

West Newbury Conservation Commission Meeting Minutes

Meeting date & place: 7:30 pm, May 15, 2023, Second Floor Town Offices.

Members Present: Chair Judy Mizner, Molly Hawkins, George Preble, 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.**
2. **Public Meeting: Request for Determination of Applicability (continued): 5 River Meadow Drive, Applicant: Jeffrey Proodian, Re: Removal of trees**

Ms. Greene said that the applicant was not present at today's meeting, noting that a site walk had taken place. Ms. Mizner said that she was not convinced that all 6 trees located in the buffer zone (with 4 within 50' of the wetland) needed to be removed, although one tree is leaning with no other option than removal. The other trees are not dead and are not ash trees. All the trees proposed to be cut are in a lawn area.

Ms. Greene said that some of the trees were shading the deck and roof, causing concern about adverse impacts of mold or moss. She noted that the homeowner has additional plans to install a shed at the end of the driveway, and 2 trees proposed for removal would need to go for that project. Also, the homeowner plans to come in to the Commission with a Notice of Intent to permit the aforementioned shed and installation of a retaining wall to address erosion impacting the footings of the home's deck.

Ms. Mizner questioned the urgency of the tree removal and wondered if the homeowner had obtained a professional roofer's opinion that mold or moss can harm a roof. Mr. Haley said that he located online information about adverse impacts of moss on roofing; Ms. Hawkins questioned whether moss harms roofs or is an aesthetic issue.

Mr. Parrott asked about the standard for a determination of Wetlands Protection Act applicability and whether the impact on the roof was relevant to the RDA determination. Ms. Greene said that the determination is whether the proposed work will impact the resource area. If yes, then a Notice of Intent should be filed. Mr. Parrott suggested that, if the Commission could not confidently issue a negative determination at this time, additional Commission members might need to visit the site to evaluate impacts on the resource area.

Ms. Greene pointed out that the lot contains many trees and the homeowner offered to plant more trees in front. Ms. Mizner observed that a negative RDA determination can contain conditions. She suggested that more vegetation could be planted by the wetland.

Ms. Mizner moved, Ms. Hawkins seconded, and the Commission voted unanimously to issue a negative determination conditioned upon the applicant 1) submitting to the Commission a planting plan for at least 4 new native trees along the existing wetlands line, 2) using no heavy equipment within 25' of the wetland, 3) disposing of cut trees offsite, and 4) leaving the stumps in place.

3. Public Meeting: Request for Determination of Applicability: 1 Farm Lane, Applicant: Scott Blackburn, Re: Replacement of an existing septic system

Consultant Aleksandr Chongris said that this project would replace a failed septic system. Grading for the new system would be within the 100' buffer and the old system being removed is within the 50' buffer. They plan to use 12" filter socks as erosion control. They are waiting to receive reports from the consultant who did the wetlands delineation.

The Commission scheduled a site walk for May 21 at 8 am and continued the matter to the June 5th meeting.

4. Public Meeting: Request for Determination of Applicability: 17 Daley Drive, Applicant: Cindy Ditullio, Re: Expansion of an existing deck

Homeowner Cindy Ditullio and Barb Riley on her behalf said that this project would expand an existing deck about 4' in either direction, requiring additional sonotube cement footings. The project is about 80' from the wetland. Additionally, 2 wooden flower boxes resting on the ground would be removed and this area would be loamed and seeded.

Ms. Mizner moved, Mr. Preble seconded, Ms. Hawkins abstained as an abutter, and the Commission voted to issue a negative determination of applicability conditioned on the applicant 1) hand digging the holes for new footings, 2) disposing of waste materials offsite, and 3) removing the 2 flower boxes and replacing them with grass.

5. Public Meeting: Request for Determination of Applicability: 32 Baileys Lane, Applicant: David Morin, Re: Construction of an addition to an existing single-family home

Consultant Conner Keating (appearing with David Morin) said that the proposed project would build additions of a new living room, deck sunroom, and connecting covered porch, with slab and crawl space foundations. A retaining wall would also be extended but this work is out of the 100' buffer. Excess soil would be used as fill, and elevations would remain essentially the same. Loam would be added for new gardens. A temporary road covered with crushed stone or wood chips would be used to allow access for trucks and other equipment, and removed, loamed, and seeded once the project is complete. Only a small amount of work would be in the 100' buffer.

Ms. Mizner moved, Ms. Hawkins seconded, and the Commission voted unanimously to issue a negative determination based on the scope of the project and its distance from the wetlands, conditioned on the applicant 1) installing a staked 12" silt sock backed by a staked silt fence, 2) placing excess soils behind the retaining wall or removing them offsite, 3) disposing of covering material for the temporary road offsite once the project is done, and 4) applying loam and reseeding once the project is completed.

6. Enforcement Order Update: 22-24 Main Street – PRSD, Re: Continuing siltation into intermittent stream, DEP# 078-0701

Ms. Greene reported that required reports are being sent in and there are no updates from the Massachusetts Department of Environment Protection.

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

Ms. Greene said that consultant Tom Hughes had not been available for the tentatively scheduled site walk and the Commission determined to reschedule the site visit for May 22 at 6:30 pm or June 4 at 8 am.

8. Enforcement Order 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 consultant Tom Hughes had not been available for the tentatively scheduled site walk and the Commission determined to reschedule the site visit for a time immediately after the site visits on May 22 at 6:30 pm or June 4 at 8 am.

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

No update.

10. Discussion (continued): Attorney General determination regarding site visit

Ms. Mizner said that there had still been no word from the MACC help desk on this question.

11. Discussion (continued): Pumping in wetlands adjacent to Indian Hill Reservoir, DEP# 78-0445

No update

12. Wetlands Bylaw Discussion:

No update

13. Other Business:

None

14. Old Business:

Ms. Greene said that the 2 homeowners on River Road who engaged in unauthorized tree cutting have hired a consultant who is working on a plan to submit to the Commission.

15. Informal Discussion:

None

16. Community Input:

None

17. Approval of Minutes: February 22, 2023

Deferred

18. Approval of Minutes: March 20, 2023

Deferred

19. Approval of Minutes: April 3, 2023

Deferred

20. Approval of Minutes: April 18, 2023

21. Approval of Minutes: May 3, 2023

Deferred

22. Correspondence:

None

23. DEP Comments:

None

24. Land Agent Update:

Ms. Greene reported that the Select Board had approved the Eagle Scout trails project on Riverbend trails and trails behind Page School. The scout will replace in kind the blazes and clear some branches. Trash will be removed offsite and brush will not be disposed of in the wetlands

25. Commission Representative to Open Space Update:

The Open Space Committee will have a standing agenda item for updates on Conservation Commission activities.

Next Meeting: June 5, 2023; the second meeting in June will be on June 20th

Adjournment 8:24 pm

Meeting Documents

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

Respectfully submitted