



# TOWN OF WEST NEWBURY

## CONSERVATION COMMISSION

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### West Newbury Conservation Commission Minutes

**Meeting date and place: 7:30 pm, Monday, May 6, 2019, Conservation Commission Office 1910 Building**

**Members Present:** Chairman Dawne Fusco, Judy Mizner, Wendy Reed, Molly Hawkins; conservation agent Jay Smith

**Cont. Public Hearing --- Notice of Intent --- James Dwyer, 17 Coffin St. (DEP# 78-698) ---** Applicant would like to replace a failed septic system.

Tom Hughes, representing the applicant, presents a new plan following the site walk on Friday, May 3rd. The wetland line has been amended to reflect changes made at the site walk and plants have been added. The geothermal wells and line have been shown and erosion control has been extended. The corner of the leach field will be rotated to keep the field out of the 50' buffer.

(Tom Atwood arrives)

Ms. Mizner moves to issue an order of conditions with standard and special conditions. Ms. Hawkins second, vote in favor unanimous.

**Public Hearing --- Request for Determination of Applicability --- Hayley Jodoin, 35 Prospect St ---** For the cutting of two trees within the buffer zone to a bordering vegetated wetland.

The trees proposed to be cut are spruce trees with shallow roots. The home and insurance inspectors and certified arborist raised issues about the trees which are within 30' of the house. One has already been braced.

One tree is approximately 10' from the stream. The other is approximately 150' from the stream but near the house.

The trees will be removed using a boom and crane parked on the street. The stumps will be left in place. The debris will be disposed of off-site.

Ms. Mizner moved to issue a negative determination of applicability conditioned on removal of the trees with a boom and crane parked on the street; stumps left in place; and debris removed off-site. Ms. Hawkins, second; vote in favor unanimous

**Public Hearing --- Request for Determination of Applicability ---**

**George Sadler, 4 Crescent Drive ---** For the repair of a driveway and construction of a retaining wall within the buffer zone to a bordering vegetated wetland.

Mr. Smith has reviewed the site. The wetland line is well defined. The applicant is proposing to scrape down the driveway and repave at a later date. He is also proposing to repair an existing retaining wall as well as to install a new retaining wall extending 6' from the left side of the driveway to no more than 12' as shown on the plan

Erosion control consisting of hay bales and silt fence will be installed approximately 50' from the wetlands. Grading will be on the left side of the driveway where there is a 3' drop.

Ms. Mizner moved to issue a negative determination of applicability conditioned on work in accordance with the plan; erosion control consisting of hay bales and silt fence to be installed as shown on the plan and inspected and approved by the WNCC prior to any other work; paving to be done either before removal of erosion control or after installation of the retaining wall on the left side of the driveway. Mr. Atwood second; vote in favor unanimous.

**Discussion:** Angus Jennings, Town Manager --- To discuss a proposal to consolidate staff support between the Conservation and Health departments.

Angus Jennings, accompanied by Selectman David Archibald, came to conceptually discuss the consolidation of staff support for the Conservation Commission and Board of Health. Jennings stated that with Mr. Smith's upcoming retirement there may be an opportunity for cost savings and broadening administrative hours and support.

Issues raised included increased office hours, the different functions of the Board of Health and Conservation Commission with different regulations, the complexity of some issues, potential for conflicts, the difference

between New Hampshire and Massachusetts wetland regulations, areas of maintenance and enforcement.

A concern over the long term impact of consolidation was raised; even if combination with the current Health Agent may be viable, it may not be so with future Health Agents. According to the MACC, only one community had combined the positions and had abandoned the concept two years later.

The Commission intends to advertise the position on the MACC website and with the Massachusetts Association of Wetlands Scientists. The Town Manager was asked if there were other places where advertising was required.

The Board of Selectmen will be discussing this question at its next meeting.

**Discussion:** Tom Neve for Lot 6, Sullivan's Ct.( DEP#78-636) --- Request to amend conditions.

Mr. Neve is proposing to replace the approved box culvert on lot 6, Sullivan's Court with a three sided culvert. The three sided culvert is simpler and easier to install, taking less time than the box culvert. It has precast footings and sections 4-6 feet in length. They are installed with an excavator; there is no need for a crane. The footings are two feet wide, requiring a 3' excavation.

Erosion on the downstream side would be addressed with filter fabric and the area will have to be cleaned often.

The three sided culvert would not require diverting the stream or major alteration of the bank. It would also leave the stream bed intact and avoid the need to recreate the bed within the box culvert.

Utilities would also be installed under the stream bed in a 3' wide trench.

Mr. Neve proposed installing the culvert before the required replication, which he proposed to do in August. He asked that an amendment allow installation of the culvert when conditions are appropriate. He also proposed using 10' wide, 20' long steel plates over the stream to cross it for access to the lot.

He would like to complete the entire project by October.

The Commission discussed how the project has proceeded to date, noting prior instances where areas on the lot had been disturbed two to three times before work was authorized; questioning the timing requested and the use of steel plates to cross the stream; and noting the large quantity of soil that would have to cross the plates for use as fill.

The resident at 3 Sullivan's Court, expressed his opinion that the project had taken too long. He noted piles of loose, unstable soil and the road and culvert being damaged. The floodplain is a concern. The two piles of soil are to be used on lot 3 and lot 6.

Mr. Atwood compared lot 6 to 166 Ash St., where sodding was required to stabilize the site. He noted that if the track record here had been better more flexibility might be appropriate. There have been issues with lot 2 and erosion on lot 1 with the installation of the water line. Mr. Atwood also noted that Mr. Neve had five years to put in the culvert.

The loam was for lots 2,3,4, and 6. The only soil to be brought in was for the septic systems. Mr. Neve has people lined up to move the soil onto the other lots.

Ms. Mizner moved to amend the order for lot 6 to allow the substitution of a three sided culvert for a box culvert subject to an amendment of the conditions addressing the method of installation; and to amend the time for installation of the culvert to remove the time frame and allow the installation when conditions are deemed appropriate by the agent. Mr. Atwood second; vote in favor, unanimous

**Discussion:** Timothy Oriole for 70 Ash St. Lot 2 (Dep#78-675) --- Plan change request.

The Commission reviewed the request. The plan change proposed changes the areas of erosion control and expands the limit of construction. There is a new barn and pool. There is no need for offsite fill

Ms. Mizner moved to accept the plan change shown on the plan dated 4/22/19. Mr. Atwood second; vote in favor, unanimous.

**Discussion:** Brenden and Sherri Kelliher, 2 Gunners Hill Road --- COC request.

The Commission declined to issue a COC at this time. An as-built plan is required by the Order of Conditions and none has been submitted. Mr. Smith will inform the Kelliheres of the need for an as-built plan.

**Discussion:** 70 Church St. (DEP# 78-696) --- Sign-off on OC

Mr. Smith reported that Natural Heritage had approved pinning as a method but needed information as to the method of installation. The Commission has not yet voted on the Order.

Mizner moved to issue the Order discussed and reviewed at prior meetings conditioned on receipt of approval of the method for pinning into ledge from Natural Heritage. Reed, second; vote in favor, unanimous.

**Discussion:** Sandra Roulier for 117 Indian Hill St. --- Request for an extension of Conditions.

Mr. Smith reported that no work has been done under the Order. Ms. Mizner moved to extend the Order for one year. Mr. Atwood, second. Vote in favor, unanimous.

### **Discussions**

Mr. Smith reported on violations.

There is a violation at 50 Prospect St. There has been excavation within 50 ft of a stream and there is a pile of material in the wetlands at the rear. The Commission asked Mr. Smith to issue a violation notice and ask the owner to attend the next meeting.

At 177 River Road there is a gravel road to the river in the wetlands. The Commission asked Mr. Smith to issue an enforcement order to stop immediately and do no more work in the area, and to attend the next meeting.

Mr. Smith reported that the area within the Town's jurisdiction has nothing to do with the stream on the farm.

Mr. Atwood moved the Commission send a letter of approval with cc: to all parties

Ms. Fusco reported that Mr. McGrath sent her an email requesting the minutes of the meeting he attended.

The Commission discussed the job description and advertising for a conservation agent.

Mr. Atwood moved to adjourn at 10:30 pm. Ms. Fusco. Second. Vote in favor, unanimous.

The next scheduled Con Com meeting is Monday, May 20, 2019