

Town of Newbury
Conservation Commission Meeting
Conducted VIA Zoom
Tuesday, September 15, 2020

Present: Dan Streeter, Peter Paicos, Bill Lord, Ben Gahagan, and Brian Colleran
Agent Holt

Meeting opened at 7:04 pm

Town of Newbury (14th Street) DEP#050-13## - a continued NOI to improve the right of way and construct an emergency access driveway. Mr. Streeter opened by saying that we have not seen any updated plans which makes it hard to even know what we are talking about. I would like to see this tabled until we get new information. James Stewart, a direct abutter on 14th Street told the Commission that he is working with Larry Hayes of Hayes Consulting along with the other abutters. They plan on having updates to plan before next meeting. The last plan the Commission saw was on December 18, 2019. He told them that when they do the site walk they will see something very different. Mr. Streeter made the first motion to move to continue meeting to October 6, 2020. Mr. Gahagan made the second motion. All in favor.

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 the salt marsh resource area and ACEC. Mr. Manty was present with no more new information. Tom Hughes of Hughes Environmental has asked for a continuance. Mr. Paicos made the first motion to continue to October 6, 2020, Mr. Lord made the second motion to continue. All in favor.

Joseph Wadland (64 Southern Blvd) – DEP #050-1197 – a modification to an existing NOI to restore lost vegetation and bring project into compliance. Back in May 2020 Mr. Wadland applied for a COC for a shed that had been constructed. Agent Holt and Agent Packer went to do a final inspection. Mr. Wadland had a few issues such as restoration of vegetation of a dune. It was suggested he do a modification to his NOI to restore the dune back into compliance. Mr. Wadland would also like to add a walkway to shed with pavers. Mr. Streeter would like to see gravel or crushed stone or shells instead of pavers. Agent Holt will make a site visit to come up with a compromise and modify his Order of Conditions, in agreement that he will use crushed stones or shells. Motion to approve was made by Mr. Paicos, second motion was made by Mr. Stromski. All in favor.

Fred Jackman (68 Green Street) DEP #050-1327 – A continued NOI to raze an outbuilding, construct a gravel roadway, drainage, grading, and associated utilities within 100 ft buffer zone for a three-lot residential subdivision. Maureen Herald of Norse Environmental was present representing Mr. Jackman. She presented their plan for the control of the Japanese Knotweed that the Commission had requested of them. Chris York, Engineer for the management plan commented that the Knotweed was 100 Feet outside of the buffer zone. The plan included marking out where the Knotweed was present prior to the treatment. A hired licensed applicator will come in to perform the treatment plan with a follow up in two years to manage and prevent spreading. Chairman Colleran requested special treatment of the soil coming out of the site and the drainage swales on either side of the driveway. Mr. Stromski made the first motion to approve, Mr. Gahagan made the second motion. All in favor.

Justin Leonard (3 Southern Blvd. PI) DEP #050-13## - an NOI to restore an existing small parking area; Justin was there speaking on his own behalf. This house was his grandparents and he since has inherited it. There was always a parking area here and I am just trying to restore what my grandparents could not keep maintained. I started the removal of sand not realizing I had to apply for permits. I am here to determine if I can continue or not. Chairman Colleran asked if Justin had any pictures that showed this spot ever existed. Justin has a letter from a neighbor that has been there since his grandparents. The Commission viewed pictures provided and Google Earth images. The consensus is that there likely was a parking area which has gone through cycles of vegetation and modification. Agent Holt said DEP has not issued a number yet but they are looking for better site plans. Lee Leonard, Justin's father, told the Board that this was his parents house and there was always a parking area in the front. He said that in the 70's he would make money parking cars there. Mr. Streeter wanted the applicant to be clear on what he was trying to do because this is a sensitive area and we need to be clear on what you are asking us to approve. Steve Mangion, a neighbor, asked where the sand had gone that was removed? Mr. Leonard was instructed to contact Agent Holt to discuss what will need to be done as far as a filing. Mr. Paicos made the first motion to continue this hearing, Mr. Stromski made the second motion. All in favor.

F. N. Budd Kelley III (24 School Street) DEP #050-1335 - an NOI for construction of an inground pool with grading in the riverfront setback. Bob Grasso of Engineering Land Services was representing Mr. Kelley. This was a dwelling built in 1957 and the Kelley's acquired it in 1996. There are two resource areas that were delineated by Norse Environmental in 2007. They are proposing an 18 X 30 inground pool with a stone apron surrounding it. Eighteen shrubs and three red maples will be planted. Agent Holt's only concern was if back in 1997 when the Riverfront Act was put in place if the clock was set to zero? Does the prior disturbance count towards this project? Agent Holt will contact DEP with questions on the disturbance standards. Mr. Gahagan made first motion to move to continue until October 6th meeting, Mr. Paicos made the second motion. All in favor.

Leslie Dickie (4 44th Street, PI) – an RDA to remove and dispose of existing deck and replace with new deck using same footprint. Leslie Dickie and Tom Gorenflo, contractor, was present. Agent Holt had no issues with the plans. They will be using Diamond Piers and this will be an improvement over the existing conditions. T. Gorenflo asked if the Commission would be opposed to adding an additional two feet to the proposed 6 X 5 deck. Mr. Gahagan asked if there would be a need for a dumpster or would a pickup truck suffice? No dumpster would be needed according to T. Gorenflo. Mr. Stromski made the first motion to approve with the change of an additional two feet, Mr. Lord made the second motion. All in favor.

Marissa and Edward Parillo (6 Blue Hill Ave., PI) DEP #050-13## - an NOI for exterior renovations, including replacement of decks and utility work. Tom Hughes from Hughes Environmental was present to present the project. The project consists of taking down existing decks, adding an outside shower, and a shed out in the back yard. Decks will be replaced without any lattice. This project lies in the 8E13 Flood plain. Agent Holt had a concern about the lot coverage numbers. The overage would have to be addressed with ZBA. T. Hughes said that they would play around with the plans to see if they can reduce the overage. If they have to go to ZBA they will. He also noted that they will produce a landscape plan to include plants native to Plum Island. They will also plan on placing the shed in a non-vegetated area and they will commit to 100 square feet of vegetation mitigation. Mr. Gahagan had a concern about outside showers. Doug Packer, previous Agent, had denied outside showers for reasons of damages from byproduct runoff. Plans to have runoff plumbed back in would be required. Mr. Lord made a motion to approve the construction of the deck and will condition out the shower and shed. Mr.

Gahagan moved to modify Mr. Lord's motion to approve the plans for the deck as presented and condition the construction of shed, shower and walkways associated with them upon receipt of full plans with a planting plan for review by the Commission. All in favor.

Joseph Bavaro (3 Newburyport Turnpike) DEP #050-1336 – an NOI to construct a residential/retail building with parking area. T.J. Melvin, consultant for the applicant, told the Board that this was a 15,000 square foot mixed use building with 3000 sq feet of retail space and 1200 sq feet of residential space. This is the site of the old Circle Finishing that burned and the site was cleaned up in 2000. Plans show the stormwater directed to either side of the parking lot led in thru a curb inlet sentiment forebay on either end. Ninety percent of the site has been disturbed; this will disturb approximately 2200 sq feet. Utilities will be connected in Newburyport. Commissioner Colleran said he could not comment on the plans since they were too busy to understand. He suggested a site walk. The whole Commission agreed to a site walk and planned for October 13, 2020 at 5:00 pm. Mr. Gahagan made the first motion to continue hearing until October 20, 2020; Mr. Stromski made the second motion. All in favor.

Triple Q Inc. c/o John Colantoni (Colantoni Crossing off 108 Main Street) DEP #050-1326 – a continued NOI to construct a new road, grading, utilities and stormwater management features for a five-lot subdivision. Work is proposed within the resource area and within 100 ft buffer zone to wetlands resource areas. John Colantoni, Triple Q, William Manuel, Wetlands and Land Management and Thad Berry, Engineer was present. Thad Barry has submitted all the updated plans. B. Manuel believes that they have answered all requests from the Commission with these new plans. Agent Holt said that after reviewing the plans they are consistent with what was asked of them. We can probably close the hearing tonight and draft the order of conditions for the Board to review and sign off on, he said. Mr. Paicos suggested closing the public hearing and work with Agent Holt on drawing up the Orders. Mr. Paicos made the first motion to close the hearing; Mr. Gahagan made the second motion to close. All in favor.

Certificates of Compliance:

Down East Investments, LLC (20 20th Street, PI) DEP #050-1223 – a request for a COC to close out an expired OOC for which no work had begun, the project has refiled a new NOI and has received an OOC. Mr. Streeter made first motion to issue the certificate; Mr. Lord made the second motion to issue. All in favor.

Adjourned at 10:43

Respectfully Submitted,

Gretchen E. Girard