

Newbury Conservation Commission - Public Meeting Minutes  
March 1, 2022

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)

7:05 p.m. Meeting Called to Order

- Opening remarks from Commission Chair Brian Colleran
- Minutes review: 1/4/2022, 1/20/2022, 2/1/2022, 2/15/2022; Ben Gahagan suggested edits to the 2/1/2022 minutes. Motion by Peter Paicos to accept all minutes with noted edits, seconded by Dan Streeter, vote 5:0:0

PUBLIC HEARING

81 Central Street, Central Street Fields (File #NCC-389) Town of Newbury (Applicant)

The Applicant has requested a continuance. Motion by Ben Gahagan to continue the hearing to 7:00 PM on 4/5/2022; seconded by Peter Paicos; vote 5:0:0

2 40<sup>th</sup> Street (DEP File #050-1377) Josiah Spaulding, Jr. (Applicant)

• Exhibits: Notice of Intent application for 2 40<sup>th</sup> St with all attachments  
Matt Steinel (representative) presents a Notice of Intent for the demolition of the existing single-story, single-family residential structure on a cinder block foundation and the construction of a new single-family residential structure on a pile foundation and associated site work. The property is located in the Zone X floodplain and the new structure will be elevated to a minimum of 2 feet above grade and will fall within the same footprint of the existing structure. Dune grass planting and plant mitigation will take place, and existing parking spaces will remain. Commission Members had an opportunity to discuss the project. Questions were raised regarding the elevation of the house; Mr. Steinel outlined the surveyed elevations of the property and noted the proposed elevations of the new house. Questions were also raised regarding the parking spaces, material and dumpster staging, and limit of work lines, and a condition was suggested to have Samantha Holt approve revised plans having that information added before issuing the Order of Conditions. Motion by Ben Gahagan to issue an Order of Conditions approving the project with standard special conditions for Plum Island pending administrative approval of revised plans; seconded by Peter Paicos; vote 5:0:0

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

• Exhibits: Abbreviated Notice of Resource Area Delineation for 7 & 17 Marsh Ave with all attachments, Revised Plans dated 2/28/2022  
Sam Colombo (representative) presents a continued Abbreviated Notice of Resource Area Delineation to confirm boundaries and any associated Buffer Zones for wetland resources on site. Mr. Colombo outlined changes made to the plans following the January 3, 2022 site walk as well as Commission comments from previous meetings and reviews. Land Subject to Coastal Storm Flowage, coastal bank, and Mean High Water delineations were all added, as well as wetland flag SM-13A. The riparian zones (100- and 200-foot lines) were revised to extend from the MHW line, and a note was added showing that the 100-foot resource area buffer line was derived from a combination of the Bordering Vegetated Wetland, MHW, and coastal bank lines in the most conservative form. Commission members had an opportunity to discuss the plans. Ben Gahagan noted it would be beneficial to have another label

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line added for the BVW delineation on the far west side of the property. Motion by Frank Wetenkamp to accept the revised plans dated 2/28/2022 and issue a modified Order of Resource Area Delineation; seconded by Dan Streeter; vote 5:0:0

**Please note:** Frank Wetenkamp left after the preceding hearing closed, Mary Rimmer arrived as the following hearing was being opened.

7 Bittersweet Lane (DEP File #unassigned)

Gage Foley (Applicant)

- Exhibits: Notice of Intent application for 7 Bittersweet Ln with all attachments

Tom Hughes (representative) presents a Notice of Intent for the construction of a new single-family home with septic system and associated site work. Mr. Hughes outlined the existing conditions on the property and the proposed location for the septic system, driveway, and structures. Commission members had an opportunity to discuss the project. Questions were raised regarding proximity of the septic system to wetlands. Steve Sawyer (representative) noted that the system field must be 50-feet away, and associated grading can be closer (but will not come closer than 20-feet). Mary Rimmer also noted that the state GIS shows more wetlands than are on the plans, and requested a site visit after the snow has cleared. Ms. Rimmer also asked if the project had been approved by the Board of Health and if there was leeway to move the septic system farther from the wetlands. Mr. Sawyer stated they may be able to move the system, and that it has not yet been approved by the BOH because they wanted to get feedback from the Commission before proceeding with that approval. He also noted that this project will be going to the Planning Board due to the need for an easement on the property. Ms. Rimmer stated that the WPA requires other local permits be applied for prior to coming to the Commission, and she would like to see that done prior to closing the hearing. Questions were also raised regarding pipes connecting wetlands and whether they will need to be replaced and it was noted that the area shows a perennial stream on the USGS maps. Mr. Hughes noted that he has not seen flowing water and the pipes appear to be in good condition, but that inspection of the area will be added to the site visit schedule. Motion by Ben Gahagan to continue the hearing to 7:00 PM on 4/5/2022; seconded by Mary Rimmer; vote 5:0:0

10 10<sup>th</sup> Street (DEP File #unassigned)

Ben Legare (Applicant)

- Exhibits: Notice of Intent application for 7 Bittersweet Ln with all attachments

Tom Hughes (representative) presents a Notice of Intent to replace two single-family homes on the existing lot, one of which was destroyed by fire, with new single-family homes constructed on piles. Mr. Hughes outlined a brief history of the property and the existing conditions on-site, as well as the proposed project. He also noted that he was advised there is an outstanding Order of Conditions from the demolition of the fire-damaged structure that needs to be closed. The property is located in the Zone X floodplain and the project proposes to reconstruct both new houses raised on pilings with space for parking underneath. Commission members had an opportunity to discuss the project. Questions were raised regarding the driveway/parking, vegetation removal and mitigation, and the lot coverage table on the plans. Mr. Hughes agreed to work on reducing the size of the driveway footprint and vegetation removal, increasing plantings, and clarifying the lot coverage table. It was also noted that the Certificate of Compliance for the old OOC should be obtained before closing the hearing and that the Zoning Board of Appeals filing must be submitted prior to the next hearing date; Mr. Hughes agreed. Brian Colleran also requested to see the limit of work line delineated on the plans and suggested a possible site visit if needed. Samantha Holt outlined several concerns raised by the public prior to the hearing: regarding concerns for the demolished building's foundation still being in place, Ms. Holt noted she did not see any evidence of it upon inspection of the property; regarding encroachment on the rear lot line, Ms. Holt noted that the site plan demarcating lot lines without encroachment has been stamped by a Professional Land Surveyor and therefore must be presumed to be accurate, and also stated that concern is something that would be handled by the Planning board rather than the Commission. Several members of the public were present for this hearing. Paul Novak (representing abutters) noted several

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concerns including the absence of architectural plans and Floor Area Ratio outlines, historic encroachment from the demolished building on the rear lot line, an alleged unpermitted addition on the demolished house (constructed prior to the fire that destroyed it), and overall non-compliance with the Plum Island Overlay District regulations. Gene Novak, of 13 10<sup>th</sup> St, also noted concerns for outstanding Zoning related issues and lack of ZBA approval, as well as parking, access, and public safety/fire concerns regarding having two structures rebuilt on the lot and the suggestion to revise the plans for a single two-family structure. Motion by Ben Gahagan to continue the hearing to 7:00 PM on 4/5/2022; seconded by Peter Paicos; vote 5:0:0

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

The Applicant has requested a continuance. Motion by Dan Streeter to continue the hearing to 7:00 PM on 4/5/2022; seconded by Mary Rimmer; vote 5:0:0

COMMISSION DISCUSSION ITEMS

Other Business

Newman Road, Old Town Hill Russell Hopping (Representative)

- Exhibits: Marked aerial photographs showing proposed work area

Mary Rimmer abstained from any discussion on this project. Mr. Hopping presents an outline of work proposed for corrective maintenance of the causeway off Newman Road leading to Adams Pasture. The proposed work will maintain the spillways on the access road by adding fresh stone footing to eroded areas. Mr. Hopping outlined the timing and methods of the work and Commission members had an opportunity to ask questions. It was noted that discretion should be taken to ensure the work is being done under appropriate dryer conditions. The proposed work received unanimous support from the Commission and it was noted that there will not be a need for a formal permitting process due to the maintenance exemption.

Extension Permits

170 Orchard Street (DEP File #050-1254) MPM Companies, LLC (Applicant)

The Applicant has requested a continuance. Motion by Dan Streeter to continue the hearing to 7:00 PM on 4/5/2022; seconded by Mary Rimmer; vote 5:0:0

Certificates of Compliance

25 Harvard Way (DEP File #050-1266) William Cliff (Applicant)

- Exhibits: Order of Conditions and Approved Plans for 25 Harvard Way, Request for Certificate of Compliance for 25 Harvard Way with all attachments

Samantha Holt presents findings from the inspection following a request for a complete Certificate of Compliance for work to construct a single-family house with associated utilities. Ms. Holt noted that the project construction and plantings have been completed in compliance. Motion by Mary Rimmer to issue a Complete Certificate of Compliance; seconded by Ben Gahagan; vote 5:0:0

Meeting adjourned at 9:10 p.m.

Respectfully submitted,

Samantha Holt, Conservation Agent