

Newbury Conservation Commission - Public Meeting Minutes
November 15, 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)

7:01 p.m. Meeting Called to Order

- Opening remarks from Conservation Agent Samantha Holt
- Minutes Review: Commission members reviewed minutes from 11/1/2022. Motion by Peter Paicos to approve the minutes as drafted; seconded by Dianne O'Brien; vote 5:0:0.

COMMISSION DISCUSSION

Commission members held a brief discussion regarding upcoming meeting schedules for the months of December and January, and unanimously agreed to cancel the December 20, 2022 and January 17, 2023 meetings. The December 6, 2022 and January 3, 2023 meetings will still be held as scheduled.

PLEASE NOTE: TJ Conte joined the meeting as the preceding discussion item was concluded.

CERTIFICATES OF COMPLIANCE

14-16 12th Street (a.k.a. 3 Sandy Way) (DEP File #050-0883) Christine Florio (Applicant)

- Exhibits: Request for Certificate of Compliance for 14-16 12th St with all attachments
- Samantha Holt conducted an inspection of the work and, finding all work completed satisfactorily, recommended issuance of a complete CoC. Motion by TJ Conte to issue a complete Certificate of Compliance; seconded Dianne O'Brien; vote 6:0:0.

COMMISSION DISCUSSION

Peter Paicos abstained from the following discussion and vote. Bob Connors opened a discussion regarding Commission review of the Select Board Special Permit application for 1 Marsh Meadow Lane. Mr. Connors noted that, at the 11/7/2022 Select Board public hearing the Applicant had decided to remove all proposed parking from the Conservation Restriction parcel and the Buffer Zone areas. Mr. Connors provided a draft recommendation letter to Commission members prior to this meeting, which outlines requirements for the Commission to be notified if any activities are planned on the Conservation Restriction parcel or otherwise in Commission jurisdiction. Motion by Daniel Streeter to have the letter provided to the Select Board as drafted; seconded by TJ Conte; vote 5:0:1.

REQUESTS FOR DETERMINATION OF APPLICABILITY

3 Sandy Way (File #NCC-415) Christine Florio (Applicant)

- Exhibits: Request for Determination of Applicability for 3 Sandy Way with all attachments
- Samantha Holt presents an RDA for work to enclose the underside of the existing house on pilings. The main outstanding issue was the open OOC for which a CoC was issued tonight. Commission members had an opportunity

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to discuss the project. Requirements were discussed for a minimum of 50% openness for any enclosed area within 2 feet of existing grade, as well as a signed notation from the Applicant on the submitted plans showing they are aware of the requirements. Motion by Peter Paicos to issue a negative Determination of Applicability; seconded by Dianne O'Brien; vote 6:0:0.

18 10th Street (File #NCC-416)

Gerald Shapiro (Applicant)

• Exhibits: Request for Determination of Applicability for 18 10th St with all attachments
Samantha Holt presents an RDA for work to resurface the existing gravel driveway with pavers. Commission members had an opportunity to discuss the project. Comments were made regarding pavers not meeting dune performance standards. Questions were raised regarding the methods of installation and dimensions of the area to be resurfaced. Mr. Shapiro offered information to answer these questions. Motion by Dianne O'Brien to issue a positive Determination of Applicability; seconded by Peter Paicos; vote 6:0:0.

CONTINUED PUBLIC HEARINGS

26 Northern Boulevard (DEP File #050-1390)

David Mullen (Applicant)

• Exhibits: Notice of Intent for 26 Northern Boulevard with all attachments
Samantha Holt provides 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 to the deck, plans to only replace the boardwalk in-kind (no expansion), and a mitigation planting area. Commission members had an opportunity to discuss the project. Ms. Holt noted that a condition should be added that references the requested NHESP conditions from the "no-take" letter. Motion by TJ Conte to issue an Order of Conditions approval with the standard conditions for construction and the additional special condition as discussed; seconded by Dianne O'Brien; vote 6:0:0.

140R Main Street (DEP File #unassigned)

Borrego Solar Systems, Inc (Applicant)

Samantha Holt provides a brief update on the status of the file number. The Applicant has requested a continuance. Motion by Mary Rimmer to continue the hearing to 7:00 PM on 12/6/2022; seconded by Dianne O'Brien; vote 6:0:0.

NEW PUBLIC HEARINGS

92 Northern Boulevard (DEP File #050-1397)

Matthew Ferm (Applicant)

Samantha Holt presents an NOI for work to expand the existing deck, noting that the project had to be filed with NHESP and they have not issued a comment letter yet. Yann Olivera (representative) is also present to discuss the project. Commission members had an opportunity to discuss the project. Questions were raised regarding the proposed pile supports, vegetation mitigation, and construction details showing locations of piles and height of the deck. Motion by TJ Conte to continue the hearing to 7:00 PM on 12/6/2022; seconded by Dianne O'Brien; vote 6:0:0.

40 Newman Road, Old Town Hill Reservation (DEP File #050-1396)

Josh Hasefus (Applicant)

Mary Rimmer abstained from the discussion and vote. Samantha Holt presents an NOI for work to construct an observation deck next to the marsh with an access trail. Mr. Hasenfus is also present to discuss the project. It was noted that the project had to be filed with NHESP and a comment letter was received outlining a "no-take" and no conditions were requested. Commission members had an opportunity to discuss the project. Questions were raised regarding the footing surface for the access trail, disturbance mitigation plans, proximity of proposed structure to wetlands, and proposal of construction within the Great Marsh ACEC. A site visit was scheduled for 11/22/2022 at 8:30 AM. Motion by Peter Paicos to continue the hearing to 7:00 PM on 12/6/2022; seconded by Daniel Streeter; vote 5:0:1.

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COMMISSION DISCUSSION

Samantha Holt outlined a previous discussion regarding possible alterations to the meeting schedule. Ms. Holt looked into the schedules of other Newbury boards as well as the schedules for Conservation Commissions in surrounding towns. It was determined that, should the Commission wish to change the day of the week that meetings are held, Mondays would be the best option and Thursday would be a backup option. There was also discussion regarding meeting frequency and whether we would like to move to a three-week meeting rotation or alternate between two meetings and one meeting per month. This discussion has been tabled and will remain on the agenda as an open item until a final decision is made.

Meeting adjourned at 8:40 p.m.

Respectfully submitted,

Samantha Holt, Conservation Agent