

Newbury Conservation Commission - Public Meeting Minutes
November 1, 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
- Minutes Review: Commission members reviewed minutes from 9/20/2022, 10/4/2022, and 10/18/2022 and voted unanimously to accept all minutes as drafted.

CERTIFICATES OF COMPLIANCE

Fieldstone Lane, Lot 5 (DEP File #050-1346) Thomas Zahoruiko (Applicant)

- Exhibits: Request for Certificate of Compliance for Fieldstone Ln, Lot 5 with all attachments
- Samantha Holt conducted an inspection of the work and, finding all work completed in compliance with what was approved, recommended issuance of a complete CoC. Motion by Brad Duffin to issue a complete Certificate of Compliance; seconded Dianne O'Brien; vote 7:0:0.

21 Cottage Way (DEP File #050-1387) Nathan Gray (Applicant)

- Exhibits: Request for Certificate of Compliance for 22 Annapolis Way with all attachments
- Samantha Holt conducted an inspection of the work and, finding all work completed in compliance with what was approved, recommended issuance of a complete CoC. Motion by Dianne O'Brien to issue a complete Certificate of Compliance; seconded by Mary Rimmer; vote 7:0:0.

REQUESTS FOR DETERMINATION OF APPLICABILITY

9 6th Street (File #NCC-413) Edward Manning (Applicant)

- Exhibits: Request for Determination of Applicability for 9 6th St with all attachments
- Samantha Holt presented an RDA for work to replace an existing flat roof with a pitched roof. Commission members had an opportunity to discuss the project. Questions were raised regarding material storage. Motion by Brad Duffin to issue a negative Determination of Applicability; seconded by TJ Conte; vote 7:0:0.

5 Harvard Way (File #NCC-414) Maureen Girouard (Applicant)

- Exhibits: Request for Determination of Applicability for 5 Harvard Way with all attachments
- Samantha Holt presented an after-the-fact RDA for relocation of existing propane tanks. The Applicant was given written temporary administrative approval by the Conservation Agent to complete the proposed work due to extenuating circumstances. Commission members had an opportunity to discuss the project. Questions were raised regarding requirements to have tanks secured appropriately due to location in a velocity zone floodplain, and a request was made to add a condition to the Determination that installation shall be in compliance with all applicable safety codes. Motion by Brad Duffin to issue a negative Determination of Applicability with the discussed condition; seconded by TJ Conte; vote 7:0:0.

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3 Sandy Way (File #NCC-415)

Christine Florio (Applicant)

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

Samantha Holt presented an RDA for work to enclose the underside of the existing house on pilings. Commission members had an opportunity to discuss the project. Questions were raised regarding allowability to enclose below base flood elevation. It was also noted that there is an open OOC from 2007 for the original construction of the house. The Applicant was advised that it is the policy of the Commission not to issue permits or determinations with existing permits still open which would be affected by new determinations. The Applicant agreed to continue the discussion until a Certificate of Compliance can be issued. Motion by Peter Paicos to continue the discussion until 7:00 PM on 11/15/2022; seconded by Brad Duffin; vote 7:0:0.

CONTINUED PUBLIC HEARINGS

80 Northern Boulevard (DEP File #050-1392)

Al Ward (Applicant)

Samantha Holt provided a brief update on DEP comments received. The Applicant has requested a continuance. Motion by Brad Duffin to continue the hearing to 7:00 PM on 12/6/2022; seconded by TJ Conte; vote 7:0:0.

26 Northern Boulevard (DEP File #050-1390)

David Mullen (Applicant)

Samantha Holt provided a brief overview of the NOI for work to replace a deck and boardwalk with some minor increase in size. Ms. Holt shared a new plan set received showing the minor alterations to be made as well as a mitigation planting area. Commission members had an opportunity to discuss the project. Questions were raised regarding the areas of expansion, total amount of increased footprint, and possible relocation of propane tanks. Commission members made requests for additional information, including a table showing the existing and proposed square-foot coverage. Motion by Dan Streeter to continue the hearing to 7:00 PM on 11/15/2022; seconded by Brad Duffin; vote 7:0:0.

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

Beth Quinn (Applicant)

The Applicant has requested a continuance. Motion by Brad Duffin to continue the hearing to 7:00 PM on 11/1/2022; seconded by TJ Conte; vote 7:0:0.

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 7:00 PM on 11/15/2022; seconded by Dianne O'Brien; vote 7:0:0.

COMMISSION DISCUSSION

Samantha Holt discussed some logistics of changing the meeting schedule and frequency, noting that in Newbury's case it would be inadvisable to cut down to only one meeting a month. Ms. Holt made several suggestions including going to a three-week meeting schedule, as well as cutting down to one meeting a month during the fall/winter months with two holidays. The idea was also floated to consider changing the day of the week and/or time of the meetings. Ms. Holt agreed to conduct more research and report back at the next meeting.

Bob Connors opened a discussion of a Special Permit application that is currently before the Select Board for a change of use for a building located at 1 Marsh Meadow Lane. The application was passed on to the Commission for review to determine if there is anything proposed that falls under Commission jurisdiction. Due to the timing of receiving the application package, several members have not been able to review it in its entirety. Mr. Connors asked members to review the package and be prepared to make recommendations at the 11/15/2022 meeting, to be provided to the Select Board. One member of the public was present (Jack Rybicki, Larkin Road), and noted to the Commission that he believed the Select Board would be voting on this matter at their 11/7/2022 public hearing. Mr.

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Rybicki was advised that the Select Board continued the hearing to that date, and that there is no guarantee whether they would vote on the matter at that time. He was also advised that all boards currently reviewing this permit have 35 days to return comments to the Select Board, with the date the package was received being "day zero", and that waiting until the 11/15/2022 meeting to discuss recommendations keeps the Commission within that 35-day period.

Meeting adjourned at 8:43 p.m.

Respectfully submitted,

Samantha Holt, Conservation Agent