

West Newbury

Conservation Commission Meeting Minutes

Meeting date & place: 7:30 pm, August 5, 2019 Conservation Commission Office, 1910 Building

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

Those physically present took a roll call vote and accepted Ms. Mizner's participation by telephone 4-0-0.

Discussion: Board of Health ---- Steele Landfill

Town Health Agent Paul Sevigny and Board of Health Chair Bob Janes provided the Commission preliminary information about proposed trenching adjacent to the Town's Steele Landfill, which was closed about 30 years ago. Mr. Sevigny explained that the Town's regular inspection of test wells came up positive for 1, 4 dioxane, which in turn brought the discovery of underground methane migration (particularly in wintertime) across Middle Street. To keep the methane from leaving the boundaries of the landfill, the state Department of Environmental Protection (DEP) is requiring a new trenching and venting system.

The plan, which has been submitted to DEP and now awaits that agency's approval, is to dig a trench to capture and vent methane as close as possible to the edge of Middle Street. The roughly 80' long trench would be 30" wide and 5' deep. It would be filled with a cube of 30" x 30" crushed stone surrounding a permeable pipe laid in the trench. Seven vertical pipe vents will be connected to run up from the pipe, having 3' of above ground stack. Bollards would be installed to protect the vents and if the vents are too close to the road, they would be run outward at a 45 degree angle. The plan is to minimize disruption to roadside trees and a stone wall. Trenching will be done from the road using an excavator.

The Commission focused on the location of wetlands relative to this project. Mr. Sevigny said that the landfill specialist engineer estimated wetlands about 22' from one end of the trench. This information will be more specific when an application is filed with the Commission and Mr. Sevigny suggested a preliminary informational site walk with the Commission. Mr. Sevigny committed to provide the Commission with hard copies and electronic copies of the plans submitted to DEP.

The Commission noted that the standard evaluation criteria will apply to determine whether a Request for Determine of Applicability (RDA) or Notice of Intent (NOI) will be required for this project. This will depend on the nature of the work, distance from wetlands, etc. The determination will be made upon final submittal of a plan for work.

At this point the Health Department is waiting for DEP action on the plans just submitted. This may take a few months. Once DEP approval is received, the Health Department will begin working on an application to the Conservation Commission.

Public Hearing: Marc Wipper, 52 Turkey Hill Road --- RDA for new garage

Mr. Wipper explained that he plans to build a new two-car garage, ideally this fall. It will entail a 24' x 36' poured concrete pad.

Mr. Comins noted that there was a file relating to septic construction in 2003 and wetlands were found just outside a stone wall. Mr. Comins has recently visited the site. He tested only one spot and did find some wetlands soils and vegetation.

The Commission determined to conduct a site walk looking at the wetlands line on Friday, August 16 at 8 am. Then Mr. Wipper can return before the Commission at the next meeting in two weeks.

Discussion: Sullivans Court trail update

Ms. Reed reported that in her capacity as a member of the Open Space Committee, she met with Sullivans Court Developer Tom Neve about the location of trails Mr. Neve is required to install. In this context, Mr. Neve brought up his desire to prune vegetation near the Merrimack River.

The Commission noted that Mr. Neve may include a description of the vista pruning he believes is necessary to provide a view of the Merrimack River at the end of the proposed trail in the Notice of Intent for the trails. Any vista pruning proposed must comply with DEP regulations for the Riverfront Protection Area. Ms. Mizner noted that to prevent any misunderstanding, Mr. Neve should physically mark every tree, bush, and limb to be cut and a Commission site walk would be conducted to review the vegetation marked for cutting.

Discussion: Pentucket Regional School District (PRSD) building project

Ms. Reed stated that the PRSD project architects Dore & Whittier are looking for informal feedback about schedules and processes for Commission review of the new school building project.

The Commission generally agreed that it was reasonable to expect

- A site walk in August to September, conducted separately from Groveland, which has separate wetlands
- An informal meeting with the Commission at the end of design development in September
- Submission of a Notice of Intent in January-February 2020

Discussion: Town permitting processes for trench, street, and driveway opening application update

Mr. Atwood recapped that problems with Town permitting processes came to light when Comcast contractors were conducting trenching in his neighborhood close to wetlands without going through Commission approvals or using appropriate erosion control measures.

Mr. Comins reported that he worked with Department of Public Works (DPW) Director Wayne Amaral to revise the Town application form for trenching and like activities. Now page 2 of the form contains a requirement for Conservation Commission signoff. DPW definitely will now be requiring notice to the Commission and Commission review. Mr. Comins also said that they were going to try to come up with a contractor information sheet providing additional information about necessary steps and reviews prior to commencement of different kinds of work

Discussion: Other business

Mr. Atwood said that he would like to add to the next meeting's agenda a discussion of Merrimack River pollution issues.

Chairman Fusco added that she would like to raise with the DPW removal of riverside trees that are leaning precariously and are likely to take out a good amount of riverbank if they fall.

Discussion: Michael Walters, 97 Moulton St final loam and seeding

Homeowner Michael Walters explained that his new house construction project is almost finished. He had been working with former Conservation Agent Jay Smith and now hopes that this month he will complete work and obtain approvals to move in. He recently checked in with the Building Inspector and introduced himself to Mr. Comins, explaining that all that is needed to be done from a Commission perspective is spreading loam and seeding grass.

When Mr. Comins and Jennifer Hughes, his Merrimack Valley Planning Commission mentor, inspected the property and looked at the file, they noted that the Order of Conditions for this work, which had been extended several times, expired in July 2019. Mr. Comins also observed that the hay bales that are supposed to provide erosion control are so worn as to be of little functional value. He did not, however, have an opportunity to determine whether silt had penetrated through them.

Because it is in the public interest to expedite revegetation, *the Commission made a 5-0-0 roll call vote to issue an Enforcement Order requiring the applicant to stabilize the site by spreading loam and seeding no later than the first frost, subject to 1) Conservation Agent Comins' prior inspection and satisfactory determination regarding erosion controls and 2) as necessary the applicant's removal of any silt that passed through the erosion controls.*

Discussion: Review of minutes

Inasmuch as the need for confidentiality has ended with the hire of a new Conservation Agent, the Commission voted 5-0-0 in a roll call vote to lift confidentiality status from the June 14 and 17, 2019 Executive Session minutes and post them on the website.

In a roll call vote the Commission voted 5-0-0 to approve the minutes of the July 15, 2019 meeting, as amended.

Next Meeting

The next scheduled Con Com meeting is Monday, August 19, 2019

Adjournment

The Commission adjourned 8:40 p.m.

Meeting Documents

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

Respectfully submitted