

Newbury Conservation Commission - Public Meeting Minutes
December 5, 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)

6:01 p.m. Meeting Called to Order

- Opening remarks from Conservation Agent Samantha Holt
- Commission members discussed setting a date for the January meeting and agreed to keep it as January 2, 2024 and to add a meeting on January 16, 2024.
- Minutes Review: Commission members reviewed minutes from the 10/3/2023 and 10/17/2023 meetings. Several corrections were suggested and accepted, Commission members agreed to table the discussion on the 11/7/2023 minutes.
 - Motion by Dianne O'Brien to accept the 10/3/2023 minutes as drafted; seconded by Woody Knight; vote 6:0:0.
 - Motion by Brad Duffin to accept the 10/17/2023 minutes as drafted and revised; seconded by Mick Brown; vote 6:0:0.

CERTIFICATES OF COMPLIANCE

24 School Street (DEP File #050-1335) Budd Kelley (Applicant)

- Exhibits: Order of Conditions for 24 School Street with attachments, Request for a Certificate of Compliance for 24 School Street with attachments

Commission members discussed the CoC request, no questions were raised. ***Motion by Brad Duffin to issue a complete Certificate of Compliance; seconded by Dianne O'Brien; vote 6:0:0.***

REQUEST FOR DETERMINATION OF APPLICABILITY

150 Main Street (File #NCC-434) Bill True (Applicant)

- Exhibits: Request for Determination of Applicability for 150 Main Street with attachments

Commission members discussed the RDA. Questions were raised regarding having an engineer's stamp on the site plans. Members agreed to table the discussion until the end of the meeting to see if a representative joins the meeting to discuss.

DISCUSSION

42B Cottage Road Steven Bowditch (Owner)

- Exhibits: Enforcement Order for 42B Cottage Road with attachments

Tom Hughes presents an update on the status of an Enforcement Order issued for unauthorized work to expand an existing dock that was originally approved under a Superseding OOC through DEP. The dock has been restored to the original approved condition and Mr. Hughes is currently working to get the permit closed out with DEP. Concerns were raised by Commission members that the dock does not appear to be constructed to an appropriate height above ground level. Commission members agreed to extend the completion date listed on the Enforcement Order and table the discussion until more information on the original permit can be found.

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PUBLIC HEARINGS

18 Fordham Way (DEP File #050-1409)

Blue Inn, LLC (Applicant)

- Exhibits: Notice of Intent for 18 Fordham Way with attachments

Tom Hughes presents a brief recap on the project discussions to date. Comments had been received by DEP prior to the first hearing citing concerns for the height of the stairs above the dune. Mr. Hughes discussed these comments and noted several concerns regarding the expansion of the stair structure should the stairs have to be raised. Mr. Hughes also discussed a possible condition on an OOC to require development of a beach maintenance plan. Commission members discussed the project. Concerns were raised regarding the structure potentially becoming a projectile, ADA accessibility issues, and how to handle replacement/reconstruction of the stairs in the event of an unexpected storm destroying or washing them away. Steve Mangion (14th St resident) provided comments. ***Motion by Brad Duffin to continue the hearing to 6:00 PM on 2/6/2024; seconded by Woody Knight; vote 6:0:0.***

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

Bethany Quinn (Applicant)

- Exhibits: Notice of Intent for 3 33rd Street with attachments

Bob Connors outlined recent communications received regarding the project. Tom Hughes outlined discussions on the project to date to comply with the readvertisement of the NOI. Commission members discussed the project. There were some disagreements regarding whether the work is considered redevelopment or new development and whether it would require a variance request. Atty Jamy Madeja provided comments on behalf of the abutters at 108 Northern Blvd, outlining their concerns that have been discussed to date. ***Motion by Brad Duffin to continue the hearing to 6:00 PM on 2/6/2024; seconded by Dianne O'Brien; vote 6:0:0.***

Meeting adjourned at 7:55 p.m.

Respectfully submitted,

Samantha Holt, Conservation Agent