

West Newbury

Conservation Commission Meeting Minutes

Meeting date & place: 7:30 pm, May 20, 2019 Conservation Commission Office, 1910 Building

Members Present: Chairman Dawne Fusco; Judy Mizner (via telephone); Wendy Reed, Margaret Hawkins, Tom Atwood, Conservation Agent Jay Smith

The Commission made a 4-0-0 roll call vote to accept Judy Mizner's participation in the meeting via telephone.

Public Hearing --- Request for Determination of Applicability (RDA) --- C.W. Collins Corp. for 48 Garden St. – For a well line within the buffer zone to a bordering vegetated wetland.

Mr. Smith noted that this proposal is pretty simple. The property has been made into 3 building lots. The wetlands have been delineated and Mr. Smith inspected this. The proposal is to install a water line from an artesian well that has already been drilled in bedrock. In most locations the well can be installed without Commission approval and then the applicants come in for approval of a water line.

The applicant proposes to excavate and then fill in the water line within a day. The trench would be 4-5' deep and 8' wide as limit of work (including temporary storage of excavated soil to be replaced). The site involved is all field, with a gentle slope to the wetlands. The applicant has installed erosion controls to protect the wetlands.

The Commission made a 5-0-0 roll call vote to issue a Negative Determination, conditioned on 1) appropriate erosion controls, 2) completion of the work within 1 day, and 3) a work zone with a width no greater than 8'.

Discussion: C.W. Collins Corp. for 10 Dole Pl. (DEP#78-522) --- Certificate of Compliance (COC) request.

Conservation Agent Smith explained that the Commission originally approved an Order of Conditions for a subdivision on June 21, 2005, but no work was ever done pursuant to that authorization and the subdivision project was abandoned. The applicant now plans to build 3 Form A lots on this property. The new plans for construction present no wetlands issue. The wetlands have been staked for the current projects and Mr. Smith inspected them, concluding that the construction now planned is sufficiently distant from the wetlands to be outside Commission jurisdiction. Accordingly, the applicant is seeking a Certificate of Compliance to close out the defunct, now-superseded, original subdivision Order of Conditions.

The Commission made a 5-0-0 roll call vote to issue a COC for the Order of Conditions concerning the superseded subdivision project, for which work never commenced.

Public Hearing --- RDA --- Lee Stafford, 10 Harrison Ave. --- For an 8x24 deck within the buffer zone to a bordering vegetated wetland.

Lee Stafford, the property owner, and Michael Jean, the deck contractor, stated that the prior owner had installed a new septic system and Mr. Stafford had no notice that the Commission's Order of Condition for this required installation of a number of wetlands markers.

Mr. Smith explained that the applicant first needs to obtain a Certificate of Compliance for the septic work, which in turn can be issued only upon the Commission's receipt of an as-built plan showing that the markers have in fact been installed. The Scanlon engineering firm did the septic work and can provide the stamped as-built plan simply by taking the current plan and showing with red ink the markers actually installed.

As to the proposed deck, construction would take place about 50' from the wetlands line. The only disturbance would involve small excavations for the 10 sono tubes used to support the deck. The spoils from this excavation (a small amount of soil) would be located at the point on the property most distant from the wetlands.

The Commission made a 5-0-0 roll call vote to issue a Negative Determination for the deck project, conditioned on the applicant's receipt of a COC for the septic work, and removal of the spoils associated with sono tube installation to a point 75' from the wetlands line.

Public Hearing --- RDA --- Theodore Ammon, 101 River Rd. --- For driveway work and a retaining wall within the riverfront and buffer zone to a bordering vegetated wetland.

Homeowner Theodore Ammon noted that he had received prior Commission approval of projects including installation of a French drain, a platform, and work for access to river. He now seeks to repave the driveway and install a new retaining wall that would be about 100' long and 4' high at its tallest point, tapering to about 1'. A Bobcat would be used to flatten out an area at the back of the lot (most distant from the river) for the retaining wall.

Mr. Smith noted that the impacts will be confined to the driveway area, with work about 50' from the wetland at the closest. A stream on the property is surrounded with natural vegetation, which will remain undisturbed, and the yard is flat, so a silt sock would suffice for erosion control. The driveway work would involve removal of the old driveway, application of a packed stone base, and 3" of asphalt. All the spoils from the driveway and associated with the retaining wall would be removed from the property.

The Commission made a 5-0-0 roll call vote to issue a Negative Determination for the driveway replacement and retaining wall project, conditioned on the applicant's installation of silt sock erosion controls (with Conservation Agent inspection prior to commencement of work) and disposal of all spoils off-site.

Discussion: Marcos and Margaret Goncalves, 177 River Rd. --- Violation

Homeowner Margaret Goncalves explained that she and her husband had no idea that cutting trees and placing a wide walkway of 2-3" of gravel for access to the river would violate wetlands protection laws. She stated that Mr. Goncalves did the tree cutting work.

Mr. Smith stated that this involves multiple resource areas including a stream and the riverfront. This is an extremely wet and tidal area. He suggested a site walk as the next step.

The Commission determined to continue this matter to the next meeting on June 3 and scheduled a site walk for 1 p.m. on Friday, May 24, when the tide should be low enough for the area to be visible.

Discussion: Janet Billingsley, 50 Prospect St. --- Violation

Homeowner Janet Billingsley explained that she had no idea that she could not, without Commission authorization, impact jurisdictional wetlands areas by digging up her lawn to remove grubs (using milky spore), removing the weeds, and planting new grass. And then a contractor doing grading work with a Kaboda tractor accidentally hit the walkway by the front door, causing them to remove the walkway in order to fix this. The asphalt debris from the walkway and the spoil from the lawn area were placed behind the house near a stream and pond, in or on wetlands, with an intent to remove it from those locations.

Mr. Smith recommended an after-the-fact Request for Determination for the whole thing—what has been done and what will be done to remediate. Ms. Billingsley agreed to meet with Mr. Smith on the coming Wednesday at 10 a.m. to fill out the necessary forms and provide the required checks for filing and for newspaper notice. If this date is met, the matter can be scheduled for the Commission’s upcoming June 3 meeting.

The Commission advised Ms. Billingsley to reseed the lawn as soon as possible.

Discussion: Updates on Conservation position

In connection with Mr. Smith’s impending retirement and the need for a new Conservation Agent, Ms. Reed reported that she and Ms. Mizner attended the most recent Selectmen’s meeting. There is some uncertainty whether the Selectmen intend to adhere to the salary approved for the Conservation Agent at the Annual Town Meeting. Ms. Mizner added that lack of clarity whether the salary voted at Town Meeting would actually be used makes it difficult for the Commission to negotiate with candidates for the Conservation Agent position, since the salary is uncertain.

The Commission made a 5-0-0 roll call vote to send a letter to the Selectmen (to be drafted and circulated by Ms. Mizner) requesting that the Selectmen vote on the question whether they will approve the Conservation Agent salary voted on in Town Meeting.

Ms. Reed attended the recent Board of Health meeting, inasmuch as the Town’s Health Agent has expressed interest in also assuming the Conservation Agent job, raising issues whether he has sufficient time to do both. In addition to the Health Agent, the Commission has received an application from a promising candidate and the application period will be open until the end of May.

This raised the question of the most effective way to screen applicants. Based on her recent experience as a Library Trustee in the search for a new librarian, Ms. Reed recommended a 2-person candidate screening committee. This 2-person subcommittee would not involve a Commission quorum and would provide flexibility and confidentiality for the initial screening process. The screening subcommittee would evaluate resumes and recommend candidates for the Commission to interview.

The Commission made a 5-0-0 roll call vote to establish a 2-person candidate screening subcommittee, comprising Ms. Mizner and Ms. Reed, to review resumes and recommend candidates for the Commission to interview.

Discussion: Minutes

Deferred to the next meeting.

The next scheduled Commission meeting is Monday, June 3, 2019

Adjournment

The Commission adjourned at 8:33 p.m.

Meeting Documents

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

Respectfully submitted