



# TOWN OF WEST NEWBURY

## CONSERVATION COMMISSION

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### West Newbury Conservation Commission

#### Meeting Minutes

Monday, June 5, 2017

**Members Present:** Judith Mizner (acting chair), Richard Spieler, and Wendy Reed.  
Conservation Agent Jay Smith also present.

**Cont. Public Hearing ---Notice of Intent --- Laurie Hall, 130 Georgetown Rd.**  
**(DEP#78-669) ---** The applicant would like to clear trees to extend paddocks in the buffer zone to a bordering vegetated wetland at 130 Georgetown Rd.

Mary Rimmer (Rimmer Environmental) was present and submitted a revised plan. A conservation seed mix was planned for the area between the fence and the woods. Stakes were set for the clearing, and erosion control will be placed at the 25ft. offset. J. Mizner made a motion to issue a Neg. 3 Determination with the following conditions: All work shall conform to the following approved plans and documents: Proposed Clearing and Fencing Plan dated April 13, 2017, revised June 6, 2017. No work shall begin between October 15<sup>th</sup> and April 15<sup>th</sup> of the following year unless, upon request of the applicant, the Commission determines that site conditions are appropriate. Due to the proximity of the development to wetlands and in order to maintain the integrity of the resource area, a naturally vegetated area extending twenty-five (25) feet from the wetlands delineated in the above referenced plan shall remain in place, undisturbed. There shall be no application of fertilizers, pesticides, herbicides, insecticides or other chemicals in the natural vegetation area. Permanent markers, designating the natural vegetation areas described above, selected by the applicant and approved by the Conservation Commission before installation, shall be placed in the locations indicated by red arrows shown on the approved plan. The erosion control line indicated on the plan shall be the limit of disturbance on the lot. Pesticides, insecticides and herbicides shall not be used on site within 100 feet of a resource area. Fertilizer used for landscaping and lawn care shall be low in nitrogen content and shall be used in moderation. Erosion control measures shall be installed by the applicant and shall be inspected and approved by the WNCC prior to any other work under this

Determination. Erosion control shall consist of silt fence backed by hay bales installed using West Newbury guidelines. Mowing may occur in the hatched area shown on the approved plan. Mowing shall occur only once per year in July or later and vegetation shall remain at least 6" in height. All erosion control shall be removed as soon as disturbed areas have been revegetated and stabilized, but only after consultation with the Agent and a determination by the Agent that disturbed areas have been sufficiently revegetated/stabilized to warrant removal of the erosion control. The motion was seconded by R. Spieler with a unanimous vote of approval. (3-0)

**Cont. Public Hearing ---Notice of Intent --- Thomas Cook for a subdivision at Ash St. and Middle St. ---** The applicant would like to construct single-family homes and perform associated work. Construction is proposed in the buffer zone to a bordering vegetated wetland and includes wetland crossings.

Joe Orzell (Wetlands Preservation) and the owner Thomas Cooke were present. The drainage report for Middle St. will be submitted to DEP for comment. Revised plans were submitted to the Commission indicating the changes to the wetland line agreed to in the field at the site walk. The wetland lines WFZ (Lot 2) and D (Lot 4) were not reviewed or approved. J. Mizner made a motion to accept the revised line and issue Orders of Conditions with the Standard Conditions and the following Special Conditions and for individual lots as noted. 1. No pesticides etc., 2. Erosion control installed and inspected 3. No sodium based deicers, 4. Construction schedule 5. Permanent markers shown on individual lots at the 25ft. offset to wetlands (in locations specified below), and 6. Issuance subject to receipt of review by DEP noting no issues to be addressed.

Lot 1 --- Lot line and wetland flags 13, 14, 16, 18, and 20R

Lot 2 --- Wetland flags 41, 36, 32 and lot line near flag 31

Lot 3 --- Wetland flag W43, W46, W54, W56 and include the turtle protection plan

Lot 4 --- Lot line near Wetland Flag S49 and Wetland flags S49, S47, S45, S43, S38, S36, S28, S26 and include turtle protection plan.

Lot 5 --- Wetland flag S55, S54, S52, S50R and lot line near S49 and include the turtle protection plan.

Lot 6 --- Lot line and Wetland flags S17, S16, S15, S14, S11, S8 and between S3 and S4 and include the turtle protection plan.

The motion was seconded by W. Reed with a unanimous vote of approval (3-0).

**Public Hearing --- Request for Determination of Applicability --- Jeff and Ashley Davis, 107 Moulton St. ---** Applicants would like to fill and regrade an area within the buffer zone to a bordering vegetated wetland.

Jeff Davis was present and submitted a modified plan. J. Mizner made a motion to issue a Neg. 3 Determination with the following Special Conditions: All work shall conform to the following approved plans and documents: Copy of plan Lot-2, 109 Moulton St., and (revised) 6/5/2017. No work shall begin between October 15<sup>th</sup> and

April 15<sup>th</sup> of the following year unless, upon request of the applicant, the Commission determines that site conditions are appropriate. The erosion control line indicated on the plan shall be the limit of disturbance on the lot. Any work proposed between the erosion control line and the naturally vegetated area shall need prior approval from the WNCC. Pesticides, insecticides and herbicides shall not be used on site within 100 feet of a resource area. Fertilizer used for landscaping and lawn care shall be low in nitrogen content and shall be used in moderation. Erosion control measures shall be installed by the applicant and shall be inspected and approved by the WNCC prior to any other work under this Determination. Erosion control shall consist of silt fence backed by hay bales installed using West Newbury guidelines. Fill materials in the buffer zone shall be ordinary borrow, free from masonry stumps, wood, tree branches, organic materials (other than topsoil), construction debris, refuse, trash and other similar materials. Fill material shall be inspected and approved prior to placement. The stone wall shall be placed as indicated on the approved plan varying from ~3 to 6 ft. in height. When the work is finished there shall be no disturbance of any kind, including alteration of vegetation, between the wall and the wetlands. All erosion control shall be removed as soon as disturbed areas have been revegetated and stabilized, but only after consultation with the Agent and a determination by the Agent that disturbed areas have been sufficiently revegetated/stabilized to warrant removal of the erosion control. The motion was seconded by W. Reed with a unanimous vote of approval. (3-0)

**Public Hearing ---Notice of Intent --- Richard and Diane Teed, 30 Way to the River -**

-- The applicants would like to build an addition and reconfigure their driveway. The proposed work is in an area within the buffer zone to a bordering vegetated wetland.

Richard and Diane Teed were present with Robert Grasso (Engineer). The plans were reviewed and noted that Norse Environmental had done the delineation. Monumentation was suggested. No comments were received from DEP. A site visit was scheduled for June 11<sup>th</sup>.

**Public Hearing --- Request for Determination of Applicability --- John Terry, 117 Main St. ---** The applicant would like to construct a deck and stairs/ramp. The proposed work is in an area within the buffer zone to a bordering vegetated wetland.

Considering the distance to the wetlands and the minimal nature of the work, consisting of the installation of sono tubes, J. Mizner made a motion to issue a Neg. 3 Determination with the Conditions that the spoils from the digging be placed no closer than 75ft. from wetlands and that the holes be dug by hand. The motion was seconded by R. Spieler with a unanimous vote of approval. (3-0)

**Discussion:** Stephen Shipps, 617 Main St. --- COC Request.

J. Smith checked the site and found it to be in compliance. Request approved.

**Discussion:** Ann O'Sullivan, 56 Ash St. --- COC Request.

J. Smith checked the site and found it to be in compliance. Request approved.

**Discussion:** 192 Main St. --- Enforcement Order review.

J. Mizner will draft a letter expressing the Commission's concerns about the intrusion into the wetlands in the back of the property.

**Discussion:** George Filippone, 11 Woodcrest Drive --- OC Extension request.

One year extension approved.

**Discussion:** Russell Follansbee for 50 Garden St. --- Request to remove from Chapter 61A.

The Commission expressed no opposition to the removal of the property from Chapter 61A and a letter will be sent to the Selectmen.

**Minutes:**

The Minutes from May 1 and May 15 were reviewed and approved with minor corrections.