

Newbury Conservation Commission - Public Meeting Minutes
October 4, 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

CERTIFICATE OF COMPLIANCE

11 Exeter Way (DEP File #050-1388) Tom & Gina Mercurio (Applicant)

- Exhibits: Request for Certificate of Compliance for 11 Exeter Way with all attachments
- Samantha Holt conducted an inspection of the work and, finding all work completed in compliance with what was approved, recommended issuance of a complete CoC. Motion by Brad Duffin to issue a complete Certificate of Compliance; seconded by Dianne O'Brien; vote 7:0:0.

164 Boston Road (DEP File #050-1239) Martha Taylor (Applicant)

- Exhibits: Request for Certificate of Compliance for 164 Boston Road with all attachments
- Samantha Holt conducted an inspection of the work and, finding all work completed in compliance with what was approved, recommended issuance of a complete CoC. Motion by Peter Paicos to issue a complete Certificate of Compliance; seconded by Brad Duffin; vote 7:0:0.

COMMISSION DISCUSSION

Samantha Holt briefly outlined the differences between public hearings and meeting items, outlined what items fall under what category, and discussed the procedural requirements for each category/item.

REQUESTS FOR DETERMINATION OF APPLICABILITY

22 Annapolis Way (File #NCC-411) Bruce Stott (Applicant)

- Exhibits: Request for Determination of Applicability for 22 Annapolis Way with all attachments
- Tom Hughes (representative) presents an RDA for work to expand a previously approved partial upward expansion. Commission members had an opportunity to discuss the project. Questions were raised regarding significant improvement calculations and an open OOC on the property. Motion by Brad Duffin to continue the discussion to 7:00 PM on 10/18/2022; seconded by Mary Rimmer; vote 7:0:0.

164 Boston Road (File #NCC-410) Martha Taylor (Applicant)

- Exhibits: Request for Determination of Applicability for 164 Boston Road with all attachments
- Samantha Holt presented an RDA for work to remove dead and hazardous trees in the Buffer Zone. Ms. Taylor noted that most trees will be replanted with more appropriate species. Commission members had an opportunity to discuss the project. Motion by Brad Duffin to issue a negative Determination of Applicability; seconded by Dianne O'Brien; vote 7:0:0.

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Newman Road/Old Town Hill (File #NCC-409)

The Trustees of Reservations (Applicant)

- Exhibits: Request for Determination of Applicability for Newman Road/Old Town Hill with all attachments

Josh Hasenfus (representative) presents an RDA for work to construct an observation platform and access trail in the Buffer Zone. Commission members had an opportunity to discuss the project. Questions were raised regarding the scope of the work, the delineations and provided plans, proximity of work to the wetland edge, vegetation clearing plans, and trail maintenance plans. Mary Rimmer abstained from all discussions and votes. Motion by Peter Paicos to issue a negative Determination of Applicability; seconded by Dan Streeter with the amendment to include a condition for a 25' minimum setback from the wetland edge; vote 2:4:1 – motion for a negative DA fails. Motion by Brad Duffin to issue a positive Determination of Applicability; seconded by Dianne O'Brien; vote 4:2:1 – motion for positive DA passes.

CONTINUED PUBLIC HEARINGS

91 Northern Boulevard (DEP File #050-1373)

Lois Carrier (Applicant)

- Exhibits: Order of Conditions for 91 Northern Boulevard with all attachments, modification request with attachments

Samantha Holt presents a request for a minor modification to an OOC approval for work to construct upward expansion on the existing structure. The modification request is to include installation of propane tanks on the property. Commission members had an opportunity to discuss the request. Questions were raised regarding vegetation disturbance and proper securing of propane tanks. Motion by Brad Duffin to approve the modification; seconded by Dianne O'Brien; vote 7:0:0.

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

Beth Quinn (Applicant)

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

140R Main Street (DEP File #unassigned)

Borrego Solar Systems, Inc (Applicant)

- Exhibits: Notice of Intent for 140R Main Street with all attachments

Rob Roseen (representative) presents an NOI for work to construct a utility access road along an existing farm road with two wetland crossings. Mr. Roseen briefly outlined the supplemental information submitted prior to the 9/20/2022 meeting. Commission members had an opportunity to discuss the project. Questions were raised regarding the status of the DEP file number, temporary and permanent impacts, wetland flagging, USACE permitting, inclusion of flagging locations on all plan sheets for field reference purposes, bridge construction, maintenance plans, and wetland creation/replication/historic fill removal plans. Motion by Brad Duffin to continue the hearing to 7:00 PM on 10/18/2022; seconded by Peter Paicos; vote 7:0:0.

COMMISSION DISCUSSION

Samantha Holt noted that she received notice from Mr. Patrick Brennan regarding the discussion of a violation notice issued to him. Mr. Brennan was unable to join tonight's meeting, and was advised that the discussion will be tabled until the 10/18/2022 meeting.

Ms. Holt also noted that a meeting policy draft is available to Commission members and will be discussed at the next meeting.

Meeting adjourned at 9:26 p.m.

Respectfully submitted,

Samantha Holt, Conservation Agent