

Newbury Conservation Commission - Public Meeting Minutes  
December 7, 2021

Members Present:

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

7:02 p.m. Meeting Called to Order

- Opening remarks from Commission Chair Brian Colleran
- Minutes review: September 7, 2021; November 2, 2021; November 12, 2021; November 16, 2021
  - Mary Rimmer requested edits to the September 7, 2021 minutes
  - Motion by Mary Rimmer to approve all listed minutes with revisions; seconded by Brad Duffin; vote 5:0:0

PUBLIC HEARINGS

81 Central Street, Manter Fields (RDA) Town of Newbury Recreation Committee (Applicant)

Mark Sandt (representative), Clerk for the Newbury Recreation Committee, presents a Request for Determination of Applicability for work to remove the existing 5' by 10' steel plate used for brook crossing and replace it with an ADA compliant footbridge in the same location. The goal of this project is to promote more passive use of the property. Samantha Holt noted that the area does fall into the Great Marsh ACEC as well as the coastal zone area, making the location tidal. Commission members noted several concerns including ecological sensitivity of the area, wildlife impacts, need for additional information about the construction of the bridge, and need for additional information about resource boundaries. Dan Streeter noted that the impact concerns are not any greater having the bridge in place of the steel plate. Mary Rimmer noted that this project may require filing a Notice of Intent. Mr. Sandt agreed to work on getting more detailed plans and information and requested that the hearing be continued to a meeting in February. Motion by Mary Rimmer to continue the hearing until 7:00 pm on 2/1/2022; seconded by Brad Duffin; vote 5:0:0.

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

Samantha Holt noted that Tom Hughes (representative, not present) had confirmed with her that if there are no other questions or requests from the Commission that he is comfortable allowing a vote without him present. At the last meeting, Mr. Hughes had requested a continuance to allow time for a ZBA vote. The ZBA has not yet issued a decision, but Mr. Fandetti believes they are all set with that process and awaiting administrative approval. Motion by Brad Duffin to issue an Order of Conditions with the condition that ZBA approval will be required before work can begin; seconded by Mary Rimmer with the addition of the standard Special Conditions for Plum Island work; vote 4:1:0

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

This item was included on the agenda in error, this hearing was discussed at the 11/16/2021 meeting and continued to 7:00 pm on 12/21/2021.

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COMMISSION DISCUSSION ITEMS

Certificates of Compliance

8 12<sup>th</sup> Street (DEP File #050-1277) Michael Kirkpatrick (Applicant)

The Applicant has requested a complete Certificate of Compliance for an issued Order of Conditions to remove the existing structure and foundation, and construct a new single-family dwelling on piles with parking below and new utility connections. Samantha Holt advised that an inspection was conducted and that all work had been completed satisfactorily, and recommended the issuance of the complete Certificate. Motion by Brad Duffin to issue a complete Certificate of Compliance; seconded by Mary Rimmer; vote 5:0:0.

4 35<sup>th</sup> Street (DEP File #050-1299) Tim Sheehan (Applicant)

The Applicant has requested a Complete Certificate of Compliance for an issued Order of Conditions to demolish the existing structure and foundation and construct a new one on piles with included dune grass restoration. Samantha Holt noted that an inspection was conducted and all work has been completed satisfactorily, and recommended the issuance of a complete Certificate. Motion by Brad Duffin to issue a complete Certificate of Compliance; seconded by Mary Rimmer; vote 5:0:0

Extension Permits

237 Middle Road (DEP File #050-1195) Susannah Gordon (Applicant)

A request for a three-year extension of the issued Order of Conditions 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 on 3/24/2022. Mary Rimmer abstained from any vote due to previous involvement with the project. Samantha Holt noted several concerns that were raised when the request was discussed at the 11/16/2021 meeting. The Commission had requested the presence of Ms. Gordon, she was unable to attend but did provide a written explanation that she does not currently have plans to construct the dock and was seeking the extension in the event she decides to do so. Commission members expressed concerns for discussing and voting on the extension without the presence of the Applicant, and are requesting her presence once again. Discussion tabled until 7:00 pm on 12/21/2021, all members in favor.

Other Business

The Commission discussed dates to hold a public workshop to continue developing the proposed wetlands by-law amendments. The following dates were agreed upon:

January 18, 2022: Samantha Holt will reach out to Town Counsel to set up a meeting at 7:00 pm to hold an Open Meeting Law training and receive guidance on the proposed by-law amendments.

February 15, 2022: This will be the date for a public workshop to discuss and receive public comments on the by-law amendments. Samantha Holt will draft a flyer to be released to various organizations and social media administrators in order to publicly advertise the workshop.

The Commission briefly discussed the Enforcement Order issued to Nathan Gray of 21 Cottage Road and any progress made since the last report. Samantha Holt agreed to check in on the property before the next meeting and reach out to Mr. Gray to ensure the rest of the required work is being completed.

David Manty initiated discussion with the Commission regarding dock permitting, extensions of dock permits, and jurisdiction of the Commission over docks and dock construction as per State law and local by-laws/policies.

Meeting adjourned at 8:16 p.m.

Respectfully submitted,

Samantha Holt, Conservation Agent