

West Newbury Conservation Commission Meeting Minutes

Meeting date & place: 7:30 pm, February 22, 2023, Second Floor Town Offices.

Members Present: Chair Judy Mizner, George Preble, David Parrott, Jack Haley, and Conservation Agent Michelle Greene.

1. **Public Hearing: Notice of Intent (continued): 0 River Meadow Drive – Whetstone Greenway, Applicant: Town of West Newbury, Re: Construction of a new trail and boardwalk, DEP# 078-0755 Applicant requests a continuance.**

2. **Public Hearing: Notice of Intent: 108 Turkey Hill Rd., Applicant: Ed Spalding, Re: Replace an existing septic system and driveway modification, DEP# 078-0757**
The applicant requested a continuance to the Commission's March 6, 2023 meeting.

3. **Order of Conditions Amendment Request: 152 Middle Street, FKA 14 Kimball Road, Lot 1, Applicant: Maggie & Gordon Kent, Re: Driveway relocation, DEP# 078-0722**

Jon Tilton of Williams and Sparages appeared on behalf of the applicants. Mr. Tilton advised that since being permitted the lot has sold and the new owners would like to relocate the driveway to the opposite side of the lot from the side it was shown on the approved plan. This will result in a little more grading but overall, the amount of work on the site will remain the same. Ms. Mizner asked if the driveway would be crowned and Mr. Tilton advised instead of a crown the driveway will pitch slightly to the left. Ms. Greene inquired if Natural Heritage and Endangered Species (NHESP) had responded to the request to change the driveway location yet and Mr. Tilton advised that they had not.

The hearing was continued to the Commission's March 6, 2023 meeting pending response from NHESP.

Mike Morris, an abutter at 14 Kimball Road, asked the Commission and Mr. Tilton questions about water runoff with concerns that construction of this home may impact the way water currently flows at the site resulting in water backing up on to his property. Ms. Mizner advised that due to the slope of the land, the water should continue to run down from Mr. Morris' house draining around the proposed house.

4. **Discussion: Mitigation plantings at 64 South Street, DEP#78-732**

Mr. Scanlan of Scanlan Engineering LLC appeared on behalf of the property owner. Mr. Scanlan provided an update to the Commission indicating that the plants required to be planted to act as a permanent erosion control barrier to prevent the migration of woodchips into the wetlands have been planted and Ms. Greene confirmed during a site visit with Mr. Scanlan that the plants are of the correct native species and are planted in the correct locations. The previous owner has funds held in escrow for this property and is curious when a Certificate of Compliance (COC) will be issued. Ms. Mizner advised it is dependent on the plants becoming established and this may be able to be determined in May when the leaves appear; if all plants have leaf out then the Commission will issue the COC. Ms. Greene advised she will meet with Mr. Scanlan at the site the end of May to see if leaves have come out; if they have not, the plants that appear to have not survived will need to be replanted.

5. **Violation Update: 21 Montclair Road, Re: Clearing trees within 100' buffer zone without a permit**
No update.

6. Enforcement Order Update: 4 Norino Drive, Re: Clearing within the 25' no disturb buffer and clearing past the limit of work, DEP# 078-0740

No update.

7. Enforcement Order Update: 24 Main Street – PRSD, Re: Siltation into intermittent stream, DEP# 078-0701

Ms. Greene provided an update. Discharges are still occurring at the site. Most recently a discharge occurred on 2/18/2023 after a rain event which led to higher than acceptable turbidity readings in the stream. The discharge appears to be the result of sediment being so fine-grained that it passes through the catch basins protections and silt sacks. At this time, the catch basins are not connected to any stormwater treatments and discharge directly to the headwall of the stream. W.T. Rich is seeking permission from the school to shut down the roadway where these catch basins are located, which is the vehicular connection between the high and middle schools, to install the approved, final condition water quality structures (WQSs). The roadway would have to be closed for 2-3 weeks. If permission is not granted by the school to do this an alternative would be to install sediment basins to hold and allow the water to settle out sediments before being discharged.

Ms. Mizner asked if maintenance of the structures would be required and Kyle Leone of W.T. Rich advised it would be, consisting of cleaning out the WQSs during and post construction. Ms. Mizner asked if the pavement over the WQSs would need to be removed for cleanout and Mr. Leone responded that it would be to access the structures and because of this, the plan would be to cover this area with gravel which can be removed more easily when the structures need to be cleaned out. Once the site is brought to final conditions, the area will be paved with asphalt and the structures can be accessed through the catch basins.

Ms. Mizer inquired if the only discharges on the site were coming from the catch basins. Mr. Leone indicated yes, and that all other points of discharge have now been addressed.

8. Enforcement Order Update: 15 Norino Drive, Colin Hodgson, Reinhild Hodgson, and Shirene Hodgson Re: Placement of a houseboat and dock along the Merrimac River without a permit with impacts to the 200' riverfront resource area, bordering vegetated wetland, inland bank, and rare species habitat

Ms. Greene advised that there is a meeting tentatively set to discuss this further with the Town Manager and the Salisbury Harbormaster who is concerned that there may be a safety hazard presented by the deteriorating condition of the houseboat.

9. Discussion (continued): Conservation Agent staffing draft job description

The Commission reviewed and made changes to the Conservation Agent draft job description. Ms. Mizner asked that Ms. Greene make the changes as discussed and distribute a clean version of the revised job description to the Commission for its review and further discussion at the 3/6/2023 meeting.

10. Discussion (continued): Attorney General determination regarding site visits

Ms. Mizner is still working on this and it will be discussed further at the 3/6/2023 meeting.

11. Wetlands Bylaw Discussion:

Ms. Mizner advised that the previously proposed 200' buffer zone around intermittent streams has been removed from the current version of the bylaw. Additional components of the bylaw and proposed changes were discussed. Ms. Mizner advised she will make the edits, distribute the revised bylaw to the Commission, and it can be reviewed further at the 3/6/2023 meeting.

12. **Other Business:** None
13. **Old Business:** None
14. **Informal Discussion:** None
15. **Community Input:** None
16. **Approval of Minutes: August 15, 2022:** Deferred
17. **Approval of Minutes: September 8, 2022:** Deferred
18. **Approval of Minutes: January 31, 2023**
Ms. Mizner moved, Mr. Preble seconded and the Commission voted unanimously to approve the minutes as amended.
19. **Approval of Minutes: February 6, 2023**
Ms. Mizner moved, Mr. Preble seconded and the Commission voted unanimously to approve the minutes as amended.
20. **Correspondence:** None
21. **DEP Comments:** None
22. **Land Agent Update:** None
23. **Commission Representative to Open Space Update:** None
24. **Next Meeting: March 6, 2023**

Adjournment

Mr. Haley moved, Ms. Mizner seconded and the Commission voted unanimously to adjourn the meeting at 9:20 PM.

Meeting Documents

Presentations and records associated with each matter identified, as included in the Conservation Agent's files.

Respectfully submitted