

**Town of Newbury  
Conservation Commission Meeting Minutes  
Via Zoom  
Tuesday, January 26, 2021**

Next Meeting: Tuesday, March 9, 2021 at 7 pm via Zoom

Present: Bill Holt, Kevin Stromski, Peter Paicos, Daniel Streeter, Bill Lord, Brian Colleran, Ben Gahagan, Mary Rimmer.

Meeting opened at 7:01 pm.

**Minutes:**  
None

**Public Hearings:**

**Rochelle Joseph (48 Southern Blvd.)** – RDA to install a generator on a 2'-6" high platform supported on four legs dug into soil of existing lawn.

During discussion, Mr. Holt suggest that posts be set into concrete but not sonotubes. Mr. Paicos asked where existing propane tank was situated. Tanks are located 10 feet from any combustible point. No comments from abutters. Motion for Negative determination made by Mr. Stromski, seconded by Mr. Streeter. Unanimous on vote. Determination to be made 21 days from date of this meeting.

**Zendko, LLC (15 Coleman Rd)** – an RDA for an (8) lot Open Space Residential Development project that includes a 400-ft roadway, six new single-family homes, and renovation of existing single-family home with associated stormwater management, utility, access paths and limited grading work within the 100-foot buffer.

Phil Henry, representing applicant, asked about streamlining meetings and looking for direction on how to proceed. New road will be a public way. In discussion of infiltration system, Mr. Holt asked for test pits which should be dug inside part of the infiltration field to test water table height on Unit 3 lot, and water discharge may need to be moved further north to avoid runoff to abutters. Mr. Gahagan suggested looking into whether Planning Department approval needed for a proposed public way for existing trails and permanent changes to erosion control may be needed. Mr. Zarico would like to change from an RDA to a NOI in order to naturalize edges of northeastern plot edge with fieldstone. Mr. Stromski and Ms. Rimmer want to do site walks. Ms. Rimmer is not in favor of RDA for Lots 4 and 5, should require a NOI. Commission is not in position with RDA but is with NOI. Site walk will be on Sunday, February 7, 2021 at 10 am. Noted that flagging has been done on property prior to walk. No public comments. Motion to continue meeting to February 16, 2021 by Mr. Paicos, seconded by Mr. Holt. Unanimous vote.

**Craig and Robin Gould, (65 Plum Island Turnpike) DEP# 050-1343** – an NOI to construct a new 8'10' shed and installation of native plantings and boulders for landscape improvements.

Mr. Holt and Mr. Gahagan were concerned with the type of plantings, favoring native species. Ms. Rimmer would like a signed acknowledgement from property owner in regards to the large boulders on site, as boulders are inside right of way. Mr. Streeter asked about shed being on grade and the flood elevation of the shed. Mr. Steinel answered compliance questions about flood elevation and grade. Ms. Rimmer expressed concerns regarding contents of shed, as property is located in Natural Heritage. Mr. Caicos suggested Right of Way and planting plan go Martha at Planning for review. There was a previous Order of Conditions and Cert of Compliance on property, but there are no plans available due to flooding of Town Hall. Mr. Colleran will have Mr. Holt make inquiries re; lot line concerns and affixing shed to ground. No public comments. Motion to continue to next meeting on February 16<sup>th</sup> 2021 at 7pm was made by Mr. Gahagan, seconded by Mr. Holt. Vote was unanimous.

**David Manty (0 Pine Island Road – Map R30, Lot 5) DEP# 050-1330** – a continued NOI to construct a dock/pier, ramp, and floating dock within salt marsh resource area and ACEC (applicant requested a continuance);

Motion to continue to next meeting on Tuesday, February 16<sup>th</sup> 2021 at 7 pm made by Mr. Gahagan, seconded by Ms. Rimmer. Unanimous vote.

**Nathan Gray (21 Cottage Road) DEP# 050-13##** - a continued NOI to remove wood shed, fabric-covered steel frame structure, and located within the wetland resource and restore wetland. In addition, construct a new shed and greenhouse in 100-foot buffer and remodel existing shed located partially within wetlands;

Applicant is now represented by Tom Hughes, who states more time is needed as applicant now wants to remove 2 structures, and repair a septic system, is concerned about neighbor's septic system as well. Mr. Hughes requested more time for a more detailed plan, as some abutters may not have been notified by mail of meeting on plans. Committee has no problem with the need for more time. Mr. Hughes stated that he has a current NOI, but just needs more information. Ms. Rimmer questioned if the date on the enforcement of NOI needs to be updated. Applicant stated that he has been keeping neighbors verbally apprised of plans for the property. Ms. Rimmer suggests continuing not to the next meeting but the one after that in order to give Mr. Hughes more time to provide information. Mr. Holt will update the Enforcement order later. No public comments. Motion to continue matter to March 9, 2021 at 7 pm by Mr. Stromski, seconded by Mr. Streeter. Unanimous vote.

**Christine Coulstring (1 Plum Bush Downs) DEP# 050-1332** – an amended NOI to incorporate salt marsh restoration and upland landscaping into the order of Conditions, allowing the replacement of an existing single-family home and associated work;

Tom Hughes is representing the applicant. He states that DEP approves of 690 sq/ft. of plantings. If not able to get to that amount, applicant will retain a wetland scientist to achieve equivalent square footage. In regards to the DEP planting table, could square footage be increased to 1,000 sq/ft? Mr. Hughes stated that it might be increased potentially to 1,600 sq/ft and replanting any plant die-off that occurs. The Committee is in agreement that if Mr. Hughes will be on top of tracking plantings, they are all right with the plan. Mr. Hughes asked for a vote to issue an amended Order of Conditions with the following conditions: 1) restoration plan and narrative and 2) monitoring in Spring and Fall until the CoC

is approved. No public comment. Ms. Rimmer made motion to amend the planting plan and issue the CoC. Seconded by Bill Holt. Unanimous vote.

**U.S. Fish & Wildlife Service- Parker River NWR (6 Plum Island Turnpike)** – an RDA to implement salt marsh and coastal habitat management and resilience actions;

Ms. Rimmer stated that she is abstaining from this issue. Mr. Gregg Moore from U. of New Hampshire stated that meeting on 12/8/20 a continuance and technical continuance on 1/5/21, has assembled an RDA for refuge at Parker River on January 5<sup>th</sup> 2021, continuance with DEP. After December 8<sup>th</sup>, DEP rep looked over the plan and stated that she felt very comfortable with package and to proceed in a “verbal conversation” (not written) with applicant. Mr. Holt suggested a negative determination at this point. Mr. Moore provided information on number of students working on site, types of tools and allowable equipment, size of micro-runnels to be dug, start and end dates of work and to provide before and after pictures of site with GPS information provided. Motion to grant Special Permit a negative determination by Mr. Gahagan, seconded by Mr. Stromski. Unanimous vote, with Ms. Rimmer abstaining. Motion granted.

**Kevin Whitney of K & R Construction Company LLC (84 Boston Rd) DEP# 050-1337** – a continued NOI to construct a 7,400 square foot building with two paved access driveways, paved parking and access on three sides of the building, and a gravel storage area to the rear and side of building;

Chris York of Millennial Engineering is representing applicant. Mr. York has met with Planning Department and plans have not changed since last meeting. Mr. Whitney (applicant) asked to have dimensions adjusted, as only 48% of lot is being used, and the dimensions shown on plan are not actually to paved or gravel area and he is still trying to maintain 20-foot buffer. Mr. York added a table at top of site map. Mr. Holt stated that the Commission needs to agree on buffer size first. Ms. Rimmer stepped out of meeting for a while. Discussion included size of trailers stored on site, snow storage on property, disturbed soil and replanting, building a wall with a lip to prevent soil contamination, a “knuckle” in the retaining wall curve be corrected to give more buffer area for wetland, concerns about impact to wetlands on lot, erosion control, type of fence and request for new site plan from applicant.

Motion to make changes to plan floated and Mr. Colleran suggested updated plans be sent by Friday, February 12, 2021 in order to give Committee time to review them. Motion to continue to next meeting on February 16, 2021 at 7 pm by Ms. Rimmer, seconded by Mr. Paicos. Unanimous vote.

**Edward and Jodi Leonard (61 Elm St.) – DEP# 050-1342** - an NOI for clearing of trees, construction of a new residential structure a new driveway, and a new septic system. Clearing of trees and driveway are within the resource buffer zone.

Matt Steinel from Millennium Engineering is representing applicants. Mr. Steinel stated that the site walk was done and original line is altered by Sergio Bellini of Mission Ecological, who moved 3 stakes on site prior to walk. He previously proposed a retaining wall, but it is not cost effective for applicants, so use of coir mat 40 to stabilize upslope instead of building a retaining wall would be best option. Also, coir mat 40 is biodegradable. Discussion included drainage ditch which appeared to be connected to an intermittent stream, which actually did not connect, use of a Storm Track 36-inch-wide and 18-inch-tall span vs. a 12-ft CMP culvert. Also, DEP has reviewed and had no issue with plans. Ms. Rimmer stated that she is sensitive to the financial burden to the applicants but need to add par of resource plan and

culvert to meet DEP standards. Also wants to see driveway moved so there is no issue with an abutter regarding proximity to their property, see plantings of shrubs or trees after clearing slope, and see a 36" culvert used, to satisfy DEP. No public comments. Motion to continue to next Conservation Commission meeting on Tuesday, February 16<sup>th</sup> at 7 pm by Mr. Paicos, seconded by Mr. Stromski. Vote was unanimous.

**Justin Leonard (3 Southern Blvd. Plum Island) DEP# 050-13##** - a continued NOI to restore an existing small parking area;

Mr. Holt stated that Mr. Leonard requested a continuance. No public comments. Motion to continue to February 16<sup>th</sup> 2021 meeting at 7 pm by Mr. Colleran, seconded by Mr. Streeter. Unanimous vote.

### **Certificates of Compliance:**

78 Old Point Road; Liberty Real Estate Strategy, c/o Robert Ciampitti, **DEP# 050-1271** Recorded in Salem Registry of Deeds, Book 37159, Page 126 (Partial Release CoC)

Tom Hughes is representing Liberty Real Estate Strategy, c/o Robert Ciampitti, is requesting a partial release of a CoC as propane companies are balking at putting propane tanks ("eggs") on platforms, which make it harder to fill the tanks by the truck drivers. Mr. Holt only favors only partial release on structure only. Mr. Gahagan requested an elevation of 4 feet above grade for placement of tank. Mr. Streeter asked if propane tank lashed to a pile at the moment and should it be lashed in. Owner of property states that tank should have been lashed to a pile, and he has been unable to check the site lately due to personal illness. Motion to grant partial release of CoC, as long as propane tank is attached to a piling, made by Mr. Streeter, seconded by Mr. Holt. Unanimous vote.

61 Elm St., C.P. Berry Construction, c/o Alan Berry, **DEP# 505-1117** Recorded in Salem Registry of Deeds, Book 32487, Page 191 (Expired CoC)

Mr. Holt stated that this is a vacant lot, CoC expired, nothing done with lot. Motion to issue Cert of Compliance proposed by Mr. Streeter, seconded by Ms. Rimmer. Unanimous vote.

### **Other Business: Newbury Wetland By-law discussion**

Signatures for Enforcement Order for 21 Cottage Road

Mr. Holt will send out information by email for By-law discussion, with tasks due and when signatures for 21 Cottage Road Enforcement order are done. Move to Adjourn meeting by Mr. Holt, seconded by Mr. Paicos.

Meeting ended at 10:53 pm

Respectfully Submitted  
Catherine Brown