

Newbury Conservation Commission - Public Meeting Minutes
September 20, 2022

Members Present:

- ☒ Bob Connors (Chair)
- ☒ Mary Rimmer (Vice Chair)
- ☒ Peter Paicos (Planning Board Liaison)
- ☒ Brad Duffin
- ☒ Dan Streeter
- ☒ Dianne O'Brien
- ☒ TJ Conte
- ☒ Samantha Holt (Agent)

7:00 p.m. Meeting Called to Order

- Opening remarks from Conservation Agent Samantha Holt
- Minutes Review: Commission members reviewed minutes from 8/2/2022, 8/16/2022, and 8/30/2022 and voted unanimously to accept all minutes as drafted.
- Bob Connors briefly discussed the jurisdiction of the Commission, noting that the Commission may only hold discussion on matters related to the Wetlands Protection Act, its associated regulations, and the Town of Newbury Wetlands bylaw.
- Samantha Holt sought follow-up comments regarding the 8/16 presentation of drafted submittal checklists and 2023 meeting schedules.

REQUESTS FOR DETERMINATION OF APPLICABILITY

49 Southern Boulevard (File #NCC-402) Ana Machado (Applicant)

- Exhibits: Request for Determination of Applicability for 49 Southern Boulevard with all attachments
- Ms. Machado presents the revised RDA for work to resurface the existing driveway, conduct landscape planting improvements, and install new propane tanks. Commission members had an opportunity to discuss the project. Questions were raised regarding the securing of the propane tanks and landscape planting improvement plans. Samantha Holt suggested several conditions to be included.
- Motion by Brad Duffin to issue a negative Determination of Applicability with the conditions as discussed; seconded by TJ Conte; vote 6:0:0.

Parker River Research Station (File #NCC-386) Inke Forbrich (Applicant)

- Exhibits: Negative Determination of Applicability for Parker River Research Station with all attachments, modification request letter with attachments
- Evin Guvendiren and Ms. Forbrich are present to discuss a minor modification to a negative DA, requesting to keep the approved boardwalk in place year-round. Ms. Guvendiren presented photos and information to back up the request. Commission members had an opportunity to discuss the request. Questions were asked regarding the standard of seasonal removal/installation, concerns regarding winter damage, and access needs during winter months. Motion by Dan Streeter to approve the modification with conditions as discussed; seconded by Dianne O'Brien; vote 3:3:0. Commission members agreed to leave the DA as is and allow the Applicant to return at a later date with additional information if they choose to continue pursuing the modification request.

CONTINUED PUBLIC HEARINGS

26 Northern Boulevard (DEP File #050-1390) David Mullen (Applicant)

The Applicant has requested a continuance. Motion by Brad Duffin to continue the hearing to 7:00 PM on 11/1/2022; seconded by TJ Conte; vote 6:0:0.

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3 33rd Street (DEP File #050-1386)

Beth Quinn (Applicant)

The Applicant has requested a continuance. Motion by Brad Duffin to continue the hearing to 7:00 PM on 11/1/2022; seconded by TJ Conte; vote 6:0:0.

140R Main Street (DEP File #unassigned)

Borrego Solar Systems, Inc (Applicant)

Samantha Holt provided an update, noting that the Applicant had provided supplemental information but did not meet the submittal deadline and the information has not been reviewed yet. Rob Roseen (representative) briefly presented the information and outlined updates and revisions to the plans. Motion by Brad Duffin to continue the hearing to 7:00PM on 10/4/2022; seconded by Dan Streeter; vote 6:0:0.

NEW PUBLIC HEARINGS

80 Northern Boulevard (DEP File #050-1389)

Al Ward (Applicant)

- Exhibits: Notice of Intent for 80 Northern Boulevard with all attachments

Samantha Holt outlines the NOI for work to conduct upward expansion on the existing structure. Mr. Ward presents the project plans. Commission members had an opportunity to discuss the project. Questions were raised regarding the ZBA process. Motion by Peter Paicos to continue the hearing to 7:00 PM on 11/1/2022; seconded by Dan Streeter; vote 6:0:0.

PLEASE NOTE: Mary Rimmer joined the meeting as the preceding hearing was being closed.

16 Dartmouth Way (DEP File #050-1395)

Meredith Massaro (Applicant)

- Exhibits: Notice of Intent for 16 Dartmouth Way with all attachments

Tom Hughes (representative) presents the NOI to raze the existing home and replace it with a new one on pilings. Commission members had an opportunity to discuss the project. Questions were raised regarding the planting mitigation plans. Motion by Brad Duffin to issue an Order of Conditions with standard conditions for construction as drafted; seconded by TJ Conte; vote 7:0:0.

105 High Road (DEP File #050-1393)

Mark DePiero (Applicant)

- Exhibits: Notice of Intent for 105 High Road with all attachments

Samantha Holt provided a recap on a site walk conducted on 8/23/2022 during which the Commission walked the proposed trail path and observed the wetland crossing and replication locations. Tom Hughes (representative) presents the NOI to construct a primitive walking trail in an OSRD with bog bridge wetland crossings. Commission members had an opportunity to discuss the project. Questions were raised regarding vegetation removal impacts, trail maintenance plans, trail signage, and bridge construction and types. Members of the public asked questions regarding measures to prevent trail users from going beyond the property line and connecting with other trails. Mary Rimmer abstained from all discussions and votes. Motion by Peter Paicos to issue an Order of Conditions with standard conditions for construction as drafted and special conditions as discussed; seconded by TJ Conte; vote 5:1:1.

6 Girard Way (DEP File #050-1394)

William & Brenda Baldwin (Applicant)

- Exhibits: Notice of Intent for 6 Girard Way with all attachments

Tom Hughes (representative) presents the NOI to construct upward and lateral expansions on the existing structure. Commission members had an opportunity to discuss the project. Questions were raised regarding substantial improvement rule triggers, and typos in the project narrative. Motion by Brad Duffin to issue an Order of Conditions with standard conditions for construction as drafted; seconded by Dianne O'Brien; vote 7:0:0.

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COMMISSION DISCUSSION

Samantha Holt provided an update on a violation notice issued to Ms. Camille Maren of 22 Dartmouth Way. Ms. Maren has contracted several representatives to assist her in the permitting process as required by the Commission which will include both new and after-the-fact permitting.

Ms. Holt outlined a violation notice that was issued to Mr. Patrick Brennan of 195 High Road for unpermitted alteration of wetlands on Town-owned property located at 189 High Road. Mr. Brennan was advised that the notice would be discussed during this meeting, and has failed to appear. Ms. Holt will follow-up with him to advise that the discussion has been tabled until the 10/4/2022 meeting.

Ms. Holt provided a brief update on a discussion held on 8/30/2022 to consider hiring a consultant to assist with the bylaw amendment proposal. Ms. Holt was offered several suggestions of where to look for consultants or reviewers which will be looked into.

Ms. Holt opened up a continued discussion from 8/30/2022 regarding Combined Sewer Overflow discharge concerns in the Merrimack River. Ms. Holt outlined research she had done and suggestions for how the Newbury Conservation Commission can get involved in public conversations about the issue. Several members of the Commission expressed interest in getting involved and suggestions were made on organizations we can reach out to. Ms. Holt agreed to continue researching and provide updates as they become available.

Meeting adjourned at 10:05 p.m.

Respectfully submitted,

Samantha Holt, Conservation Agent