

West Newbury Conservation Commission Meeting Minutes

Meeting date & place: 7:30 pm, September 19, 2022, Second Floor Town Offices.

Members Present: Chair Judy Mizner, Molly Hawkins, David Parrot, and George Preble. Also present, Conservation Agent Michelle Greene, and Associate Commission Member Jack Haley.

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 (continued): Along Church Street and Prospect Street, Applicant: Town of West Newbury – Water Department, Re: Replace approximately 7,500 linear feet of existing 6” water main with 8” water main, DEP# 078-0751**

Ms. Mizner said that two site walks had been completed and no additional wetlands flagging was found to be needed. One concern, however, was that erosion controls should be continued to the driveway for a barn across the street from 27 Church Street.

Consultant Steven Daunais of Tata and Howard, project manager for the Water Department’s main replacement project, explained that construction will entail a saw cut to the pavement, machine trenching, installation of the new main and hydrants adjacent to the old ones, testing of the new mains and hydrants, and then closing valves and capping off the old mains(which are left in the ground and live until the switchover to the new infrastructure) and removing the old hydrants. Once the new mains are live and tested, they will be connected to the delivery points along the way.

This will occur in segments. Every day a new trench will be opened and at the end of the day, filled and compacted. Temporary pavement will be applied every Friday unless severe storms warrant emergency application of pavement covering. Mr. Daunais will check about protocols to keep the silt sacks in drainage basins clean throughout the project.

Erosion controls will consist of straw wattles. In the event that a trench needs water pumped out, the water will be put in a basin near the pumping and on the work side of the erosion controls, out of the buffer zone.

The estimated start date is potentially next spring. This will depend in large part on funding from the state revolving fund. The plan submitted to the Commission is not a final stamped plan because it needs to include minor changes the Commission requests and it awaits state Department of Transportation (DOT) review. No significant changes are expected as a result of DOT’s review.

Ms. Mizner moved, and Ms. Hawkins seconded, to issue an Order of Conditions for work on the water mains as shown on the plans, subject to applicant’s 1) compliance with standard conditions, 2) provision of a final stamped plan to the Commission prior to issuance of the order; 3) installation of erosion controls and Commission approval of erosion controls prior to commencement of work, 4) use of the erosion control boundaries as the limit of work, 5) opening and

closing of trenching on a daily basis, with application of temporary paving each Friday unless weather conditions require more frequent paving, 6) regular inspection and cleaning of silt sacks in catch basins (with the applicant to provide the Conservation Agent with contact information of the person(s) responsible for this, 7) revision of the plans to note that the line shown is an approximate line and to show extension of the erosion controls across from 27 Church Street.

Ms. Mizner moved, and Ms. Hawkins seconded, to amend the motion to issue an Order of Conditions to state that due to the uncertain timing of DOT comments on the plans, the Order of Conditions will be issued based on the current plans, which shall be resubmitted to the Commission with amendments as the Commission described and as the DOT may require, provided that the revised plans either contain no major change or if significant changes are necessary, are submitted with a request for an amendment. The Commission voted unanimously to approve the motion to issue an Order of Conditions, as amended.

3. Insignificant Change Request: 24 Main Street, Pentucket Regional H.S, Re: Work after October 15th stop date, DEP# 078-0701

Dan Blumberg of W.T. Rich Company, Inc, construction project manager for the Pentucket High School, appeared by phone. He identified work that may not be completed by the October 15th date as including

- Completion of a guard rail on the south side of the site. Construction will involve using an auger at the back of a truck (which will stay on the road) to drill a hole, dropping in a post, concreting the post in, and spreading soil from the hole around the post. They are waiting for guardrail parts.
- Work on utilities associated with the stadium building. Most of this is in Groveland, but some utility work is in West Newbury.
- Conversion of what is now a temporary parking lot to a turf baseball field. This mainly involves raising the grade considerably. Soil is proposed to be stabilized with hay blankets, which worked well at the site. The elevation will be raised by some 10' and will have a long slope toward wetlands.

It was agreed that Mr. Blumberg will email Ms. Greene so that she can visit the site before the next meeting to determine what is nearing completion or is done and so that markers can be placed to provide a visual explanation of the proposed elevation of the baseball field. The matter was continued to October 3.

4. 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 she spoke to consultant Tom Hughes. He plans to review the state of current vegetation and will develop a revegetation plan in time for the Commission's October 3 meeting.

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

Ms. Greene reported that she also spoke to Mr. Hughes about this matter. He will also propose a planting plan in this case.

6. 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 will be working on a draft letter concerning this issue.

7. Other Business:

Ms. Greene provided notice that she will be taking vacation time from December 27 through January 3—a period that involves no Commission meetings.

8. Wetlands Bylaw Discussion:

Ms. Mizner and others recapped a Select Board meeting at which the Board declined the Commission's request for funding of a Town-wide mailing of a survey for feedback on the draft wetlands bylaw. Select Board member Wendy Reed endorsed the concept of a survey and suggested following precedent of using an email blast announcement for it as opposed to a post office mailing.

Ms. Greene will draft survey questions for Commission consideration. Ms. Mizner and Ms. Hawkins noted that educating voters about wetlands protections provisions is an important aspect.

Ms. Greene suggested Conservation Commission outreach with basic educational programs, perhaps at the Sage Center and the library.

In response to Mr. Haley's inquiry about other towns' experience with such bylaws, it was noted that many towns put such bylaws in place a long time ago. Ms. Greene added that Concord was able to pass a wetlands protection bylaw in the last 5-10 years. After several "no" votes at town meeting, Concord hired a consultant who significantly scaled back the proposal, and this resulted in passage.

9. Old Business:

10. Informal Discussion:

Ms. Hawkins announced that the Town's Tree Committee is establishing a tree trail at Mill Pond, with some 25 signs on trees and maps at the kiosks. The Tree Committee will be holding a public opening of the tree trail at 10:30 am on October 8 at the upper parking lot at Mill Pond.

11. Community Input:

12. Approval of Minutes: June 6, 2022

Deferred

13. Approval of Minutes: June 22, 2022

Deferred

14. Approval of Minutes: August 1, 2022

Deferred

15. Approval of Minutes: August 15, 2022

Deferred

16. Approval of Minutes: September 8, 2022

Deferred

17. Correspondence:

18. DEP Comments:

Land Agent Update: Ms. Greene reported that a Fall Town Meeting article to continue the program for interns to manage invasive plants has received a recommendation for approval from the Finance Committee. The article would cover costs of supplies and payment for the interns.

19. Next Meeting: October 3, 2022

Adjournment 8:20 pm

Meeting Documents

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

Respectfully submitted