

West Newbury Conservation Commission Meeting Minutes

Meeting date & place: 7:30 pm, January 18, 2022, Town Office Building 2d Floor.

Members Present: Judy Mizner, Chair, Tom Atwood, Kathy Feehery, and Margaret Hawkins. Also present, Conservation Agent Michelle Greene.

1. **Old Business: Review edits for Coffin Street Conservation Project, Map 230 Lot 40, Review Conservation Restriction with Essex County Greenbelt Association, Re: CR for permitting public access and Greenbelt to create and maintain trails and manage the land for wildlife habitat conservation.**
2. **Old Business: Review edits for Coffin Street Conservation Project, Map 230, Parcels 110 and 120, Review Conservation Restriction with Essex County Greenbelt Association, Re: CR for - for the two parcels to be sold to different entities, for public access on existing and future trails, an access easement provision on an adjacent parcel owned by SOW LLC which is not subject to the CR; this access provision allows Greenbelt to create a trail connecting to Coffin Street, and for limited grazing and associated temporary structures on Parcel 110.**

Ms. Mizner reported that Essex County Greenbelt's (Greenbelt's) attorney is still reviewing the Memorandum of Agreement between the Town and Greenbelt. She added that this should be ready for Commission action at the next meeting.

3. **Public Hearing: Notice of Intent (continued): Lower Artichoke Spillway, City of Newburyport Department of Public Services Re: Construction of stone foundation at lower Artichoke spillway DEP# 078-0712 *Applicant requests a continuance.***

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

Mr. Atwood asked about the status of this item, which has been pending for some time. *Ms. Greene will ask the Department of Public Works (DPW) Director for an update.*

5. **Public Hearing: Notice of Intent (continued): 87 Crane Neck Street, William P. Spalding, Re: Construction of a gravel driveway, DEP# 078-0738 *Applicant requests a continuance.***

Ms. Mizner noted that a site walk had been planned, but was postponed because snow covered the ground, which was frozen. *The Commission will look for an opportunity to conduct the site walk under better conditions.*

6. **Public Hearing: Request to Amend a Final Order of Conditions: The Cottages at Drakes Landing - Daley Drive, f/k/a/ 365 Main Street, The Cottages at Drakes Landing Board of Trustees, Re: Change request to allow Association's snow removal contractor to use a**

combination of low application rates of both granular and liquid salt deicers, DEP# 078-0679

On behalf of the Drakes Landing homeowner's association, property manager Jennifer Hoyt and snow and ice contractor Errol Parachojuk, asked for an amendment to the Order of Conditions that provides for an alternative to application of sodium chloride salt on the road so that road salt could be used with low application rates.

Ms. Mizner noted that the Commission is interested in protecting the wetlands by the road and would like to know what measures would be taken to restrict application to the road as opposed to the wetlands.

Mr. Parachojuk elaborated on the application of salt brine (used for dry snow sometimes in conjunction with corrosion inhibitors, calcium chloride, etc.) and granular road salt (used for wet conditions in varying amounts depending on the temperature). He said that he proposed to use the low salt rates and methods required by standards set in New Hampshire. He has applied to be a certified contractor in New Hampshire.

Ms. Mizner noted that Massachusetts has low salt areas and low salt requirements and asked how New Hampshire's standards compare with those in the Commonwealth. Mr. Parachojuk did not know. The Commission conducted a Google search and determined that the Massachusetts standards are similar but require slightly lower amounts.

Mr. Parachojuk also elaborated on the equipment used to spread granular salt (a dump truck with a hopper and mechanical spreader including separate motors and controls for a spinner and conveyor of flow into the spinner plus a setting -- left-center-right—providing a radius of spread between 6-8' to 25') and to spread the salt brine (a pickup truck with a tank and electric pump delivering the liquid to a 7' wide controllable boom having pencil tip nozzles to control the flow). Mr. Parachojuk said that best practices require low application rates for the spreader motors and a slow speed (8 mph) for the truck to reduce salt blowing and noted that if granted approval to use road salt, he would obtain a GPS system that measures and reports granular salt delivery and location.

Mr. Atwood raised the concern that the Commission is applying stringent standards to private roads while the Town—whose impact on public roads all over is greater—has no known standards for road salt application. He added that this is a larger issue that needs to be addressed not only by the Commission but also the Select Board and DPW.

Ms. Mizner asked for views on a revision to the Order of Conditions allowing sodium chloride application with use of the Massachusetts low salt rates as an upward limit and, for granular salt, application with a spread 6-8' wide from a vehicle traveling at no more than 8 mph, and for brine, use of a 7' wide boom with pencil tip nozzles—all designed to keep the deicer on the roadway.

Brad Buscher, a resident at 349 Main Street, said that he is an adjacent abutter to Drakes Landing, whose roadway had been moved closer to his property line. He said that at this property line, there is

a swale and wetland. He noted that his family enjoys hearing the peepers in that area yet road salt kills amphibians. He added that his family has maple trees and does maple sugaring, which would be adversely impacted by road salt. He also asked about the training provided to the drivers who may feel under pressure to apply large amounts and hurry through multiple jobs. He inquired why, if the Commission found the prohibition on road salt important when issuing its Order of Conditions, a change is warranted now.

Ms. Mizner said that the Commission can revisit a prior order to determine whether the goals of wetland protection can be met through other means. Mr. Parachojuk did not elaborate on driver training, but did note that there is no basis to question his employees—reducing salt application saves materials costs. He added that disadvantages of calcium chloride (which will be used on walkways and driveways) include its potential as a carcinogen, its cost, and its unavailability in large quantities east of Detroit.

Mr. Atwood moved that the Commission amend the Order of Conditions to apply the same standard here as is applied to other public ways in the Town of West Newbury. There was no second.

Ms. Mizner moved, Ms. Feebery seconded, and the Commission voted 2-1-1 (Ms. Hawkins abstaining and Mr. Atwood opposing) to amend the Order of Conditions to allow roadway application of sodium chloride at Drakes Landing on the conditions that 1) application rates shall be no greater than those set by Massachusetts for restricted salt zones, 2) granular salt shall be spread at a radius of no more than 6-8' and by trucks moving at no more than 8 mph, and 3) liquid brine shall be spread with a 7' wide boom equipped with pencil tip nozzles. Mr. Atwood stressed for the record that his opposition is based on a strong concern about the fairness and equity of this for the citizens of West Newbury.

7. Old Business: 15 Norino Drive, Re: houseboat, update from MESA / Natural Heritage & MA DEP

Concerning a [longstanding problem](#) of the unauthorized storage of a houseboat and dock on the riverbank at 15 Norino Drive, Ms. Greene reported that the state will not take action. She spoke with the Massachusetts Department of Environmental Protection and others who declined to assist with enforcement. They suggested trying other agencies such as the Coast Guard or Army Corps of Engineers. It was also noted that the boat's registration is not up to date.

It was agreed that the Commission will draft another enforcement order requiring that the boat and dock be removed before the April growing season to allow vegetation in this area and that Ms. Greene will contact the Coast Guard about this.

8. Old Business: Open Spot on Conservation Commission

Nothing new

9. Other Business: Update from WN Climate Change Resiliency Committee's meeting on January, Re: MVP Grant Development

Ms. Greene reported on a meeting of the Climate Change Resiliency Committee, noting that the

Committee is working to apply for Municipal Vulnerability Preparedness (MVP) grants to address erosion along River Road, the brook and stormwater management at the Pentucket school campus, invasive plant management, and education and bioretention demonstration projects regarding stormwater management. Ms. Mizner noted that developers are proposing and installing bioretention projects: an issue is their ongoing maintenance by homeowners. She said that any help on that front would be good.

10. Other Business:

None

11. Wetlands Bylaw Update:

Ms. Mizner noted that she received a letter from resident Nancy Pau about this and the draft is being revised. It should be ready for review at the next meeting.

12. Informal Discussion:

Mr. Atwood emphasized the importance of addressing the question of road salt application in Town. It was noted that the Town itself has no clear standards, unlike Newburyport, which has a plan. There may be stretches of road in West Newbury that should be low salt areas. Also, it would be useful to know what the State is doing on Main Street. Mr. Atwood stressed the need for consistency. Ms. Hawkins added that there should be monitoring—70% of road salt gets into the water. *Ms. Greene will reach out to DPW about this.*

13. Community Input:

14. Approval of Minutes: December 20, 2021

Ms. Mizner moved, Mr. Atwood seconded, and the Commission voted unanimously to approve the minutes of December 20, 2021, as revised.

15. Approval of Minutes: January 3, 2022

Deferred

16. Correspondence:

17. DEP Comments:

18. Land Agent Update:

19. Next Meeting: February 7, 2022; determine date for second February meeting Wednesday February 23, 2022.

Adjournment

The Commission adjourned at 8:35 pm.

Meeting Documents

Materials pertaining to each item, as maintained in Conservation Agent files.

Respectfully submitted