

Newbury Conservation Commission - Public Meeting Minutes
August 16, 2022

Members Present:

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

7:00 p.m. Meeting Called to Order

- Opening remarks from Conservation Agent Samantha Holt

COMMISSION DISCUSSION

20 20th Street (DEP File #050-1331)

Carole Tamanga (Applicant)

Samantha Holt presents a request for a Certificate of Compliance for work to demolish and rebuild the single-family house. Ms. Holt noted that the structural work was completed in compliance, however required mitigation plantings have not gone through two full growing seasons yet. Motion by Brad Duffin to issue a partial Certificate of Compliance with the outstanding condition of mitigation plantings completing two full growing seasons, seconded by Peter Paicos, vote 6:0:0.

Procedural/Administrative Review Process Updates

Samantha Holt presents a draft of a new complaint form that can be completed by members of the public and submitted to the Conservation Office in order to better track violation and complaint issues, as well as to avoid submission of anonymous complaints. Commission members suggested possible removal of language stating that complainants will remain anonymous as all complaints are added to files and become part of the public record.

REQUESTS FOR DETERMINATION OF APPLICABILITY

3 Exeter Way (File #NCC-407)

Joe Mullen (Applicant)

- Exhibits: Request for Determination of Applicability for 3 Exeter Way with all attachments

Samantha Holt presents an RDA for work to move sand and vegetation encroaching on the existing structure in order to gain access to replace shingling. The Applicant plans to pull existing vegetation and store in a planter while sand is pulled back. Vegetation will be replanted and sand will be spread, both will remain on property. Commission members made comments regarding the amount of sand to be removed and the location for its dispersal, conditions for where sand can be removed from and how much, that sand should be spread to avoid negative impact on existing vegetation, and any additional disturbed are should be restored in kind. Motion by TJ Conte to issue a negative Determination of Applicability with the conditions as discussed; seconded by Brad Duffin; vote 6:0:0.

287 High Road (File #NCC-408)

Historic New England (Applicant)

- Exhibits: Request for Determination of Applicability for 287 High Road with all attachments

Samantha Holt presents an RDA for work to remove limited buffer zone vegetation surrounding the existing structure in order to gain access to the roof for repairs. Some of the vegetation to be removed includes invasive species, and the Applicant plans to return with an invasive species management plan NOI in the future. Christina Pokwatka (representative) is present to discuss the project. Motion by Peter Paicos to issue a negative Determination of Applicability; seconded by Brad Duffin; vote 6:0:0.

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CONTINUED PUBLIC HEARINGS

42 Middle Road (DEP File #050-1384) Martin Pitasi (Applicant)

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

Samantha Holt provided an update on the review of the plans discussed at the 8/2 meeting as well as on the habitat evaluation that was conducted triggered by the stream crossing work. Kristan Farr (representative) outlined the habitat evaluation and the response to DEP comments. Motion by Dianne O'Brien to issue an Order of Conditions with the standard special conditions as drafted; seconded by TJ Conte; vote 5:0:1.

3 33rd Street (DEP File #050-1386) Beth Quinn (Applicant)

Samantha Holt provided a recap on the site walk that was scheduled for 8/9/2022 and noted that a conditional "no-take" letter was issued from NHESP. The Applicant has requested a continuance. Motion by TJ Conte to continue the hearing to 7:00PM on 9/20/2022; seconded by Dan Streeter; vote 6:0:0.

140R Main Street (DEP File #unassigned) Borrego Solar Systems, Inc (Applicant)

The Applicant has requested a continuance. Motion by Brad Duffin to continue the hearing to 7:00PM on 9/20/2022; seconded by TJ Conte; vote 6:0:0.

COMMISSION DISCUSSION

Procedural/Administrative Review Process Updates

Samantha Holt presents a draft of a new meeting schedule document that provides meeting dates, submission deadlines, and legal ad publishing dates for the 2023 calendar year. Ms. Holt noted that some submission deadlines were adjusted from the standard 14-day deadline. These dates are set earlier due to holidays. Ms. Holt also noted that the 2022 Q4 meeting schedule was drafted in the same fashion.

NEW PUBLIC HEARINGS

68 Green Street, Lot 1 (DEP File #050-1389) Crane Properties, LLC (Applicant)

- Exhibits: Notice of Intent for 68 Green Street, Lot 1 with all attachments

Due to general similarities between this project and the following project, Maureen Herald (representative) presents an outline of both NOIs for work to construct new single-family dwellings with septic system and utilities. Both projects include structure foundations and septic systems within the Buffer Zone to BVW, neither closer to the resource areas than 75 feet. Motion by Brad Duffin to issue an Order of Conditions with standard conditions for septic systems and construction as drafted; seconded by Dianne O'Brien; vote 6:0:0.

68 Green Street, Lot 2 (DEP File #050-1391) Crane Properties, LLC (Applicant)

- Exhibits: Notice of Intent for 68 Green Street, Lot 2 with all attachments

There are no additional questions or comments from the representative, the Commission, or the public. Motion by Brad Duffin to issue an Order of Conditions with standard conditions for septic systems and construction as drafted; seconded by TJ Conte; vote 6:0:0.

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COMMISSION DISCUSSION

Procedural/Administrative Review Process Updates

Samantha Holt presents a draft of a new submittal requirement checklist. This checklist, when completed, will outline the requirements and procedures for RDAs, NOIs, ANRADs, Extension Permits, CoCs, and Complaints – each broken down into before submittal, when an applicant is ready to submit, and after submittal sections. The completed checklist will be discussed again during the 9/20/2022 meeting.

Ms. Holt noted that Tom Hughes is looking to schedule a site walk for a NOI that will be coming in for the proposed trail at 105 High Road. The site walk was scheduled for 8:30 AM on 8/23/2022.

Ms. Holt brought up discussion regarding of a complaint received from a resident concerned about domestic ducks being released onto a pond that is primarily on town property. The complainant was concerned that the ducks were causing damage to town and private property, and were causing erosion into the pond as a result of foraging in the bank vegetation. The Animal Control Officer and Police Department were notified and are getting involved, Ms. Holt is looking for Commission guidance on whether a violation notice should be issued to the owner of the ducks. Commission members agreed to have Ms. Holt hold off on a violation notice and to coordinate with the Police Department on dealing with the issue if needed.

Ms. Holt sought guidance from the Commission on submittal requirements for solar projects on Plum Island. Commission members provided input on what circumstances would trigger the need for review and/or permitting. A potential amendment for the Sunset Club was also discussed briefly for guidance on whether it should come in as an amendment to the OOC or a new NOI.

Meeting adjourned at 8:50 p.m.
Respectfully submitted,
Samantha Holt, Conservation Agent