

## West Newbury

### Conservation Commission Meeting Minutes

**Meeting date & place: 7:30 pm, June 3, 2019 Conservation Commission Office, 1910 Building**

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

**Public Hearing --- Request for Determination of Applicability –Janet Billingsley, 50 Prospect St. – For the digging up for a new lawn and a 20 x 25 ft deck within the buffer zone to a bordering vegetated wetland.**

Mr. Smith explained that the applicant, Janet Billingsley, is seeking to build a deck located more than 50' (but within 100') from the wetland. Also, from a prior project involving her front yard, she has a pile of loam at the edge of the wetland and also a pile of asphalt. The area is flat so no erosion control is needed for the materials piles or the deck. Ms. Billingsley intends to spread the loam more than 50 feet from the wetland line and remove the asphalt from the property.

Mr. Smith suggested that the Commission could condition approval of the deck on removal of the asphalt and spreading of the soil. He shared photos of the affected site.

Ms. Billingsley recounted that a worker involved with the lawn accidentally broke up large chunks of asphalt, causing a trip/fall concern. Thus they removed the entire asphalt walkway and temporarily stored the broken asphalt in the back. She has already been spreading the loam in areas outside of the wetlands.

The deck will use 6 piers, either on concrete block just resting on the ground with 2 x 4 support, or she could use sono tubes. Ms. Mizner explained that the applicant should let Mr. Smith know exactly what the foundation will be ahead of time.

*The Commission voted 5-0-0 to issue a Negative Determination for construction of the deck and stairs on sono tubes (or some other method with prior notice to and no objection by the Commission), conditioned upon 1) removal of the asphalt off site, 2) spreading of the remaining piled loam in areas at least 50' from the wetlands, 3) revegetation of any exposed soils.*

### **Cont. Discussion: Marcos and Margaret Goncalves, 177 River Rd. –Violation**

Mr. Smith said that he visited the site today and discussed with Mr. Goncalves steps that would be needed for approval and construction of an elevated walk at the riverfront. Mr. Goncalves has removed 80% of the unauthorized gravel put into the wetlands near the river and will remove the rest. It is being stockpiled near the road and he intends to scoop up the pile of stone with a tractor and remove it.

*The Commission advised that they will see him when he submits a plan for the elevated walkway.*

**Discussion: Lee Stafford, 10 Harrison Ave. – COC Request**

Mr. Smith noted that at the May 20 meeting the Commission conditionally issued a Negative Determination for the applicant's proposed deck, contingent upon obtaining a Certificate of Compliance for prior septic work. The applicant did install the necessary wetlands markers and submitted necessary paperwork for a COC, including an as-built plan showing the installed markers. Mr. Smith stated that he did go out to check the markers, which are satisfactory.

*The Commission voted 5-0-0 to approve the COC request, thus allowing construction of the deck to move forward.*

**Discussion: Brendon Kelliher, 2 Gunners Hill Rd. – COC Request**

In August, 1993, the Commission issued an Order of Condition concerning this property, which included a large wetlands replication area. Now a Certificate of Compliance has been requested, and Mr. Smith stated that the area is well vegetated and in compliance. Ms. Mizner noted that the Order of Condition required triennial septic pumping with a report to the Commission. It was noted that the house had just sold and thus must have passed Title 5 septic review.

*The Commission voted 5-0-0 to issue a COC for the instant property.*

Mr. Atwood said that there had been a discussion of putting together a list of Orders of Condition that have not yet received COC determinations—where does that stand? Mr. Smith suggested that this would be a good task for the new Conservation Agent. Currently a senior tax work off aide is downloading Commission documents such as Notices of Intent and sending this information to Merrimack Valley Planning for inclusion in their online MIMAP.

**Discussion: Coffin St, ECTA trail plan**

On behalf of Essex County Trail Association (ECTA), Deborah Hamilton and Carol Lloyd described a plan to install a large 5-6' wide and 30' long bridge for horses at the wet spot where a trail off Coffin Street meets the road. The view is that this meets the Trail Management Plan criteria and thus does not require a formal filing.

*The Commission determined to meet at the site at 8 am on June 4 and that the ECTA representatives would stake out the bridge location. The Commission will address the bridge at its next meeting.*

**Discussion: Updates on Conservation commission position**

The hiring subcommittee consisting of Ms. Mizner and Ms. Reed will be interviewing tomorrow. Ms. Reed reported that citing the hypothetical nature of the issue, the Board of Selectmen declined to go on record whether they would honor the Conservation Agent salary line item voted at the most recent Town Meeting. If presented with a qualified candidate they would vote a wage rate consistent with the salary line item approved at Town Meeting.

**Discussion: CPC representative from ConCom**

Ms. Mizner stated that she would like to continue on the Community Preservation Committee and Ms. Fusco said that she consulted with Jean Nelson of the CPC, who said this would be appropriate.

*The Commission voted 5-0-0 to select Ms. Mizner as the Commission's CPC representative.*

Mr. Atwood noted that there is now a community committee addressing near-term stabilization of the Carr Post Building and Ms. Fusco observed that the Merrimack Cemetery on Pleasant Street needs preservation work.

**Discussion: Minutes**

*The Commission voted 5-0-0 to approve the minutes of April 1, April 22, & May 20, 2019, with revisions.*

**Next Meeting**

The next scheduled Con Com meeting is Monday, June 17, 2019.

**Adjournment**

The Commission adjourned at 8:43 p.m.

**Meeting Documents**

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

Respectfully submitted