

Town of Newbury  
Conservation Commission Monthly Meeting  
Town Hall – 12 Kent Way  
Tuesday August 16, 2016 at 7 p.m.

Present: Les Jones, John O'Connell, Dan Streeter, Doug Packer, Jim Cunningham  
Excused: Ed Deardon, John Hartnett, Susan Noyes, Ben Gahagan

Meeting opened at 7:01 p.m.

### **Public Hearings:**

**Judith Vezinat & Carole Bradley (10 Exeter Way)** – A continued NOI to construct a single-family home. Chairman Packer made a recommendation to continue the hearing to the September meeting. Mr. O'Connell made the first motion to continue the hearing and Mr. Jones made the second motion to accept. All in favor.

**Paula & Eric Warner (11 54<sup>th</sup> Street)** – A continued NOI to replace an existing block retaining wall. Mr. Eric Warner explained that the current wall is eroded and falling apart, there is no filter fabric to keep soil back and the soil is washing out. Mr. Warner presented photographs showing the damage and erosion. He plans to plant vegetation to stabilize the soil. He has hired DCI Engineering and they recommend using fabric and large rocks to construct the wall. Mr. O'Connell requested clarification on placement of wall. Chairman Packer pointed out that the existing wall is on the border of the salt marsh and when it collapsed, reflective energy likely took out part of the marsh. He expressed concern that ice might become an issue during construction of the coir rolls, and there needs to be some kind of mitigation plan for any ice issues. Mr. Cunningham recommended planting the vegetation in the early spring to take advantage of the entire growing season for better stabilization. Chairman Packer asked what the plans are for the terminal end of the wall by the neighbor's property. Mr. Warner explained they have not come to a resolution. The neighbor is also experiencing erosion issues but hasn't shown any interest in repairing his wall, and hasn't been receptive to Mr. Warner's proposals. Chairman Packer asked what the plan is should the neighbor remain uncooperative. Mr. Cunningham suggested using the largest rocks on the end nearest the neighbor. Chairman Packer expressed concerns that if Mr. Warner's response is too great, it might leave the neighbor unprotected and worsen their erosion issues, there needs to be some kind of transition to the neighbor's wall. Mr. O'Connell suggested grading down to the neighbor's wall. Mr. Streeter asked about the status of a pre-existing block wall, and Chairman Packer confirmed it has been repaired. Chairman Packer asked Mr. Warner whether he looked at other wall systems. Mr. Warner replied that yes, he looked at a Shea wall, but the water wouldn't flow as naturally with that construction. Mr. Streeter asked whether the state had any jurisdiction over the project. Chairman Packer replied that Chapter 91 may apply, and that the Army Corp of Engineers may have jurisdiction. Mr. Cunningham commented that wedge shaped rocks might help with the grading issue. Mr. Streeter asked if there could be any problems with the larger rocks sliding to

the bottom, Chairman Packer replied that it's up to the engineer, but different sized stone and fabric should help that issue, and there's not a lot of wave action in that area. Mr. Cunningham asked whether there would be soil up to the top of the stone blocks. Mr. Warner confirmed that there would be all along the wall. Chairman Packer asked whether there are any plans for dewatering. Mr. Warner replied that dewatering was a factor with Shea wall, but he didn't think it was with this construction. They'd like to avoid using tides. Chairman Packer recommended they address the dewatering and terminal ends of the wall. He also noted that usage of coir rolls may be restricted to a certain time of year for installation. Mr. Warner asked the Commission's opinion as to the pros and cons of large cement blocks versus rip rap rock. Mr. Cunningham stated it's more of an aesthetic preference than performance. Chairman Packer concurred that the usage of one or the other is a matter of personal preference. Chairman Packer went to the audience for questions and there were none. Chairman Packer recommended continuing the public hearing to a later date after Mr. Warner addresses the terminal ends and dewatering issues. Mr. Cunningham made the first motion and Mr. Jones made the second. All in favor

**Anthony & Barbara Vinciguerra (4 Moody Street)** – DEP File No 050-1212 - NOI for a septic system upgrade. Mr. Jim Scanlan represented the homeowner. The home is a three bedroom dwelling, and the existing septic system is in failure. The system is less than ten years old. Mr. Scanlan plans on utilizing the existing chamber and to add a leaching area and bioseptic pipe. There aren't any other placement options for the system. The plan has been approved by the Board of Health and there have been no comments from DEP. Chairman Packer went to the audience for questions or comments, there were none. Mr. O'Connell remarked that there are not many options other than the one that was presented. Mr. Streeter requested confirmation that the new system will occupy the same space as the old. Mr. Scanlan confirmed, and noted that they will use any sand from the existing system that is still usable, and that the old system is using pressurized stone and pipe field. Chairman Packer recommended closing the public hearing. Mr. Cunningham made the first motion and Mr. O'Connell made the second. All in favor.

**Town of Newbury (Larkin Road at Wheeler Brook)** – NOI to replace the Larkin Road bridge over Wheeler Brook. Mr. Curt Young from Wetlands Preservation, Inc. (WPI) and Mr. Phil Christiansen of Christiansen & Sergi, Inc. presented the plan to the Commission. (Please refer to the narrative for details of the proposed project). Mr. Young noted that the Wheeler Brook flows in a northeasterly direction into the Parker River and that there is some nearby beaver activity. The current culvert is ten feet wide and in failure. The existing culvert is 21 feet long and 10 feet wide. The proposal consists of replacing the culvert with a four-sided box culvert set into the ground 2 feet, utilizing the same footprint as the existing culvert. The majority of the site is located in Georgetown; however, the majority of the roadway affected is in Newbury. Erosion control measures will be installed along roadway and a coffer dam with a bypass pipe will be installed to keep the site dry during construction. The new culvert will be two feet wider for safety features such as guardrails. Impacts will mostly be temporary. Permanent impacts will be limited to six square feet to Land Under Water and ten square feet to Bordering Vegetated

Wetland. There are no replication efforts planned due to the limited size of the impacted areas. Chairman Packer asked whether they had been passed in Georgetown yet, Mr. Young stated they had not. Chairman Packer asked whether the pipe going through the roadway would be wide enough to handle a large rain event. Mr. Young stated that the pipe was 18 inches and would be wide enough as the brook is relatively quiet. Mr. O'Connell asked whether the contractor would be responsible for the coffer dam. Mr. Young stated yes, and there would be inspections. Mr. O'Connell asked whether they have gone through the approval process with the Massachusetts Department of Transportation. Mr. Young replied that they had not, and will check to see if it's necessary. The culvert will be up to highway loading standards. Mr. O'Connell stated that the hydrology for the project will be complicated and he advised that Mr. Young look into it and seek approval from MA Department of Transportation. Chairman Packer went to the audience with questions. Cheryl Floyd of 26 Parish Road, Georgetown expressed concern with the impact to the wetlands and wildlife, specifically to turtles in the area. Mr. Young replied that with the coffer dam this will not be an issue, during the dewatering process any wildlife will be relocated to the water on the other side of the project / culvert. Bernadette Forti and Susan Campbell of 79 Larkin Road, Byfield expressed concern about the speeding problem in the area and asked whether speed bumps would be installed. Chairman Packer replied that it is unlikely, and speeding concerns should be addressed with the police department. Ms. Forti stated they liked having the bridge closed and reiterated that speeding is a problem, even when there are potholes in the area, and she's afraid of more speeding once the road is repaved and the bridge widened. Chairman Packer stated that the widening of the bridge is to accommodate the addition of guardrails and likely won't increase the driving area. Ms. Campbell asked how long the dewatering pump will run and how loud it will be. Mr. Young replied that the pump will run during construction times. Mr. Christiansen elaborated it would run mainly between 7:30am and 4:30pm. Ms. Campbell asked for a clarification as to what a coffer dam is. Mr. Young stated it is a temporary dam to keep water out of a construction site and is typically made of such materials as sand bags, steel plates, etc. Ms. Forti asked whether the extension of the bridge would come onto her property and what the colored flags were for on her fence. Mr. Young replied that the pink flags marked the edge of the wetland and blue flags marked the edge of the stream bank. Chairman Packer noted that Ms. Forti could check the plans on file with the Conservation Commission to check property lines. Ms. Forti asked when the project is scheduled to start and how long it will take. Mr. Young and Mr Christiansen reply that the project could start as early as late this year, but depending on permitting could start as late as fall 2017. The length of the project will be at most six weeks, but that does not include road resurfacing. Ms. Floyd from 26 Parish Road, Georgetown asked to revisit the noise issue as she did not believe that Ms. Campbell's question about the pump's noise level had been answered. Mr. Young replied that it would be about as loud as a lawnmower. Ms. Forti asked when they planned on breaking ground on the housing development. Chairman Packer replied that that was not a Town of Newbury issue as the development will be in Georgetown. Alex Burke of 10 Larkin Road, Byfield asked about the filter water and dewatering process. Mr. Young explained that the water

will be pumped upland, filtered, and will sheet flow back to the river. Ms. Forti asked whether the process will affect their well water. Mr. Young replied that it would have as much affect as a heavy rain storm. Mr. Burke and Ms. Forti asked whether the weight limits of the bridge will be revised. Mr. Young replied that the bridge will be up to highway standards. Chairman Packer stated that the issue of bridge limits is not a Conservation Commission issue. Chairman Packer asked if there were any further questions. Mr. O'Connell asked whether the new culvert will meet state requirements for wildlife passage. Mr. Young replied that there will be about two feet of sediment in the bottom of the culvert and it will exceed the openness standard by three or four times. The road itself is not heavily traveled so wildlife can easily cross the roadway, and the banks are not steep. There is a low mortality rate for wildlife crossing. Ms. Forti asked if the project is partially taking place in Georgetown, will they be paying for part of it. Mr. Christiansen replied that the developer is paying for the project, not the towns. Chairman Packer asked whether there were any further questions or concerns. Mr. O'Connell stated he had no issues. Chairman Packer recommended closing the public hearing. Mr. O'Connell made the first motion and Mr. Cunningham made the second. All in favor.

**John Clemenzi (96 Orchard Street)** – An RDA for the tear down of an existing home and garage, and construction of a three bedroom home and two car garage. Mr. John Clemenzi explained that the existing home has foundation issues and is not worth fixing. He has spoken with the Building Inspector who gave Mr. Clemenzi permission to maintain the existing house until the new house is built. Mr. Clemenzi pointed out a man made pond on the plans submitted to the Commission and noted that the septic tanks are located in the driveway. Chairman Packer noted that there are neighboring wetlands, but beyond the area pictured on the submitted plans. Mr. Clemenzi commented that because of his children and zoning he can't build closer to the street. Chairman Packer commented that there will need to be some kind of siltation barrier across the back, and that the barrier should be placed to give Mr. Clemenzi enough room to work and maneuver equipment. Mr. Streeter then asked about the septic system. Mr. Clemenzi replied that it was a fairly new three bedroom system and would be used for the new home. Chairman Packer went to the audience for questions, there were none. Chairman Packer recommended closing the public hearing. Mr. Streeter made the first motion and Mr. O'Connell made the second. All in favor.

**Harold Choolijan (9 47<sup>th</sup> Street)** – An RDA to construct a dormer on an existing home. Mr. Harold Choolijan explained that his project will not have any impact on the surrounding environment. Mr. O'Connell commented that the project seemed straightforward. Chairman Packer went to the audience for questions. There were none. Chairman Packer recommended closing the public hearing. Mr. O'Connell made the first motion and Mr. Cunningham made the second. All in favor.

**Certificates of Compliance:**

**Troy Carr (47 Sunset Drive) – DEP File No. 050-653** – Chairman Packer stated that he inspected the property and the project was completed satisfactorily. Chairman Packer recommended issuing the Certificate of Compliance. Mr. O’Connell made the first motion and Mr. Cunningham made the second motion. All in favor.

**Troy Carr (47 Sunset Drive) – DEP File No. 050-928** – Chairman Packer stated that he inspected the property and that everything was completed satisfactorily, except for the addition of an outdoor shower that was not included on the original plan or project description. Mr. Packer advised Mr. Carr that he could not sign off on the project with the shower in place, and that Mr. Carr could file an appeal with the Commission. Mr. Carr asked Chairman Packer to return at a later date once he had an opportunity to remove the outdoor shower. When Mr. Packer returned for the re-inspection, the shower had been satisfactorily removed. Chairman Packer recommended issuing the Certificate of Compliance. Mr. Cunningham made the first motion and Mr. O’Connell made the second. All in favor.

**Extension Permit:** None

**Emergency Certificates:** None

**Re-Issuance:** None

**Other Business:**

**Christine Rupp (69 Newburyport Turnpike)** – Mr. O’Connell recused himself from the hearing. Ms. Christine Rupp explained that the foundation of the house is failing and two years ago she came before the Commission and got permission to tear down and rebuild. She stated that she’d like to revise the proposed footprint as the preschool and proposed home are very close as the plan stands, and she fears there might be damage to the school if the project goes forward as planned. She proposed turning the footprint on its axis slightly to avoid any problems. Chairman Packer recommended stamping the revised plan as approved by the Commission. Mr. Jones made the first motion and Mr. Streeter made the second. All in favor.

**Ben Legare / Michael Norton (65 Plum Island Turnpike) – DEP File No. 050-896** – Mr. Ben Legare represented the homeowner. Mr. Legare explained that he picked up the project halfway through. When he started there was no as-built plan, so he had one made and discovered that one of the pilings is over the lot line. The piers are tight against the wetland, and the house was planned to be 2400 square feet, (28 feet by 42 feet). The proposed solution is to construct a smaller home, approximately 1500 square feet or 21 by 42 feet. The proposed plan meets the required four foot setback, and deck will no longer be cantilevering over the wetland, overall the construction will be less impactful. Mr. Legare noted that the building inspector had pointed out an egress issue, which was resolved by cutting out a corner of the deck to make way for a set of

egress stairs. Mr. Legare stated that the Building Inspector was satisfied with this change, and the neighbors appear to be satisfied with the overall changes. Mr. O'Connell asked if Mr. Legare had purchased the property yet. Mr. Legare replied that he had not. Mr. Streeter asked about changes to the driveway configuration. Mr. Legare replied that the original plan was for 10 to 11 feet, but the new proposed plan is for 12.5 to 13 feet, and the windloads have been recalculated. Mr. Legare plans to place wetland seed on the areas that will no longer be used as a driveway. Chairman Packer recommended that the Commission stamp the new plans and place on file. Mr. Jones made the first motion and Mr. O'Connell made the second. All in favor.

Meeting adjourned at 8:26

Respectfully submitted, Jennifer Goodwin