Town of Newbury
Conservation Commission Meeting
Town Hall – 12 Kent Way
Tuesday, August 20, 2019 – 7:00 pm

Present: Doug Packer; Kevin Stromski, Dan Streeter, Ben Gahagan, Bill Lord, Brian Colleran

Excused:

Meeting opened at 7:00 pm.

Minutes:

**June 18, 2019** – Mr. Gahagan made the first motion to approve the minutes and Mr. Streeter made the second. Six members voted in favor of approving the minutes; Mr. Colleran was not present for the vote.

Public Hearings:

**Town of Newbury (14th Street)** a continued NOI to improve the right of way and construct an emergency access driveway. Chairman Packer stated that a continuance had been requested. Mr. Streeter made the first motion to grant the continuance and Mr. Gahagan made the second. Six members voted in favor of continuing the hearing; Mr. Colleran was not present for the vote. Chairman Packer advised the Commission and audience that they intend to hold a meeting for the abutters at PITA Hall at a date to be determined.

**Scott Kinter (off Rolfes Lane and Shandel Drive)** – a continued NOI to construct a single family home with associated grading and utilities. Bob Grasso, engineer Stan Bigelow, and the applicant were present to discuss the project. Mr. Grasso reviewed the changes to the plan, including the addition of a peastone channel along the stone wall, a bioretention tree well and water quality grass swales leading to the tree well, as well as a drainage swale to prevent run-off to 16 Shandel Drive. Mr. Grasso also noted the change in the path of the water/sewer lines, and an exterior stone wall. Mr. Bigelow explained how the bioretention tree well worked and stated that it filtered 90% of nutrients from the ground water. Chairman Packer asked what happens when the system is overwhelmed. Mr. Bigelow explained that the tree has a lifespan of about 15-20 years, after which the tree will be replaced. Ms. Durgin from 16 Shandel drive expressed concern about the construction causing puddling in their basement. Mr. Grasso reviewed the drainage details with her and the steps they have taken to prevent that. The Commission members discussed whether testing the pond prior to construction would be worthwhile. Mr. Bigelow stated the project and tree well will help reverse the eutrophication process and discussed the ability of red maples to take in and store nutrients. Mr. Gahagan replied that he would like to read more on the system before making a decision. Mr. Gahagan made the first motion to continue the hearing and Mr. Colleran made the second. All in favor.

**Ben Gahagan (13 Plummers Lane)** – an RDA to resurface an existing gravel driveway with either asphalt or tar and chip. Mr. Gahagan recused himself. Christina Hoffman of ERM reviewed the project and the drainage of the lot. They plan to replace the existing gravel driveway with no changes to the size or shape. Chairman Packer advised her they could not use coal tar. Ms. Hoffman stated they planned to start work after the culvert is replaced. Mr. Streeter made the first motion to issue a negative determination and Mr. Lord made the second. All in favor.

**Brian Farmer (87 Larkin)** – an NOI to upgrade the existing septic system. Chairman Packer informed the Commission that the applicant did not meet the notification requirements and so could not appear this month.

**Douglas DeAngelis (110 Hay)** – an RDA to renovate an existing screen porch to create a sunroom on a concrete foundation. Mary Rimmer reviewed the project with the Commission and provided photos of the
area. She reviewed the property and explained that the work would take place on the river side of the house, and they planned to move some exterior stairs from the rear of the home to the side. Chairman Packer questioned Ms. Rimmer about a dock that was noted on the plans she provided, and she explained that the dock was from an old plan and no longer planned. Chairman Packer noted that there are potential access issues which he reviewed with Ms. Rimmer, and he advised her that they hold to the top of the slope. Mr. Colleran asked how much digging would take place. Ms. Rimmer said there was ledge there, so not much. Chairman Packer added that they would likely did 4 feet through soils, or pin to the ledge. Mr. Colleran suggested conditioning the procedures for bringing in and mixing concrete. Chairman Packer added they should make sure there’s enough room, and requested a revised plan showing the location of staging, and any changes to the silt fence. Mr. Streeter confirmed with Ms. Rimmer that material will be taken off-site. Mr. Gahagan made the first motion to issue a negative determination, and Mr. Stromski made the second. All in favor.

**Town of Newbury (Olga Way)** – an RDA to fill an existing drainage swale with crushed stone. Brian Lombara from the Department of Public Works reviewed the project with the Commission. He stated that when dug, the material removed from the swale was not virgin sand, and had become a safety issue. He added that filling it with stone would not impede drainage. Chairman Packer added that the Commission had previously approved filling the swale as a part of another project, but the DEP had removed that portion of the project. Mr. Streeter made the first motion to issue a negative determination and Mr. Gahagan made the second. All in favor.

**Tyler Wendt (81 Central Street)** – an RDA to construct a wetland crossing. Tyler Wendt and his mother, Julie Wendt, were present to discuss the project. They reviewed the existing conditions of the track and their proposal, which is to have a bridge over the wetland. Chairman Packer noted that in the past they’ve used pallets which killed the vegetation and asked if this would be elevated. Mr. Wendt replied that it would be on stilts. Ms. Wendt added that the posts would be dug into the ground. Chairman Packer recommended they use a dead man (such as a cross member at the bottom) in case of frost. Chairman Packer asked how long the crossing would be. Mr. Wendt replied that it would be approximately 60 feet long, four feet wide, with 2x4 planks, and that it would be pre-constructed in ten-foot sections. Mr. Colleran asked whether they should make a bog bridge instead and Chairman Packer explained that bog bridges haven’t worked in the past. Mr. Colleran expressed concern about rotting and Chairman Packer asked what kind of wood would be used; Mr. Wendt replied that it would be pressure treated. The Wendts then reviewed the construction with the Commission. Mr. Streeter made the first motion to issue a negative determination and Mr. Gahagan made the second. All in favor.

**David Williamson (34 Plum Island Blvd.)** – an NOI to construct a single family home on an existing gravel lot. Mr. and Ms. Williamson were present to discuss the project. They reviewed the project and the property, stating that what they propose is only 15.8% lot coverage. They reviewed the location of flood zones on the property, stating they planned to build in the x-zone. They explained that the lot is currently used as parking for residents and equipment storage, and with the construction of a home there would no longer be any storage of equipment. Mr. Williamson reviewed the planting plan with the Commission. Chairman Packer and Mr. Streeter advised the applicants to elevate any propane tanks and AC units, and that attaching them to the foundation might make sense. The applicants expressed concern that doing so might add to their lot coverage and push the project into the setback areas. Chairman Packer replied that they have small footprints and would not put them over on lot coverage, and that the area in question has a ten-foot setback, not twenty. Chairman reviewed the elevations with the applicants, clarifying some inconsistencies, and advised them to add vegetation to the plan. Mr. Williamson commented that the information regarding setbacks may change their plan a little. Mr. Streeter made the first motion to continue the hearing and Mr. Gahagan made the second. All in favor.

**The Trustees of Reservations (Old Town Hill Reservation on Newman Road)** – an NOI for an Ecological Restoration Project to restore up to 85 acres of salt marsh through revegetation of historic agricultural ditches. Mary Rimmer was present and discussed the project with the Commission. She informed them that they had already received a final determination from MEPA that no further
environmental impact report was needed, but they will need a Chapter 91 license and a permit from Army Corps of Engineers. She reviewed the plan, and the treatment process, which is to mow, collect the mown vegetation, place in the ditch and secure with twine. She noted that it was done at the Parker River Refuge and it recolonized and revegetated well. The project will help to address waterlogging and help get some high marsh back which will improve coastal resiliency. She added that they hope to start in the fall, and some areas may need a second or third treatment. Mr. Gahagan made the first motion to approve the project and Mr. Streeter made the second. All in favor.

Certificates of Compliance:

Blouin (6 Roy Ave, f/k/a 5 Collins) DEP # 050-976 – Chairman Packer reviewed the site visit and noted that the site was well vegetated. It was his recommendation to grant the certificate. Mr. Gahagan made the first motion to issue the Certificate of Compliance, and Mr. Streeter made the second. All in favor.

Stowaway Storage (23 Sled Rd) DEP# 050-1269 – Chairman Packer reviewed the site with the Commission and noted that it has a better storm water basin than he’s seen in a while, and that it was his recommendation to grant the certificate. Mr. Streeter made the first motion to grant the Certificate of Compliance and Mr. Gahagan made the second. All in favor.

John Foran (8 Riverside Dr.) DEP# 050-918 – Chairman Packer reviewed the site visit with the Commission, noting that he had needed some mitigation which he completed, and it was his recommendation to grant the certificate. Mr. Stromski made the first motion to issue the Certificate of Compliance, and Mr. Lord made the second. All in favor.

Karen Kaplan (52 Northern) DEP# 050-1281 – Chairman Packer reviewed the site visit with the Commission and stated it was his recommendation to grant the certificate. Mr. Lord made the first motion to issue the Certificate of Compliance, and Mr. Stromski made the second. All in favor.

Extension Permit: None

Emergency Certificates: None

Re-Issuance: None

Other Business:

55 Pearson Drive ANRAD – Vernal Pool Certification – Chairman Packer reminded the Commission that they had voted to approve the ANRAD at the last meeting, contingent upon the vernal pool certification. At that time, one pool had been certified, and the other was still pending. Since the meeting, DEP has rejected the certification of the second pool as they felt they could not verify that it held enough water to complete the lifecycles, and that they want a hydrology report over the next 3 – 5 year period before they will reconsider certifying it. Mr. Streeter stated that the applicant had previously agreed to treat the pool as a vernal pool anyway, regardless of the certification status. After discussion, it was the consensus of the Commission to issue the Order of Conditions.

Ted Caswell (4 Plumbush Downs) DEP #050-1290 – Has Order of Conditions to lift structure and place on piles, now wants to raze structure and construct new dwelling within the same building envelope. Chairman Packer reviewed the project history, and correspondence from Mr. Caswell, which explained that that he would like to demolish the existing structure, and rebuild it exactly the same, but on piles. Chairman Packer asked the Commission whether they would consider a substantial change that necessitated an amended filing. Mr. Gahagan asked whether it would change the impact and Chairman Packer replied that it would likely be less impactful. After discussion, the Commission came to a consensus that the change would be substantial and the applicant should file an amended Notice of Intent.
Colby Village Restriction – sign document – after a brief explanation from Chairman Packer of what the document entailed, and that the Commission had previously voted to approve it, the Commission members signed the restriction document.

Newbury Golf Center – Mr. Streeter requested an update as to the status of the Newbury Golf Center project located on Scotland Road. Chairman Packer explained that there have been some ongoing issues with the creation of a closure plan for the year. Mr. Sorensen has asked that certain areas of the project be released from a stop work order to plant grass, but there are still other areas of the site that have not been properly stabilized. The Board of Selectmen would like to see those areas stabilized before they open up other areas to be worked on. Chairman Packer reviewed other ongoing issues that should be resolved before opening up a new area and noted that he had advised Mr. Sorensen that it is becoming late in the season and he may run out of time to take care of the outstanding issues. Chairman Packer also noted that the current issues are not really issues for the Conservation Commission.

Mr. Lord made the first motion to adjourn and Mr. Colleran made the second. All in favor.

Adjourned at 9:36 pm

Respectfully Submitted,

Jennifer Goodwin