

Town of Newbury, MA

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Conservation Commission Meeting Minutes 12-16-2013

Conservation Commission Meeting
Town Hall - 25 High Road
Monday, December 16, 2013 at 7:00 pm

Present: John O'Connell, John Hartnett, Doug Packer, Dan Streeter, Ed Deardon

Excused: Les Jones, Jim Cunningham

Meeting opened at 7:04 pm

Public Hearings:

Steve Bandoian (41 Annapolis Way) – A continued NOI to repair and/or replace damage from December 2012 storm; deck, stairway, restack existing stone and placement of sand at dune base. Neither the applicant or his Rep were present; Chairman Packer recommended a continuance until the January 21, 2014 meeting date. All in favor. Continued to January 21

Jacqueline Prizer (29 Southern Blvd) – A continued NOI to raze existing dwelling & re-construct a single-family home. Representative Kim Turner of KD Turner Design presented a revised piling plan generated by a structural engineer as requested from the Commission. Chairman Packer stated no footings and driven piles only be used and asked that the piling depth be indicated on the plans. There is an additional 1400 sf of footprint and they are proposing 2000 sf of vegetation. The existing footprint had a basement that could not be used and they decided to make up for that sf by adding that to the sf of proposed home. Chairman Packer suggested that the proposed home be shifted to have the impact over the existing footprint vs on a non-impacted area. He also pointed out that some erosion has started to impact the southeast corner of the structure, which would further justify moving the structure back existing. A suggestion was made to have the utility shaft for W&S as closely to where they currently are. Applicant will need a conversation with W&S to make sure that there is a quick disconnect in the event there is an coastal emergency. To allow for some plan updates and comments from DEP, it was requested by the applicant that this hearing be continued to the January 21 meeting date. All in favor.

Greg Bazylewicz (3 37th Street) – RDA to repair/replace existing elevated deck and shed, enclose a portion of the elevated deck and to add a deck above the south facing deck. Enclosing the porch means adding floor area ratio, if that is the desired outcome than the applicant needs to go to ZBA. The proposed plan implies driven pilings, which after speaking with the Building Commissioner require an engineer plan and stamp. The project proposed seems to flag an NOI versus and RDA. If the applicant modifies the project for timber pilings to be dug by hand, as well as the replacement shed being elevated by two feet, the RDA application is sufficient. However, a copy of the RDA must be mailed to DEP for review. The applicant is going to rethink the project and speak with his builder. As such it was agreed that a continuance be granted until the January 21 meeting date. All in favor.

Gary Litchfield (9 Hutchins Road) - NOI for the construction of a single-family dwelling, driveway grading and utilities. Bill Manual of Wetlands & Land Management flagged the marsh and Coastal Dune. Elevated on piles, the ground floor will be open with gravel area for parking. Use a 4x4 chase for utility requirements and a speek for sewer. The first floor elevation is just over 20-feet. Mr. Packer indicated that they need to put this property on the North American Vertical Datum (NAVD) of 8. The driveway comes in at elevation 10 and they expect the driveway proposed to go under the dwelling to be elevation 10; very little if any grading. Have to keep the driveway from creeping; what is the applicant proposing? The applicant needs to further define the extent of the salt marsh. The plan was difficult to read, and the applicant will make a larger one for the next meeting. Has an existing W&S stub/hookup. Though this parcel was granted a buildable lot, there is an indication that it does flood on occasion. Ron Barrett (18 Hutchins Rd) – Has pictures to show all of the flooding that has occurred on this property. If the driveway gets placed where proposed, he is concerned his property will feel the effects of the flooding.

Peter T. of Hutchins Road (?) speaking for himself as well as a neighbor (Kane) and they are both equally concerned about the flooding on their property. Peter indicated that Kane will take action; he has a lot of money to do it. IF Ron's property is not impacted theirs will be.

George Labelle (10 Hutchins Road) – agrees with everything stated by Mr. Ron Barrett "times two".

Jim Slane (20 Hutchins Terrace) – 15 years ago he wanted a driveway, it was refused. He has a culvert that runs under Hutchins Terrace, there will be more to push through this culvert and it will push the dune. Also, the road narrows and he is concerned that fire apparatus would not get through; should check with fire department.

The applicant requested a continuance until the January 21, 2014 meeting date; all in favor.

Sharon Azzarito-Bresnahan (31 Annapolis Way) – NOI for the replacement of a single-family 4-bedroom home destroyed by flooding from March storm. Tom Hughes, Hughes Environmental is the Representative for the project.

The Azzarito property was originally a 2-bedroom two-story home. There was a retaining wall on each side of the property and they are planning on removing a portion of it and looking for Commission input. An area of the lot is well vegetated and underground it houses the old septic holding tank.

They have flipped and redesigned the home so it only impacted 560 sf. There is a proposed 8 ft deck on front, a 9 ft deck on side and 12 foot deck on ocean side. The lowest horizontal member is at 21. The utilities will be brought up through the storage area. They have not been through zoning yet; prefer to see if DEP has an issue with the taking of part of the vegetated area and encroaching on setback. Have 25 sf to work with. Commission in agreement that the sections of the retaining wall in the nw corner of dune should remain .

Stephen & Jane Batchelder (35 Annapolis Way) were here to support Bresnahan's and to view the project.

Gary Litchfield (9 Hutchins Road) was in support of the project.

Chairman Packer went to the audience for additional questions and then back to the Commission, there were none. Chairman Packer then made a motion to close the public hearing; first motion made by John Hartnett and second motion by John O'Connell.

Patty Trickett (30 School Street) – DEP File No. 050-1089 Mr. Packer conducted a site visit on 12/11/13 and found the project to be in substantial compliance and recommended a certificate. Mr. Streeter so moved, all in favor and granted.

Henry Becker (8 Harvard Way/57 Southern Blvd) – DEP File No. 050-1074 Mr. Packer conducted a site visit on Site visit 12/5/13 and found the project to be in substantial compliance and recommended a certificate. Mr. Cunningham so moved, all in favor and granted.

Alberta Nutile (51 Hay Street) – DEP File No. 050-626 Mr. Packer conducted a site visit on 12/11/13 and found the project to be in substantial compliance and recommended a certificate. A notation to the Commission on additional unrelated/unpermitted work at this property– signed an RDA but never issued as the Commission was waiting for deliverables. Pearson Landscaping submitted a letter for the septic area to refill where it is unsettled and replant.

Work around the pond – needed farm plan and details on work around pond to prevent erosion. We were looking for a letter which is somewhat a release of the property and states that it must be in compliance with the farm plan. Provided by their lawyer. Mr. Streeter so moved for the certificate, all in favor and granted.

Certificates of Compliance: None

Re-Issuance: None

Other Business:

- Update on 101 Newburyport Tpke (Angelo Ciardiello) – Reply to CC letter from Alan Roscoe, Hancock Engineering
- Ross & Marilyn Wescott (39 Fordham Way) – DEP File No. 050-826 was before the Commission in reference to an appeal of a Superseding Order of Conditions denial. The Wescott's presented information on the proposed project alternatives in connection with the upcoming ENF filing. These alternatives include changes to configuration and impacts identified in the original NOI and OOC. Overall, the Commission felt that the changes, both temporary and permanent result in a net reduction to the regulatory standard. Within the guidelines in the DEP Wetlands Program Policy, and finds that the changes are insignificant and would not require the applicant to refile and NOI with Newbury Conservation. Mr. Wescott asked if the Commission would write a letter stating their position; the Commission instructed Chairman Packer to compose the letter as discussed and provide it to Mr. Wescott. All in favor.

Meeting adjourned at 10:20 pm

Respectfully submitted, Susan Noyes