

Newbury Conservation Commission - Public Meeting Minutes
December 21, 2021

Members Present:

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

7:05 p.m. Meeting Called to Order

- Opening remarks from Commission Co-Chair Ben Gahagan
- Minutes review: December 7, 2021
 - Mary Rimmer requested edits to the minutes
 - Motion by Peter Paicos to approve the 12/7/2021 minutes with revisions; seconded by Mary Rimmer; Ben Gahagan abstained; vote 4:0:1

PUBLIC HEARINGS

319 Newburyport Turnpike (RDA #NCC-390) Ould Newbury Golf Club (Applicant)

Scott Godfrey (representative) presents a Request for Determination of Applicability to remove trees at the third and fifth holes of the course. Mr. Godfrey outlined the details of the work including the number of trees being removed and their locations, tree sizes, the reasons for removal, access to work sites, and what will be done with the trees after they are removed. Commission members had the opportunity to discuss the proposed work and raised questions regarding carbon sequestration concerns, replanting trees to mitigate the loss of those being removed, and proximity to resources and estimated rare species habitat. Motion by Mary Rimmer to issue a negative determination with the condition to plant four replacement trees on the property; seconded by Dan Streeter; vote 4:1:0.

Please Note: Brian Colleran joined the meeting shortly after the following hearing was opened.

7 & 17 Marsh Avenue (DEP File #050-1374) Peter J Lariviere (Applicant)

Mark West (representative) presents an Abbreviated Notice of Resource Area Delineation to confirm boundaries and any associated buffer zones for wetland resources on the site. Sam Colombo from Millennium Engineering is also present to represent the Applicant. Mr. West outlined the existing conditions on the site as well as a brief history of it. There is an area on the property (lot B on the west side of the right-of-way) where MassDEP shows a wetland area that Mr. West investigated and found no evidence of wetlands. Commission members had the opportunity to discuss the delineations. A site walk was scheduled at 11:00 AM on January 3, 2022. Motion by Peter Paicos to continue the hearing to 7:00 PM on 1/4/2022; seconded by Mary Rimmer; vote 6:0:0

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

The Applicant has requested a continuance. Motion by Mary Rimmer to continue the hearing at 7:00 PM on 2/1/2022; seconded by Dan Streeter; vote 6:0:0

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COMMISSION DISCUSSION ITEMS

Modifications

313 Newburyport Turnpike (DEP File #050-1264)

The Governor's Academy (Applicant)

Mark Beaudry (representative) presents a request for minor modifications to an issued Order of Conditions to construct an environmental studies building and appurtenances. Tom Woodruff, Director of Facilities at The Governor's Academy is also present. Mr. Beaudry outlined the project and the proposed changes including an overall reduction in impact and disturbance. Commission members had the opportunity to discuss the proposed modifications. Mary Rimmer noted that the minor modification process eliminates the notification of abutters and limits the opportunity for public comment. She requested that any members who were present during the initial review and permitting process note any relevant public concerns or input brought up at that time. No members present at the time of the initial review recalled any significant public comments regarding this project. Ms. Rimmer also noted questions on updated erosion control measures, plans for footings and materials for the boardwalk, the boardwalk's elevation above grade, and on-slope tree removal. Dan Streeter noted questions regarding the dimensions of the boardwalk, the number of diamond pier footing that will be used, and machine access to construct the boardwalk. The Commission agreed to request additional information regarding outstanding questions on the boardwalk. Samantha Holt also agreed that a letter outlining the approved modifications for this project would include a reference to the new accepted plans. Discussion tabled until 7:00 PM on 1/4/2022, all members in favor.

Certificates of Compliance

Kent's Island/off Hay Street (DEP File #050-1258)

Patricia Huckery/MA DFW (Applicant)

The Applicant has requested a complete Certificate of Compliance for an issued Order of Conditions to restore approximately 47 acres of coastal salt marsh and tidal wetlands through various actions. Samantha Holt stated that an inspection was done and that the work appears to have been completed satisfactorily, and recommended the issuance of a complete Certificate. Motion by Brian Colleran to issue a complete Certificate of Compliance; seconded by Dan Streeter; vote 6:0:0.

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 has reached out to the Applicant twice to request participation in the discussion, and Ms. Gordon is unable to do so. Brian Colleran suggested issuing a one-year extension rather than a three-year extension. Motion by Peter Paicos to issue a one-year extension permit; seconded by Brian Colleran; vote 5:0:1

Other Business

Mary Rimmer brought up discussion regarding the Enforcement Order issued to Nathan Gray at 21 Cottage Road. Samantha Holt noted that the property was inspected and it appears some work has been done. However, the restoration work is not yet fully in compliance with the requirements of the Enforcement Order and the recommendations made by Bill Mannuell. Ms. Holt stated she would reach out to Mr. Gray to ensure the work will be completed.

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Samantha Holt also noted that the work required by the Enforcement Order Issued to Justin Leonard at 3 Southern Boulevard has been completed. He has replaced the appropriate amount of sand and dune grass. Mary Rimmer noted that monitoring should be completed through at least the spring season before a compliance letter is issued.

Meeting adjourned at 8:34 p.m.

Respectfully submitted,

Samantha Holt, Conservation Agent