

Newbury Conservation Commission - Public Meeting Minutes
November 16, 2021

Members Present:

- ☒ Brian Colleran (Chair) (arrived late)
- ☒ Benjamin Gahagan (Vice Chair)
- ☒ Peter Paicos (Planning Board Liaison)
- ☒ Mary Rimmer (arrived late)
- ☒ Brad Duffin
- ☒ Dan Streeter
- ☐ Frank Wetenkamp
- ☒ Samantha Holt (Agent)

7:03 p.m. Meeting Called to Order

- Opening remarks from Commission Vice Chair Ben Gahagan
- No minutes for review

PUBLIC HEARINGS

91 Northern Boulevard (DEP File #050-1373) Lois and Jerry Carrier (Applicants)

Khouri Rice (representative) presents a Notice of Intent to construct a second-floor addition on an existing single-family home. Mr. Rice noted locations for materials and dumpster staging. The project has been approved by the ZBA and received a decision, there is no plan to do any foundation work or install any new footings, and the Applicants have agreed to replace any disturbed vegetation. Motion by Brad Duffin to issue an Order of Conditions with standard conditions for Plum Island, as well as the additional special condition to replace any disturbed vegetation and monitor to ensure success; seconded by Peter Paicos; vote 4:0:0.

4 Bryn Mawr Way (RDA) Janice Martell (Applicant)

Jay Martell (representative) presents a Request for Determination of Applicability to reconstruct an existing conforming deck within the same footprint. Mr. Martell noted that the footprint will not be changing but all four existing footings will be replaced, also noted locations for materials and dumpster staging. The replaced footings will be changing from 8" to 12" as per the guidance of the Building Commissioner. Motion by Brad Duffin to issue a negative Determination of Applicability with the condition that any disturbed vegetation must be replaced; seconded by Peter Paicos; vote 4:0:0.

51 Southern Boulevard (RDA) David Peng (Applicant)

Tom Gorenflo (representative) presents a Request for Determination of Applicability to install a generator platform. Mr. Gorenflo noted the proposed location for the generator and shared a photo of what it will look like when completed. Samantha Holt noted that the property is within the V Zone (Elevation 16) floodplain, however Mr. Gorenflo estimated that this property sits slightly above that elevation. Motion by Brad Duffin to issue a negative Determination of Applicability; seconded by Peter Paicos; vote 4:0:0.

9 43rd Street (DEP File #050-1372) Chris Connolly (Applicant)

Matt Steinel (representative) presents a continued Notice of Intent to remove an existing damaged retaining wall and replace it with a smaller interlocking block retaining wall. The work includes installation of a new pea stone driving surface. This is an "after-the-fact" application for work that was already completed. Mr. Steinel showed photos of what the retaining wall and surrounding area previously looked like as well as photos of what exists now for the completed work. Samantha Holt shared comments on this project provided by Mary Rimmer, all noted concerns were addressed by Mr. Steinel. Mr. Streeter suggested a condition to have the Applicant develop a plan to replant a previously vegetated area. Motion by Dan Streeter to issue an Order of Conditions with all standard conditions, and the additional condition that the Applicant shall develop a planting plan to install a minimum of 1,000 square feet of vegetation, and the plan shall be submitted to and approved by the Agent prior to being installed; seconded by Peter Paicos; vote 4:0:0

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COMMISSION DISCUSSION ITEMS

Certificates of Compliance

5 Perkins Way (DEP File #050-1192) Anthony Barbiris (Applicant)

The Applicant has requested a Complete Certificate of Compliance for an issued Order of Conditions to conduct wetlands replication. Patrick Seekamp (representative) noted that Newburyport has issued a Certificate of Compliance for the bulk of the project which is in that town. Mary Rimmer conducted the site inspection for the wetlands replication and noted that the erosion control needed to be removed, which it now has been. Motion by Dan Streeter to issue a complete Certificate of Compliance; seconded by Brad Duffin; vote 4:0:0.

Extension Permits

237 Middle Road Susannah Gordon (Applicant)

A request to extend the Order of Conditions issued 3/24/2016 to construct a raised platform for temporary boat storage, a gangway, and a bottom-anchored seasonal float within coastal resource areas. This is the second extension permit request, and the current extension is due to expire 3/24/2022. The Applicant was not present in the meeting. The Commission held discussion regarding the project as approved and noted several concerns. Ben Gahagan made the suggestion to request the Applicant's participation in the next meeting. The Commission agreed to table further discussion on this request until the meeting on 12/7/2021 at 7:00 pm.

PUBLIC HEARINGS

7 Hutchins Way (DEP File #050-1370) Gerald Fandetti (Applicant)

Tom Hughes (representative) presents a continued Notice of Intent to replace an existing single-family home with a new home elevated on pilings. Mr. Hughes presented revised plans that addressed the concerns noted by the Commission in the last hearing, as well as the additional plans currently in review with the ZBA. Mr. Hughes requested to have the hearing continued to the next meeting to allow the project to get through the ZBA process. Motion by Brad Duffin to continue the hearing until 12/7/2021 at 7:00 pm; seconded by Peter Paicos; vote 4:0:0.

Please note: Brian Colleran and Mary Rimmer joined the meeting as the following hearing was opened.

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

Tom Hughes (representative) presents a continued Notice of Intent to construct a dock/pier, ramp, and floating dock within salt marsh resource area and ACEC. Mr. Hughes noted that he and MR. Manty had heard from CZM via a phone conversation following requests made at the hearing on 10/19/2021, they are still waiting to receive an email confirmation of the phone call. Mary Rimmer made several comments on the project and requested that the newest revision of the plans be submitted to the Division of Marine Fisheries for review and comment. Ms. Rimmer also suggested a special condition to remove the through-flow decking seasonally in addition to the float. The rest of the Commission had the opportunity to provide comments and ask questions. Mr. Hughes requested to have the hearing continued to the second meeting in December. Motion by Mary Rimmer to continue the hearing until 12/21/2021 at 7:00 pm; seconded by Brad Duffin; vote 6:0:0.

Meeting adjourned at 9:32 p.m.

Respectfully submitted,
Samantha Holt, Conservation Agent