

West Newbury Conservation Commission Meeting Minutes

Meeting date & place: 7:30 pm, July 18, 2022, Second Floor Town Offices.

Members Present: Chair Judy Mizner, Molly Hawkins, Kathy Feebery, David Parrott, and George Preble. Present via phone, Conservation Agent Michelle Greene, and present in person, Associate Commission Member Jack Haley.

1. Other Business: Vote on chair, vice chair, and clerk positions

Ms. Hawkins moved, Ms. Feebery seconded, and the Commission unanimously voted to make Ms. Mizner Chair for FY 2023. Ms. Mizner moved, Ms. Feebery seconded, and the Commission unanimously voted to make Ms. Hawkins Vice Chair for FY 2023. Ms. Hawkins moved, Ms. Feebery seconded, and the Commission unanimously voted to make Mr. Parrott Clerk for FY 2023.

2. Public Hearing: Notice of Intent (continued): Town Wide, Applicant: West Newbury DPW, Re: Hazard tree management, DEP# 078-0717 *Applicant requests a continuance.*

3. Public Hearing: Request to Amend Final Order of Conditions (continued): 87 Main Street, Lot 3, Applicant: Robert Johnson, Re: Construction of drainage and stormwater management systems to address runoff and sitework to stabilize site, DEP# 078-688 *Applicant requests a continuance.*

Ms. Greene reported that the awaited plans have not yet been submitted but they will likely be available for the Commission's August 1 meeting.

4. Public Hearing: Notice of Intent (continued): 137 Indian Hill Street, Applicant: Joshua Wegrzyn, Re: Construction of a garage and after-the-fact permitting of an outdoor patio, DEP# 078-0747 *Applicant requests a continuance.*

5. Public Hearing: Notice of Intent (continued): 0 Middle Street, Map R27, Lot 31 – Lower Artichoke Reservoir Spillway, Applicant: City of Newburyport, Re: Construction of a stone foundation along the upstream side of the Lower Artichoke reservoir spillway and removal of trees along the dam embankment, DEP# 078-0749 *Applicant requests a continuance.*

The Commission set July 24th at 8 am for a site visit to check wetlands flags.

6. Certificate of Compliance Discussion(continued): 64 South Street, Re: Bark mulch on slopes in buffer zone, DEP# 078-0732 *Applicant requests a continuance.*

7. Certificate of Compliance Request: 68 Ash Street, FKA 149 Middle Street Lot 3, DEP# 078-0673 *Applicant requests a continuance.*

8. Certificate of Compliance Request: 326 Main Street, DEP #078-0736

It was reported that the applicant submitted as-built plans and Ms. Greene inspected the property, finding it well-vegetated, stabilized, and in compliance. *Ms. Mizner moved, Ms. Hawkins seconded, and the Commission voted unanimously to issue a Certificate of Compliance.*

9. Insignificant Change Request: 16 Bachelor Street, Applicant: Rose Yates, Re: - Removal of four trees within 100' buffer zone, DEP #078-0731

Ms. Greene said that the applicant did consult with a tree company. The four trees sought to be removed are located at the edge of wooded area and lawn. Two are dying ash trees. The applicant will leave the stumps in place. Ms. Mizner advised that the applicant should provide the Commission a letter from an arborist stating that the trees cannot be saved. *Ms. Mizner moved, Ms. Hawkins seconded, and the Commission unanimously voted to approve as an insignificant change removal of the four trees, conditioned upon the applicant 1) providing the Commission an arborist's letter stating that the trees cannot be saved and 2) leaving the stumps in place.*

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

Ms. Greene said that the project's consultant Tom Hughes has been busy with other projects and has not yet turned to this matter. A good deal of vegetation is present at the site and he plans to look at what is native vs. invasive and draw up a plan to promote the native plant life.

11. Violation Update: 21 Montclair Road, Re: Clearing trees within 100' buffer zone without a permit

Ms. Greene said that this is another of Tom Hughes' projects and a plan has not yet been received. However, she advised she spoke to Mr. Hughes who plans to begin work at the site soon.

12. Enforcement Order Update: 87 Main Street, Lot 3, Robert Johnson, Re.: Construction of drainage and stormwater management systems to address runoff and sitework to stabilize site, DEP# 078-688

No update

13. Enforcement Order Update: 11 Pleasant Street, Sergio Vergara and Maia Vergara Azoulay, Re: Grading and filling within 100' of a bordering vegetated wetland; installation of fencing that constitutes a barrier to wildlife movement within 100' of a bordering vegetated wetland; and destruction of vegetation within 100' of a bordering vegetated wetland without a permit

No update

14. 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 said that she had spoken with Mr. Hodgson, who is weighing whether to sell the houseboat and dock or go through a permitting process. He is looking for appropriate consultants, but remains concerned that he will go through considerable expense only to have his proposal rejected at the Conservation Commission. *The Commission generally agreed that Ms. Greene will contact Mr. Hodgson weekly for a progress report.*

15. Other Business:

Ms. Greene informed the Commission that she will be out on vacation from August 3-9.

16. Wetlands Bylaw Update:

Ms. Mizner noted that in view of the Select Board's disinterest in putting the wetlands bylaw on the agenda for Fall Town Meeting, the Commission would need to wait until spring to raise this again. She said that in the interim the Commission could get additional information out to the public.

17. Old Business:

18. Informal Discussion:

19. Community Input:

Elisa Grammer, a member of the West Newbury Historical Commission, raised the question of removing vines, brush, and saplings from the Town-owned [Quaker Cemetery](#), which is adjacent to the Artichoke Reservoir. She explained that in 2021 the Historical Commission and others had cleaned up the [Almshouse Cemetery](#), removing brush, saplings, and vines, and now that Commission would like to get a program in place for an annual Department of Public Works maintenance/tidying of the Town-owned cemeteries.

She said that the Quaker Cemetery was moved from Newburyport to West Newbury in 1855 and has 34 known burials. Susan Follansbee did a major clean up in 2010. The Quaker Cemetery is over 100 years old and qualifies as an ancient burial ground under provisions of [M.G.L. Ch. 114](#), which contemplates that Towns will preserve and maintain cemeteries, particularly ancient ones.

Ms. Grammer said that she had spoken with Ms. Greene, who consulted the Department of Environmental Protection circuit rider. There may be an exemption for waterside property that has been continuously landscaped. Ms. Grammer asked for Commission advice:

- Does something need to be filed with the Commission before the Quaker Cemetery is cleaned up?
- If so, what form would that filing take?
- If a filing were made, would it need to be resubmitted every so many years?

The Commission will consider this and may visit the Quaker Cemetery after its site visit at the Artichoke dam on July 24

20. Approval of Minutes: April 4, 2022

21. Approval of Minutes: June 6, 2022

22. Approval of Minutes: June 22, 2022

23. Approval of Minutes: July 6, 2022

In discussing the minutes of July 6, 2022 the Commission determined there was no need to expand the discussion of item 11.

Ms. Mizner moved to accept the minutes of July 6, 2022 as revised, Ms. Feebery seconded, and Ms. Hawkins abstained. The motion passed unanimously.

24. Correspondence:

25. DEP Comments:

26. Land Agent Update:

27. Next Meeting: August 1, 2022

Adjournment 7:55 pm

Meeting Documents

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

Respectfully submitted