

Newbury Conservation Commission - Public Meeting Minutes  
*September 21, 2021*

Members Present:

- ☒ Brian Colleran (Chair, joined virtually)
- ☒ Benjamin Gahagan (Co-Chair, ran meeting)
- ☒ Peter Paicos (Planning Board Liaison)
- ☐ Mary Rimmer
- ☒ Brad Duffin
- ☒ Dan Streeter
- ☐ Frank Wetenkamp
- ☒ Samantha Holt (Agent)

Others Present:                See attached sign-in sheet

7:06 p.m.                Meeting Called to Order

- Minutes review: June 1, 2021; June 22, 2021; July 13, 2021; August 3, 2021; September 7, 2021
  - None ready for review, review/approval tabled

PUBLIC HEARINGS

5 Davoli Way (DEP File #050-1366)                Barry Kaplan (Applicant)

Michael Seekamp (representative) presents a Notice of Intent Application for the listed location. There is a proposal to raze an existing single-family dwelling and construct a new one on pilings, with the lowest support member being approximately 4 feet above the Base Flood Elevation. There will be a reduction in the impervious surface lot coverage by >500 square feet. The existing native vegetation will be moved or replaced, and all beach grass will remain untouched on site. Brad Duffin raised comments regarding the existing conditions including proximity of the existing fence to the paved road and benefits of the planned relocation of the structure on the lot. Commission Brian Colleran noted comments regarding the need to discuss locations of dumpsters (request to have the location noted on the plans) and a pre-construction meeting. There were questions raised by Dan Streeter regarding proposed storage space with breakaway floors below Base Flood Elevation, as well as some of the proposed footings. Mr. Streeter requested correspondence with the Building Commissioner prior to closing the hearing. Motion by Brad Duffin to continue the hearing until 7:00 p.m. on 10/5/21; seconded by Peter Paicos; vote 5:0:0.

3 Gadsden Lane, Lot 3 (DEP File #050-1367)                Adam True w/ Gadsden Lane, LLC (Applicant)

Mr. True presents the Notice of Intent Application for the listed location. There is a proposal to alter land within the 100 foot Buffer Zone to a Bordering Vegetative Wetland, to include grading, a patio, screened porch, retaining wall, and tree removal. Mr. True outlines the Buffer Zone area that will be impacted and to what extent, including the tree removal plan within various Buffer Zone areas. There were brief comments from Peter Paicos regarding compliance with Planning Board decisions. There was discussion on the erosion control measures on the site, specifically in the area of the well, brought up by Dan Streeter, and a special condition proposed. Ben Gahagan brought up comments regarding invasive species and questions of equipment use within 50 feet of the wetland area, with additional comments from Brian Colleran on invasive species. Mr. True responded with no intentions to conduct specific invasive species management or use machinery for tree removal. Mr. Gahagan mentioned special conditions for no disturbance within 25 feet of the wetland line, for selective hand cutting of trees 6 inch caliper or less and deadwood only between the 50 and 25 foot Buffer Zone lines, and for a site-visit prior to beginning of tree removal work. Motion by Ben Gahagan to close the hearing and issue an Order of Conditions approving the project with the discussed special conditions; seconded by Peter Paicos; vote 5:0:0

31 Plum Island Boulevard (DEP File #050-1368)                Town of Newbury (Applicant)

The Applicant has requested a continuance. Motion by Dan Streeter to continue the hearing until 7:00 p.m. on 10/19/21; seconded by Brad Duffin; vote 5:0:0.

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55 Pearson Drive (DEP File #050-1355) Cricket Lane, LLC (Applicant)

The Applicant has requested a continuance. Motion by Dan Streeter to continue the hearing until 7:00 p.m. on 10/19/21; seconded by Brad Duffin; vote 5:0:0.

7 Larkin Road (DEP File #050-1360) Coughlin Shea Builders (Applicant)

The Applicant has requested a continuance. Motion by Dan Streeter to continue the hearing until 7:00 p.m. on 10/19/21; seconded by Brad Duffin; vote 5:0:0.

0 Pine Island Road/Lot 5 (DEP File #050-1330) David Manty (Applicant)

Tom Hughes (representative) presents a continued Notice of Intent for the listed location to construct a dock, ramp, and floating dock within salt marsh resource area and the ACEC. Due to concerns for a quorum, Mr. Hughes proposes to repost the legal ad and resend the abutter's notices with the intent of presenting the project again to the Commission at the next meeting to allow all members to vote. The proposal intends to use the same DEP file number, plans, and application. Mr. Hughes briefly presented some points of the project. Brian Colleran presented questions regarding security of the dock during inclement weather and hazardous water conditions, potential erosion issues, and the lifespan and maintenance needs of the dock. Mr. Colleran also proposed a special condition to inspect the dock annually and, should it fail at any point or cause harm to the marsh, the Applicant shall return to the Commission with a plan to remedy or it shall be removed. Ben Gahagan raised points regarding the dock policy and concerns that the dock is not permissible. Mr. Hughes requested that the Commission agree to have the dock policy not be applicable to this project on the grounds that it was adopted after the initial application was received, to which the Commission members agreed. Mr. Gahagan and Mr. Colleran stated that receipt of a letter from CZM stating that they are in support of the installation of this dock would be preferable in order to determine whether the dock is permissible. Dan Streeter proposed a condition that the float portion of the dock shall be removed in the winter months, and raised questions regarding construction impacts. Motion by Peter Paicos to continue the hearing until 7:00 p.m. on 10/19/21; seconded by Dan Streeter; vote 5:0:0.

COMMISSION DISCUSSION ITEMS

3 Plumbush Downs (DEP File #050-1002) Keri Marshall (Applicant)

The Applicant has requested a Complete Certificate of Compliance for the listed location. The Order of Conditions was issued to raze the existing single-family home and construct a new single-family home on pilings. Samantha Holt presented findings from a site inspection and made the recommendation that the Commission issue a Completer Certification. Motion by Dan Streeter to issue a Complete Certification; seconded by Brad Duffin; vote 5:0:0.

Enforcement Orders

Samantha Holt presented an update on an open Enforcement Order for 21 Cottage Road, issues to Nathan Gray. Ms. Holt conducted a site inspection to determine compliance with the Enforcement Order, and reported back that it appeared only a portion of the requirements had been met. The Commission agreed to have Ms. Holt send Mr. Gray a letter notifying him what requirements still must be completed and request submittal of a schedule, by October 5, 2021, to the Commission outlining the timeframe he plans to satisfy the remaining requirements.

Other Business

Samantha Holt presented a template for a meeting schedule and application checklist to the Commission for approval to be posted on the Conservation Commission webpage. Motion by Dan Streeter to approve the template as a living document; seconded by Peter Paicos; vote 5:0:0.

Meeting adjourned at 9:07 p.m.

Respectfully submitted,  
Samantha Holt, Conservation Agent