

West Newbury

Conservation Commission Meeting Minutes

Meeting date & place: 7:30 pm, September 17, 2018 Conservation Commission Office, 1910 Building

Members Present: Chairman Dawne Fusco; Judith Mizner; Wendy Reed; Tom Atwood; Margaret Hawkins, and Conservation Agent Jay Smith

Cont. Public Hearing --- Notice of Intent (NOI)--- Gary Breitbord for 87 Main St. (lots 1-3) (DEP## 78-688 through 78-690) --- For the construction of a paved driveway and grading in the buffer zone to a bordering vegetated wetland.

Tom Hughes, Hughes Environmental Consulting, along with Consultant TJ Mellon, were present for the applicant. Mr. Hughes stated that the Planning Board (Board) has approved Approval Not Required (ANR) status for the three lots, each of which is to contain a duplex. Thus the applicant is going forward with its NOI for the three lots, with three driveways, before this Commission.

Mr. Hughes explained that the applicant sees certain advantages to a shared drive, has submitted a common driveway proposal to the Board, and believes that the Board may be receptive. Nonetheless, the feasibility of a shared driveway is uncertain because zoning requirements impose roadway standards on a common drive, including limitations on grade that this property cannot accommodate. Accordingly Board waiver of these requirements would be necessary.

The Commission expressed concern about stormwater running down the driveways and into the wetlands. The driveways are proposed to be paved with a bituminous surface. In response to Ms. Mizner's query about alternative, more absorbent surfaces, Mr. Hughes explained that alternatives such as pervious bituminous paving do not hold up well where, as here, there are fairly steep slopes and curves. The driveways are not proposed to be crowned, but they are slightly elevated. Mr. Hughes noted that the applicant could install a stone trench on the lower side of the drive on Lot 2 to capture some of the runoff. Also, the area will be well vegetated.

The Commission stressed its preference for a common drive and asked why, in view of the pending application for a shared driveway pending before the Board, Commission review should not be deferred pending resolution of that question. Mr. Hughes replied that the applicant has ANR status from the Board and has this scheduled hearing before the Commission. The proposals before the Commission meet applicable wetlands performance standards. The applicant has financial considerations warranting permits in hand as soon as possible and is concerned about delays and regulatory burdens that may arise in connection with the shared driveway proposal. Mr. Hughes also suggested that it would help to have a letter from the Commission to the Board supporting a shared driveway.

The Commission advised the applicant to provide a copy of the single driveway proposal to Mr. Smith, so that the Commission can review this and submit a letter to the Board in support of the common drive. Ms. Mizner

volunteered to write a letter to the Board in support of a single driveway at 87 Main St. after the filing comes in to the Commission and has been reviewed.

With regard to revegetation in connection with the driveways and regrading, Mr. Hughes asked that the Commission and applicant agree on the number of plantings and allow the applicant to propose specific varieties of shrubs or trees. Demand for mature plantings is high, making it difficult to obtain particular varieties. Lawns will be located near the homes and other areas will be left in natural states, with some mowing on septic fields. The applicant would obtain approval of specific plantings before construction.

Mr. Hughes reported that no endangered or threatened species were specifically identified at this property. He checked with the state's Division of Fisheries & Wildlife Natural Heritage & Endangered Species Program (Natural Heritage) and obtained a US Fish & Wildlife Service Information, Planning, and Consultation (IPAC) report.

Mr. Hughes reviewed plans for each lot. He said that Lot 1 is completely outside the wetlands buffer zone, but the applicant will still do the NOI if the Commission desires. Lot 1 grading has been adjusted so that it no longer touches the isolated upland wetland. Mitigative planting is not included on Lot 1 because it is outside Commission jurisdiction. Mr. Hughes agreed to Ms. Mizner's request that erosion controls be installed at the isolated wetland so that construction equipment does not run into that area.

The Commission voted 5-0-0 to issue an Order of Conditions accepting the Lot 1 proposal with 1) standard conditions, and 2) a condition requiring erosion control around the isolated wetland area.

Mr. Hughes described Lot 2 as the middle lot. Grading on Lot 2 comes up to the erosion controls, with distance from the wetlands ranging from some spots outside the 25' line and otherwise near the 50' line. No activities on Lot 2 will occur within the wetlands. The grading will extend roughly 230' across the hillside. Mr. Hughes stated that the applicant will provide the Commission a more detailed planting plan, and offered to install 18 plants, 6 of which would be trees, perhaps 20' below the grading. Mr. Hughes further agreed to the Commission's preferred use of hay bales and silt fencing for erosion control and to installation of 4' high, pressure treated posts to mark no disturb boundaries. Mr. Hughes also agreed to a stone trench at the low side of Lot 2 driveway to contain runoff. Landscaping/vegetation installation and markers for Lots 2 and 3 will be coordinated.

The Commission agreed to continue Lot 2 to its October 1, 2018 meeting, with additional information from the applicant concerning such matters as revegetation, erosion/runoff control, and no disturb markers.

Mr. Hughes explained that Lot 3 wraps around Lot 2, with the Lot 3 homes on one side and the Lot 3 septic field on the other side of Lot 2. Lot 3 work impacting wetlands consists of grading for the driveway and the septic system. The applicant is proposing shrubs by the driveway(s) and for

the septic grading, a minimum of 6 native wood plants, 2 of which would be trees, with landscaping similar to that used on Lot 2.

The Commission voted 5-0-0 to issue an Order of Conditions accepting the Lot 3 proposal with 1) standard conditions, and 2) conditions requiring: a) erosion controls in the form of hay bales and silt fencing installed per West Newbury guidelines, b) a 25' no disturb zone with natural vegetation, c) 5 4' high pressure treated wood no disturb markers for the 25' no disturb zone to be consistent with markers for Lot 2, d) submission and prior approval of planting plans for shrubs near the driveway, and, for the area between the limit of work and the 100' buffer zone on the easterly side of Lot 3, for 6 native woody plants and 2 trees, to be consistent with the landscaping for Lot 2.

Public Hearing --- Notice of Intent --- Alexandra Guralnick, 210 Middle St. --- For the upgrading of a septic system at 210 Middle St. The work proposed is within the buffer zone to a bordering vegetated wetland.

Civil Engineer Robert Blanchette, along with Joe Anatone described a NOI for voluntary repair of an existing septic system that likely dates from the 1970s. The new system will be 2' above existing grade. Work will occur within the 100' wetlands buffer, with the septic area 68' at its closest point to flag A5 and the grading 42' from flag A5. This is located in estimated and priority habitats, and applicants have not yet received a response from Natural Heritage. The project does have a Department of Environmental Protection (DEP) file number and to date no DEP comments have been received.

Ms. Mizner commented that the Commission will need to conduct a site walk and to wait to hear from Natural Heritage.

A site walk was scheduled for Sunday, September 30 at 8 am and the matter was continued until October 1, 2018.

Public Hearing --- Notice of Intent --- Josh Holden for Mass. Electric, Stewart St. --- For repairs to the Stewart St. substation. The work will occur within the buffer zone, bordering vegetated wetland and riverfront.

Mr. Holden of Mass Electric/National Grid introduced Wetlands Consultant Tim Sullivan, who described the proposed project to replace and upgrade transformers (for reasons of both maintenance and potential load growth) in an existing substation. The fence line surrounding some 4,300 square feet containing the station will not expand, and the footprint for the transformers (whose concrete foundations will also be replaced) will not be substantially altered. The property is bounded by a transmission line with a wetlands complex, an open area adjacent to wetlands, and other sides that are largely forested. Additional features include a swale that drains wet farm fields and a side channel to the Indian River.

To accomplish the project while maintaining electric service, the company will place a mobile substation (an 18-wheeler flatbed truck with temporary transformer equipment) within the station. To provide a stable surface for a crane and other equipment, construction mats will essentially fill the open area adjacent to the station. The mats consist of timber pallet-like rectangles 16' x 4' x 6" to 12" high. The mats will cover roughly 1,425 square feet and will cover the wetland area by the

road. To allow for water flows, bridges will be constructed by placing lower level construction mats farther apart and resting another layer on top spanning those below. An environmental consultant will monitor during construction and will ensure that any seeding or other necessary work is done after the mats are removed.

Mr. Sullivan stated that the vegetation usually regenerates in a season. The soil is not compressed because of use of the mats and the crane will be present only when needed. The project would ideally start in the fall and run through the following summer. Abutters have been notified.

The Commission asked the applicant to 1) provide Mr. Smith an explanation of the methodology of wetlands delineation (which was done in the summer of 2017) if it is not included in the filing; 2) provide any data sheets it has; and 3) make sure that the wetlands flags are in place.

The Commission set a site walk for Sunday September 30 at about 8:30 am.

Discussion: Tyler Dolan, Liberty Law for 124 Main St. --- Partial Certificate of Compliance (COC) Request

Mr. Smith explained that this matter involves a request for a partial COC for this lot's legacy share of responsibility for the roadway built long ago by a developer who never completed the development. The Commission expressed concern that several of these situations exist and there may be outstanding requirements with no one clearly responsible. Mr. Atwood noted that the Town should have obtained a COC before taking over the road. Ms. Mizner and Mr. Smith did a site visit and found a detention basin filled with debris that was nonetheless functioning well. Mr. Smith pointed out that the Commission has granted the partial COC in these circumstances.

The Commission voted 5-0-0 to issue a partial COC for 124 Main St., DEP #78-275.

Discussion: Minutes of August 20 & Sept 4, 2018

The Commission voted 4-0-1, Mr. Atwood, not present, abstaining, to approve the minutes of its August 20, 2018 meeting, as amended. The Commission voted 5-0-0 September 4, 2018 meeting, as amended.

Other Business:

Changing to Town E-mail rather than personal email

Ms. Reed observed that some committees are looking into obtaining a Town email for each member for Commission business. The Commission members concurred that this would be a good idea. Ms. Reed will inquire about doing this.

Open Space Committee Meeting September 19

It was noted that the Open Space Committee has invited all other committees to participate in a discussion of the Open Space and Recreation Report on September 19.

Moorings

Mr. Smith said that issuance of moorings should be a matter for the Commission. It was only courtesy to allow Harbor Master to do this. Somehow after the Town had no Harbor Master, the task fell to the Finance Director and now the Town Manager. Mr. Smith added that this should be done in the interests of West Newbury, and not by someone else, such as a Harbor Master in Salisbury. It might be a good idea to send a letter to the Selectmen explaining that this is really a Conservation Committee responsibility. In Merrimac, Mr. Smith issues mooring permits as part of his job with that town's conservation commission. Ms. Mizner volunteered to draft such a letter to the Selectmen. Mr. Atwood observed that this would be a good opportunity to broach the idea of a regional Harbor Master with the Selectmen.

Enforcement Issues

Mr. Smith will look at the site on Norino Drive where a houseboat and floating dock had been parked on the riverbank and obtain photos of shoreside vegetation now that these items are out in the water.

The Commission discussed a situation on Maple Street where a farm field drainage ditch had been cleared and the soil left bare, ripe for erosion. Ms. Mizner suggested that the Commission look into prior enforcement orders related to this situation.

Adjournment

The Commission adjourned at 9:55 p.m.

Next Meeting

October 1, 2018

Meeting Documents

Presentations and records associated with each matter identified, as included in Mr. Smith's files.

Respectfully submitted,