bob Connors; vote 6:0:0

11 Exeter Way (DEP File #unassigned) Tom & Gina Mercuro (Applicant)

- Exhibits: Notice of Intent for 11 Exeter Way with all attachments

Mr. and Mrs. Mercuro present a Notice of Intent for work to construct a new deck and stairs. The Applicants outlined the project and it was noted that DEP had requested more detailed site plans for the work. Photos were shown of the existing conditions on the site. Commission members had an opportunity to discuss the project. Questions were raised regarding vegetation disturbance and footings for the deck. Motion by TJ Conte to continue the hearing to 7:00 PM on 7/19/2022; seconded by Dianne O'Brien; vote 6:0:0

21 Cottage Road (DEP File #unassigned) Nathan Gray (Applicant)

The Applicant has requested a continuance pending readvertisement of the hearing. Motion by Bob Connorsto continue the hearing to 7:00PM on 7/19/2022; seconded by Dianne O'Brien; vote 6:0:0

60 Plum Island Turnpike (DEP File #050-1382) Support the Pink House, Inc (Applicant)

The Applicant has requested a continuance pending readvertisement of the hearing. Motion by Dan Streeter to continue the hearing to 7:00PM on 7/19/2022; seconded by Dianne O'Brien; vote 6:0:0

42 Middle Road (DEP File #unassigned) Martin Pitasi (Applicant)

The Applicant has requested a continuance pending readvertisement of the hearing. Motion by TJ Conte to continue the hearing to 7:00PM on 7/19/2022; seconded by Bob Connors; vote 6:0:0

7 Bittersweet Lane (DEP File #unassigned) Gage Foley (Applicant)

The Applicant has requested a continuance pending readvertisement of the hearing. Motion by Pete Paicos to continue the hearing to 7:00PM on 7/19/2022; seconded by Dan Streeter; vote 6:0:0

10 10<sup>th</sup> Street (DEP File #050-1378) Ben Legare (Applicant)

The Applicant has requested a continuance pending readvertisement of the hearing. Motion by TJ Conte to continue the hearing to 7:00PM on 7/19/2022; seconded by Dianne O'Brien; vote 6:0:0

17 Independence Way (File #NCC-401) Manny Pimental (Applicant)

- Exhibits: Request for Determination of Applicability for 17 Independence Way with all attachments

Samantha Holt (Agent) presents a Request for Determination of Applicability for work to replace a previously existing deck that was removed for safety concerns on behalf of the Applicant who is unable to join the meeting. The deck will be replaced in kind within the same footprint. Commission members had an opportunity to discuss the project. Questions were raised regarding proposed footings and vegetation disturbance. Motion by Bob Connors issue a negative Determination of Applicability with no conditions; seconded by Dan Streeter; vote 6:0:0

Meeting adjourned at 9:43 p.m.

Respectfully submitted,

Samantha Holt, Conservation Agent