Meeting opened at 7:00 pm.

Minutes:

July 16, 2019 – Mr. Lord made the first motion to approve the minutes and Mr. Streeter made the second. Four members voted in favor of approving the minutes; Mr. Paicos recused himself as he was not present at the meeting.

Public Hearings:

Town of Newbury (14th Street) a continued NOI to improve the right of way and construct an emergency access driveway. This hearing was continued to the October 15, 2019 meeting.

Scott Kinter (off Rolfe’s Lane and Shandel Drive) – a continued NOI to construct a single family home with associated grading and utilities. Mr. Kinter and Bob Grasso were present. Mr. Grasso reviewed the history of the application and details of the proposed project. Chairman Packer read a letter from Patty Durgin of 16 Shandel Drive into the record which stated that she was against the project and wished the property to be spared from development due to potential detrimental impacts to the environment such as habitat loss. Mr. Streeter remarked that the life of the nutrient system can’t be guaranteed. Mr. Gahagan commented that he doesn’t like an engineered system as there are maintenance issues, and they can fail. Mr. Streeter added that a Deed Restriction doesn’t offer a guarantee that the system will be maintained. Mr. Kinter suggested the Commission condition the project in perpetuity to replace the tree with a specified frequency, and to have it regularly inspected by an arborist. Mr. Kinter and the Commission discussed the details of the condition, and determined that the whole system should be inspected every five years, appropriately maintained, and a report submitted to the Town. Mr. Lord made the first motion to approve the project with the added condition that the bioretention tree well and associated system components will be inspected every five years, maintained, and a report submitted to the Town; Chairman Packer made the second. Three members voted in favor, Mr. Gahagan voted against approving the project, and Mr. Paicos recused himself having not been present for the previous hearings.

David Williamson (34 Plum Island Blvd.) – a continued NOI to construct a single family home on an existing gravel lot. Mr. Williamson was present to discuss updates to the project. He explained that he re-noticed the abutters since there were some changes in the plans. Mr. Williamson reviewed a letter he had received from the Building Inspector stating that the lot pre-dates zoning and is therefore buildable. He also reviewed the changes to the proposed plan including additional decks, an elevator shaft, smaller driveway, elevated utilities, and landscaping. Steven Minassian, representing his mother Elizabeth Minassian of 4 Southern Boulevard, expressed concerns about the height of the proposed home and overall size. Chairman Packer stated that Mr. Williamson is not exceeding his lot coverage and explained the roof height requirements. Mr. Gahagan made the first motion to approve the project and Mr. Lord made the second. Four members voted in favor; Mr. Paicos recused himself as he was not present for earlier hearings on the matter.

Brian Farmer (87 Larkin) – a NOI to upgrade the existing septic system. Mr. Farmer outlined the property and the proposed system which is a drip dispersion system. He reviewed construction access and erosion control methods, stating that those were the only portions of the project within the 50 foot buffer zone. Chairman Packer asked whether the Board of Health had approved the system yet and Mr. Farmer
replied it hadn’t yet. Chairman Packer then questioned whether Mr. Farmer was confident the system wouldn’t get moved further away from the property line. Mr. Farmer explained that the technology involved with this system allows them to install close to the property line, he also stated that the manufacturer supervises the installation. Chairman Packer reviewed issues with the plan, including the grades and erosion control. He advised Mr. Farmer on some spots that could use some haybales. The Commission discussed keeping the hearing open for Board of Health approval, or closing and approving the project contingent on approval from the Board of Health. Mr. Lord made the first motion to approve the project contingent upon approval from the Board of Health, and Mr. Paicos made the second. All in favor.

**Herbert Hale (9, 14th St.)** – an RDA to plan twelve white oaks around the bounds of the property. Mr. Hale was present to discuss his project, which was to plant twelve trees consisting of white oaks and maples around the property lines. Chairman Packer expressed concern regarding the type of tree and the proximity of other homes and questioned whether the applicant had considered what would happen when the trees grow to full height. Mr. Gahagan questioned about how well that type of tree will do. Chairman Packer advised Mr. Hale that that many trees was not necessary as the branches would be widespread. He added that the shading from the trees could lead to mold issues. Mr. Hale asked the Commission if it had suggestions for alternate tree species. Chairman Packer suggested species that are shorter and more columnar. Mr. Streeter listed some species, such as juniper, and pitch pine. Chairman Packer added that trees that create piles of leaves in the fall might cause issues. Mr. Lord suggested the applicant consult an arborist. Abutter Michael O’Hara of 8, 14th Street requested the Commission deny the application as the property already has over 60 plantings, which he determined during a walk by the property that day, and that the resulting acorns and leaves will be a nuisance to the neighborhood. Allan Smith of 7, 14th Street stated that the number of oak tree proposed was overkill and that he would like to see a planting plan. Steven Mangion of 21, 14th Street expressed concern that the resulting canopy from that many oak trees could negatively impact natural vegetation, and that the root system may cause issues with utilities. Marilyn Spaziano of 11, 14th Street noted that the previous owners had planted dune grass and asserted that the applicant has been planting and removing vegetation with no respect for the area and what it can support. She also expressed concern regarding tree damage during storms, and additional digging he has done on the property. Chairman Packer advised the abutters that Mr. Hale had already ceased and the Commission is aware of his activities, and reviewed the disturbed areas. Diane Smith of 7, 14th Street expressed concern about the trees adding to storm damage and suggested that Mr. Hale doesn’t understand the area as he hasn’t lived there long. Mr. Lord suggested that Mr. Hale get a professional opinion on what trees to plant and come up with a more comprehensive diagram of what he proposes to do. Mr. Gahagan asked what the vegetation is like current and Chairman Packer stated there’s some dune grass and the remainder is a mix of vegetation. The Commission discussed conducting a site visit and decided one was not needed. Chairman Packer recommended continuing the public hearing. Mr. Streeter made the first motion to continue and Mr. Paicos made the second. All in favor.

**Kenneth & Arlene Richardson (55 Plum Island Tpke)** – an RDA to repair an existing driveway and adjacent lawn. The applicants were present to review the project. Mr. Richardson stated that some grading work had been done, and more was done than they wanted, and that they would like to even out the area to plan trees such as maples. He reviewed the property and discussed the amount of grading. Chairman Packer asked whether a swale between properties would remain, and Mr. Richardson replied it would. Mr. Richardson added they might plant some tall grasses as well. Mr. Streeter made the first motion to approve the project and Mr. Gahagan made the second. All in favor.

**Karen Abbott (22 Columbia Way)** – an RDA to install a generator and gas line. Karen Abbott reviewed the project with the Commission. Chairman Packer questioned whether the generator will be elevated. Ms. Abbott replied that it was currently on a pad. Chairman Packer explained that it needed to be elevated at least 2 feet on a table-like platform. Mr. Gahagan had Ms. Abbott update her plan regarding elevating the generator. Mr. Gahagan made the first motion to issue a negative determination with the amended plan, and Mr. Lord made the second. All in favor.
James and Helen Gagnon (19 Moody St) – an NOI to raze and replace a single family home. Bill Holt of WGH Land Survey and Design was present to review the project. He described the property, explaining the existing house is small that the family has outgrown. The proposed home will be built within the required set backs. Mr. Holt reviewed the locations of nearby wetlands and the proposed house’s location relative to them. He reviewed an area on the down grade side of the driveway where a stone trench will be installed for stormwater run off as well as some drywells for roof runoff and stated the grass lawn will remain, with some grading possible for a new septic system. Chairman Packer reviewed some issues he had with the plans and questioned how stockpiled material will be stabilized. Mr. Holt replied they would use hay bales around any stockpile to protect it, and cover it if it will be there awhile. The Commission discussed the presence of a possibly unpermitted trailer / accessory dwelling at the rear of the property. Mr. Gahagan asked about moving the existing driveway out of the buffer zone. Mr. Holt replied that the area is steep and having the driveway elsewhere would create sight line issues. Mr. Streeter made the first motion to close the hearing and approve the project and Mr. Lord made the second. All in favor.

Stephen and Lisa Kenney (280 High Road) an RDA to trench around a barn. Stephen Kenney was present to discuss the project with the Commission. He reviewed the site and explained that it is wet under the barn and the intent is to extend the life of the structure and to bring electricity and plumbing into the barn. Three Norway maples will also be removed as they are diseased and a hazard. The Commission reviewed the submitted site plan and Chairman Packer questioned where the barn would be draining. Mr. Kenney indicated an existing gravel area. Mr. Lord made the first motion to issue a negative determination and Mr. Streeter made the second. All in favor.

Stephen and Julie Ostrander (75 Old Point) an RDA to install rooftop solar panels. James Manzer of Revision Energy was present to discuss the project. He reviewed the details, stating that ladders would be used in the front of the home and work would be conducted from the roofs. Mr. Lord made the first motion to issue a negative determination and Mr. Paicos made the second. All in favor.

Jerry Block (1, 3, 5, & 7 Colby Ln) – an NOI to eradicate knotweed. Jerry Block and Nancye Rossiter was present to review the project. Mr. Block reviewed the property and the location of the knotweed, which was located behind the homes on the odd side of the street. He clarified that an area 20 feet across, not deep, would be excavated. He explained the process would be to cut and treat the knotweed, excavate the area, then reseed and continue mowing after seeding. Mr. Gahagan asked who they would be using for the excavation. Ms. Rossiter replied they would be using Billy Cuddy. Chairman Packer advised Mr. Block that all that information needed to be in writing and cautioned him that DEP might require him to file an application for an Ecological Restoration Project and he should be precise with his narrative. Mr. Block added that he would like to get the work done in the fall. Mr. Paicos made the first motion to approve the project, provided that Mr. Block provide the Commission with a defined zone of treatment and treatment schedule, an updated narrative, and with the condition that he use a chemical from the safe chemical list. Mr. Streeter made the second motion. All in favor.

Certificates of Compliance: None

Extension Permit: None

Emergency Certificates: None

Re-Issuance: None

Other Business:

Colby Village Restriction – typographical error in the document signed last month. Ms. Goodwin reviewed the change with the Commission, which was to correct an error that incorrectly recorded the vote as having been taken in 2019.
Ted Caswell (4 Plum Bush Downs) – Tom Hughes and Mr. Caswell were present to discuss what they considered a minor change with the approved plans. Mr. Caswell has determined that it would be more cost effective to tear down the existing home and rebuild. There is a slight change in the roof line, and he plans to demolish the home and put the debris straight into containers. The process will have less impacts then putting the existing home on piles. An abutter, Beth Hamroune of 2 Plum Bush Downs asked about the front wall that was proposed initially, and that she was there mainly to get caught up on the project. Mr. Hughes offered to go over the approved plans with her after the hearing. Mr. Streeter made the first motion to accept the letter outlining the revisions, stamp it, and place it on file, and Mr. Gahagan made the second. All in favor.

Barrett (35 Southern Blvd) request to file an RDA instead of an NOI to repair a foundation. Mr. Barrett reviewed the project with the Commission stating there were problems with the foundation, and he felt the process by which he plans to repair the foundation is not invasive and should not require a Notice of Intent. Chairman Packer asked how much will be excavated, and Mr. Barrett replied about 4.5 feet. Mr. Streeter commented he was concerned that others might find fault with the process. Mr. Barrett suggested filing an RDA, but still notifying abutters. Chairman Packer replied that if they allowed him to move forward with an RDA, that no additional notification requirements would be necessary. Mr. Lord and Mr. Gahagan both stated they were ok with the filing of an RDA. Mr. Streeter also replied he had no issues with the filing of an RDA, but also stated it was a slippery slope. A majority of the present members having agreed, the Commission allowed Mr. Barrett to move forward with a Request for Determination, as long as it is a comprehensive application.

Bill Cooper – An abutter was unaware that Mr. Cooper had not met the advertising requirements to be heard that evening and had driven seven hours to be there. She provided a letter from her father who abuts the property and Chairman Packer stated they would read the letter into the minutes when they open the hearing. He then explained the notification process at her request.

Notice to Sell 277 High Road – Chairman Packer explained that the property is in 61A and this is part of the process when someone wishes to sell a property in 61A. He reviewed what 61A meant with the Commission and stated he has no issue with the sale. He instructed the Commission members to email him with any thoughts on the matter and he will draft a letter regarding the Conservation Commission’s recommendation to the Board of Selectmen.

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

Adjourned at 9:30 pm

Respectfully Submitted,

Jennifer Goodwin