

West Newbury Conservation Commission Meeting Minutes

Meeting date & place: 7:30 pm, January 9, 2023, Second Floor Town Offices.

Members Present: Chair Judy Mizner, Molly Hawkins (participating by phone), 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.**

Ms. Greene reported that Town staff held a meeting internally about this matter this week. Consultant GEI is working on engineering plans for a boardwalk on the side of the parcel with the least amount of wetlands at the site.

2. **Certificate of Compliance Request (continued): Cottages at Drakes Landing, Daley Drive, F/K/A 365 Main Street, DEP# 078-0679 Applicant requests a continuance**

3. **Discussion and Vote: 0 Poorhouse Lane, AKA Sawmill Brook Conservation Project, Re: Conservation Commission support of the town and Essex County Greenbelt Association seeking CPC funding for acquisition of the Sawmill Brook Conservation Land at 0 Poorhouse Lane and Conservation Commission acknowledgment of agreeance to oversee the project if funded.**

Vanessa Johnson Hall of Essex County Greenbelt reported that a funding eligibility application had been submitted to the Community Preservation Committee for this proposed acquisition of 32 acres adjacent to Mill Pond. Greenbelt is also urging the Town to apply for a state land grant. She added that she will be meeting with the Select Board about this project after this meeting with the Commission.

Ms. Mizner moved, Mr. Parrott seconded, and the Commission voted unanimously to support the proposed project and to agree to have the Commission assume care, custody, and control over the project if it proceeds.

4. **Insignificant Change Request: 181 River Rd., Applicant: Nancy Pau & Albert Ting, Re: Installation of 3 geothermal wells and installation of 5 poles for electric & associated tree removal and pruning, DEP# 078-0745**

Homeowners Nancy Pau and Albert Ting appeared to discuss proposed utility-related changes to the home under construction. They had provided the Commission updated plans and photos. They plan to install three geothermal wells in an area that has already been disturbed. This will be a closed system.

Also, five electric poles (one of which is about 20' from the wetland) will be installed along the west side of the driveway. National Grid indicated that because of pole locations at the street, undergrounding the electric wires as previously planned was not feasible. National Grid will install the poles about 8' from the driveway with a truck and auger attachment working only from the existing driveway. A maple tree will need to be trimmed in connection with installation of the poles and wires, and a half-dead ash tree needs to be removed—with the stump left in place. The plan is to replace it with plantings of native shrubs.

Erosion controls are in place and the disturbed area has pretty good fescue coverage. If there are spoils from either geothermal drilling or pole installation, they will be stored in an existing stockpile away from the buffer zone and later used onsite. Mr. Haley asked if the new pole utilities would be replacing the underground utilities shown on the approved plan and Mr. Ting responded that they would.

Ms. Mizner moved, Mr. Parrott seconded, and the Commission voted unanimously to approve the proposed work as an insignificant change with the conditions that 1) any spoils will be added to the existing stockpile, 2) after installation of pole #1 the 25' no disturb zone will be left undisturbed, and 3) the stump of the cut ash tree will remain in place.

5. Order of Conditions Extension Request: 87 Main Street, Lot 1, DEP# 078-0690, Lot 2, DEP# 078-0689, Lot 3, DEP# 078-0688

Developer Rob Johnson appeared via phone to request a 4-month extension of the Order of Conditions. He has a few items left to complete with regard to making the swales at the left side of one building higher, fixing check dams going down the driveway, and reseeding some areas. He said that the stormwater systems are working, doing a good job of keeping up with the rain. The hillside and groundwater have stabilized.

In response to Ms. Mizner, Mr. Johnson said that the easements necessary to complete the stormwater systems have been drafted but perhaps not signed and have yet to be recorded. In response to Mr. Haley, he affirmed that a 4-month extension is sought.

Ms. Mizner moved, Mr. Preble seconded, and the Commission voted unanimously to grant a 4-month extension to May 26, 2023 for all three Orders of Conditions.

6. 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

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

No update

8. Violation Update: 24 Main Street – PRSD, Re: Siltation into intermittent stream, DEP# 078-0701

Ms. Greene said that it has been a difficult couple of weeks at the Pentucket high and middle school construction site. In addition to the overlooked drain that caused a plume of silt in the campus stream and on to the Merrimack River, trucking operations from the middle school site deposited a considerable amount of mud on the road, which was observed to be washing into the onsite stream through the catch basins on Main Street. Ms. Greene worked with her counterpart in Groveland to address the issues. Trucking was halted in the rain and construction entrances have been modified with a path of rocks to remove some mud from truck tires before entering the road. Also, street sweeping has been increased to include an onsite attachment for a small vehicle that can provide interim street sweeping beyond that under contract for the site. If another big rain causes problems, trucking may be paused.

Ms. Greene's investigation found that the perimeter drain at the field that resulted in siltation into the stream had been approved by the Commission in a 2014 Order of Conditions. She noted that the contractors at the site have installed more straw wattles and dammed the area down to the stream, so now not much silt is getting into the stream. Those at the school are concerned about plugging the perimeter drain completely because of potential problems with excess water on the playing field. Addressing this will require a submission to the Commission. Ms. Greene said that there would be a meeting on the following day to discuss longer term drainage issues. She said she would ask if it would be possible to tie this into the drainage put in place for the new school construction.

Mr. Haley asked if Ms. Greene was confident that those doing the construction could be relied upon to rectify the problems and avoid future problems. Ms. Greene noted that there had been a change in the site supervisor. They have been responsive but not proactive. After they were told to do so, they have stockpiled extra erosion controls and materials to contain silt and clean muddy wheels onsite so that they can address issues more quickly.

9. 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 reported that she left a voicemail, checking to see about the landowners' progress in either disposing of the houseboat and dock or obtaining an engineered plan to permit a dock or mooring system for the houseboat.

10. Discussion (continued): Conservation Agent draft job description from the Collins Center

Ms. Mizner said that she is still arranging a discussion with the Town Manager about this, and noted that Select Board member Wendy Reed will be attending the January 23 Commission meeting.

11. Discussion (continued): National Grid's 2023 yearly operational plan for West Newbury

Ms. Mizner said that National Grid's plan states that wetlands can be readily identified in the field. She wondered who makes this determination and whether National Grid would provide the Commission the wetland boundaries it identifies so that the Commission can check. She also noted that National Grid identified only 11 private wells and wondered how this was determined and/or updated. It was agreed that National Grid's map was very hard to read. In response to Mr. Haley, it was explained that the plan comes up every year, and last year only involved mechanical vegetation management through cutting and the Commission had no comments. This year's plan is more intensive and involves vegetation management through both mechanical methods and application of herbicides. *It was agreed that Ms. Greene will draft a letter containing comments on the plan.*

Ms. Pau said that she had reviewed the plan and noted that there is no distinction between native and non-native plants. She wondered if there would be a different protocol for disposing of non-native plants.

12. Discussion: Chapter 91 Waterways application for Middle Street Bridge project, DEP# 078-0724

Ms. Greene noted that the filing of the Waterways application is not an action item for the Commission, but the Commission does receive notice of the submission for review and comments. She reviewed the application and the only comment she had was the plan submitted for the waterways application was an older version of the plan and not the most recently revised one approved by the Commission in their Order of Conditions. *The Commission did not have any other comments and it was agreed that Ms. Greene would submit a comment regarding a plan to the Waterway Program.*

13. Discussion: Review and discuss FY24 ConCom budget, due 1/24/2023

Ms. Greene said that she prepared a preliminary budget that she will circulate to the Commission. As a result of the wage study, her salary has been increased in West Newbury retroactive to July 1, 2022. The proposed budget reflects the increased hourly rate for FY24 and also reflects her working 40 hours a week solely in West Newbury as a result of the Select Board voting to not reenter the intermunicipal agreement for shared agent services with Merrimac for FY24. Otherwise, the budget is largely the same as last year's. Mileage costs are increased, consistent with an IRS notice, and she is seeking funds for two flat plan filing cabinets.

14. Discussion: FY21 Annual Report (7/1/2021 – 6/30/2022), due 2/9/2023

It was agreed that the Commission will review a draft annual Commission report at the next meeting. Ms. Mizner said that the same format used in prior years can be followed, and as before the filings over the fiscal year will be listed.

15. Wetlands Bylaw Discussion:

Ms. Mizner said that she has not had an opportunity to get to this. She will circulate something for the Commission to discuss at the next meeting. It was noted that the Town Meeting warrant will close in the beginning of February.

16. Other Business:

17. Old Business:

18. Informal Discussion:

19. Community Input:

20. Approval of Minutes: August 15, 2022

Deferred

21. Approval of Minutes: September 8, 2022

Deferred

22. Approval of Minutes: December 5, 2022

Deferred

23. Approval of Minutes: December 19, 2022

Deferred

24. Correspondence:

None.

25. DEP Comments:

None

26. Land Agent Update:

None

27. Commission Representative to Open Space Update:

None

Next Meeting: January 23, 2023, please note the meeting is on the 4th Monday in January. May 1st is election night and the meeting set on that date will be rescheduled.

Adjournment 8:26 pm

Meeting Documents

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

Respectfully submitted