

West Newbury Conservation Commission Meeting Minutes

Meeting date & place: 7:30 pm, October 3, 2022, Second Floor Town Offices.

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

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

2. **Public Hearing: Notice of Intent: 116 Georgetown Road, Applicant: Matthew Perry, Re: Construction of a 24' x 24' garage and expansion of lawn, DEP# 078-0XXX**

Consultant Michael Seekamp said that the plan is to build a garage in the buffer zone 50' from the wetland. This would involve grading 25-50' from the wetland. Also, the lawn would be extended. The plan is to remove a stone wall and cut trees, but only those 6" or less in diameter at breast height (DBH). Mr. Seekamp did re-delineate the area in May but did not prepare data sheets in doing so. He said he examined soils and vegetation.

In response to Ms. Mizner, Mr. Seekamp said that the plan is to build the garage this year. Ms. Mizner said that the Commission's winter work cutoff date is October 15. Mr. Seekamp observed that the winter work ban makes it difficult for construction and indicated that erosion controls would be in place. He asked if this rule is in a bylaw. Ms. Mizner explained that this is a Commission policy that has been in place for over 30 years. Mr. Seekamp noted that a problem with flooding in Venice, Italy, is that the marshes are sinking and need more silt to build up to compensate for sea rise with climate change. Ms. Mizner said that this has not been an issue in West Newbury.

In response to Ms. Greene, Mr. Seekamp explained that the stone wall is not adjacent to the road and thus is not protected and can be removed.

The Commission will hold a site walk on Sunday, October 16 at 8 a.m.

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

No update

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

No update

5. **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. Mizner has not yet had an opportunity to draft a letter to be sent to the property owners. Mr. Hodgson did leave a voicemail with Ms. Greene, stating that he might prefer to sell the houseboat rather than go through the expense of obtaining engineered plans for the site needed for a submission to the Commission.

6. Other Business:

Ms. Greene said that Nancy Pau and Albert Ting, owners of 181 River Road, sought an insignificant change to their Order of Conditions, MA DEP# 078-0745, that would enable National Grid to install underground power lines after the October 15 work cutoff date. This work would be located in the buffer zone adjacent to the driveway, on the side away from the wetlands. The area in the buffer zone, said Ms. Greene, is flat and erosion controls are in place.

Ms. Mizner moved, Ms. Hawkins seconded, and the Commission voted unanimously to approve this insignificant change allowing work past October 15, provided that the applicants give the Conservation Agent prior notice and obtain a positive review of erosion controls before the digging begins.

7. Wetlands Bylaw Discussion:

Ms. Greene reported that on November 10 at 10:30 am at the Senior Center she will give a very general presentation about the Wetlands Protection Act. This will not be about proposed wetlands bylaws, but rather will be based on the Wetlands 101 slideshow that had been presented to Ms. Greene by the MA DEP Circuit Rider when she came on board as Conservation Agent.

8. Old Business:

9. Informal Discussion:

10. Community Input:

Historical Commission member Elisa Grammer gave an update on that commission's plans for cleaning up the Quaker Cemetery by the Artichoke Reservoir. She explained that the Historical Commission had visited the site and located the area of work to be just over 100' from the water and that work would involve removing debris, cutting back overgrowth, and cleaning gravestones. Because this is a cemetery, no soil would be disturbed. DPW has been consulted about this and after the Historical Commission meets in October, the next step would be to consult with the Select Board. After that, a submission based on the trail management plan would be made to the Conservation Commission. Ms. Grammer said that since this might be best done when the ground is frozen, there may be a request for a waiver from the winter work ban.

11. Approval of Minutes: June 6, 2022

Ms. Mizner moved, Ms. Hawkins seconded, and the Commission voted 2-0-3 (Messrs. Preble, Haley, and Parrott, not then members, abstaining) to approve the minutes, as amended.

12. Approval of Minutes: June 22, 2022

Ms. Mizner moved, Ms. Hawkins seconded, and the Commission voted 3-0-2 (Messrs. Preble and Haley, not then members and/or present, abstaining) to approve the minutes, as amended.

13. Approval of Minutes: August 1, 2022

Deferred

14. Approval of Minutes: August 15, 2022

Deferred

15. Approval of Minutes: September 8, 2022

Deferred

16. Approval of Minutes: September 19, 2022

Deferred

17. Correspondence:

18. DEP Comments:

19. Land Agent Update:

20. Next Meeting: October 17, 2022

Adjournment 7:54 pm

Meeting Documents

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

Respectfully submitted