

Newbury Conservation Commission - Public Meeting Minutes
September 19, 2023

Members Present:

- Bob Connors (Chair)
- Mary Rimmer (Vice Chair)
- Woody Knight (Planning Board Liaison)
- Brad Duffin
- Dianne O'Brien
- Mick Brown
- TJ Conte
- Samantha Holt (Agent)

6:00 p.m. Meeting Called to Order

- Opening remarks from Conservation Agent Samantha Holt

EXECUTIVE SESSION ITEM – Minutes to be released at a later date

Pursuant to Massachusetts General Law Chapter 30A Section 21(a)(3), and subject to the Chair's declaration, to go into Executive Session to discuss strategy with respect to the matter of the Department of Environmental Protection and Cricket Lane LLC, Superseding Order of Conditions, DEP File #050-1355, for 55R Pearson Lane litigation.

CERTIFICATES OF COMPLIANCE

313 Newburyport Turnpike (DEP File #050-1289) The Governors Academy (Applicant)

- Exhibits: Order of Conditions for 313 Newburyport Turnpike with attachments, Request for a Certificate of Compliance for 313 Newburyport Turnpike with attachments

Samantha Holt presents a request for a CoC for work to construct a pier and floating dock. Some small changes were made to the final design but did not require amendments or modifications. A site inspection was conducted and all work appears to have been completed. ***Motion by Brad Duffin to issue a complete Certificate of Compliance; seconded by Dianne O'Brien; vote 7:0:0.***

ENFORCEMENT ORDER

Samantha Holt provided an update on an enforcement order issued to Steven Bowditch of 42B Cottage Road for unpermitted expansion of an existing dock. In discussions with Tom Hughes (representative), it was determined that the existing dock was permitted under a Superseding OOC which has expired but has not been closed out. Mr. Hughes requested to amend the EO to require the dock to be restored to what was originally approved within 90 days. ***Motion by TJ Conte to issue the Enforcement Order as amended; seconded by Dianne O'Brien; vote 7:0:0.***

REQUEST FOR DETERMINATION OF APPLICABILITY

105 Scotland Road (File #NCC-431) Hedi Kershaw (Applicant)

- Exhibits: Request for Determination of Applicability for 297 High Road with attachments
- Samantha Holt presents an RDA for work to remove several trees that are either dead or causing damage to the roof of the house. A site walk was conducted and it was determined that a few of the trees proposed to be removed are not in jurisdictional areas. An unpermitted new shed was also located in the buffer zone. Commission members had an opportunity to discuss the project. Conditions were discussed regarding stump removal and requirements to not allow additional disturbance within 15 feet from the edge of the wetlands near the shed. ***Motion by Brad Duffin to issue a negative Determination of Applicability for tree removal and after-the-fact shed construction with conditions as discussed; seconded by Dianne O'Brien; vote 7:0:0***

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4 Basin Front Drive (File #NCC-432) Tom Young (Applicant)

- Exhibits: Request for Determination of Applicability for 4 Basin Front Drive with attachments
- Samantha Holt presents an RDA for work to replace and expand an existing deck. The work will be completed over areas of lawn grass and concrete, concrete will be removed during construction. Commission members had an opportunity to discuss the project. **Motion by Brad Duffin to issue a negative Determination of Applicability; seconded by Dianne O'Brien; vote 7:0:0**

NOTE: Mary Rimmer left the meeting before the following hearing was opened.

PUBLIC HEARINGS

7 Marsh Avenue (DEP File #050-1413) Peter Lariviere (Applicant)

- Exhibits: Notice of Intent for 7 Marsh Ave with attachments
- Samantha Holt presents an updated NOI for work to raze and rebuild the existing single-family structure with associated site work. TJ Melvin (representative) provides an overview of the project and outlines the revisions made to the plans and narrative. Commission members had an opportunity to discuss the project. Questions were raised regarding mitigation plantings in the area of the removed structure. Conditions were discussed regarding a planting plan, erosion controls, and planting survivability. **Motion by Brad Duffin issue an Order of Conditions approval with conditions as discussed; seconded by TJ Conte; vote 6:0:0.**

18 Fordham Way (DEP File #050-1409) Blue Inn, LLC (Applicant)

- Exhibits: Notice of Intent for 18 Fordham Way with attachments
- The Applicant has requested a continuance. **Motion by Brad Duffin to continue the hearing to 6:00 PM on 10/3/2023; seconded by Dianne O'Brien; vote 6:0:0.**

3 Main Street (DEP File #050-1415) Joseph Brennan (Applicant)

- Exhibits: Notice of Intent for 3 Main Street with attachments
- Samantha Holt presents an updated NOI for work to construct a single-family dwelling, garage, driveway, and septic system with associated site work. Crag Marchionda (representative) provided an overview of the project. Commission members had an opportunity to discuss the project. Questions were raised regarding tree clearing and the driveway design and material. A request was made for a site walk which was scheduled for 9/25/2023 at 8:30 AM. **Motion by Brad Duffin to continue the hearing to 6:00 PM on 10/3/2023; seconded by Dianne O'Brien; vote 6:0:0..**

76 Cottage Road (DEP File #unassigned) Carole Dowling (Applicant)

- Exhibits: Notice of Intent for 76 Cottage Road with attachments
- The Applicant has requested a continuance. **Motion by Brad Duffin to continue the hearing to 6:00 PM on 10/3/2023; seconded by Dianne O'Brien; vote 6:0:0.**

Meeting adjourned at 7:59 p.m.
Respectfully submitted,
Samantha Holt, Conservation Agent