

## West Newbury

### Conservation Commission Meeting Minutes

**Meeting date & place:** 7:30 pm, September 9, 2019 Conservation Commission Office, 1910 Building

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

**Cont. Public Hearing: Request for Determination of Applicability --- Thomas and Marie Drewry, 11 Coffin Street --- For proposed removal of existing driveway to extend and replace with new asphalt driveway within the buffer zone of a bordering vegetated wetland.**

Chairman Fusco and Ms. Mizner noted that the Commission did do a site walk at this property. Ms. Mizner noted that the wetlands are 50' or more down a slope from the edge of the driveway that is proposed to be repaved and slightly expanded. Erosion controls (siltfencing) should surround the entire work area and the driveway edge closest to the wetland should have both hay bales and siltfences. Mr. Drewry, the applicant, was advised to consult with the Conservation Agent about installing the erosion controls.

*The Commission voted 5-0-0 to issue a Negative Determination of Applicability based on the site walk and conditioned on erosion controls as discussed along the work area. The erosion controls shall be inspected and approved by the Conservation Agent prior to applicant's commencement of work. Any materials that are removed and not reused in the driveway should be disposed of offsite.*

**Cont. Public Hearing: Notice of Intent (NOI) ---- Joyce Takesian and Kathleen Borusso, 87 Georgetown Road --- For proposed installation of a septic tank, pump chamber, and leaching facility within buffer zone of a bordering vegetated wetland, riverfront area, and land subject to flooding.**

Ms. Takesian was present for the discussion of her septic system replacement proposal. The Commission noted that it had a site walk with Consultant Greg Hochmuth and the wetlands delineation looked good. The land is flat. This is a difficult site, subject to flooding and there is no other place to put the system. Ms. Takesian stated that the Board of Health has given its approval and the plan is to do the work this fall.

There will be a deed restriction limiting the premises to two bedrooms. The Commission discussed use of a 12" mulch sock as erosion control as the site is flat.

*The Commission voted 5-0-0 to issue an Order of Conditions for the proposed work, with standard conditions and special conditions including 1) installation of a 12" diameter mulch sock for erosion control, with inspection and approval by the Conservation Agent prior to commencement of work, 2) submission of a construction schedule to the Commission at least 72 hours prior to commencement of work, 3) stabilization of the site no later than November 1, and 4) the prohibition of the application of herbicides, insecticides, and pesticides in the buffer zone and wetlands, which prohibition is a continuing condition.*

**Discussion: Bicentennial and Mill Pond Committees—Mill Pond tables and benches.**

Ryan Goodwin, Chairman of the Mill Pond Committee and KC Swallow, Co-Chair of the Bicentennial Committee appeared before the Commission to discuss proposed new picnic tables and benches at Mill Pond. Mr. Goodwin explained that the preexisting tables had fallen into disrepair and because they presented a safety hazard, were removed. He noted that the table and chairs promote educational as well as recreation purposes—schoolchildren use them when doing field trips concerning the Mill Pond ecosystem.

Mr. Goodwin shared photos of the current area, which has makeshift stone and cinderblock underlayment for the tables, and provided information about the picnic tables that the Bicentennial Committee proposes to acquire. The new tables would be sturdy, sustainable, long lasting and handicapped accessible. They would need to be anchored to the ground so that they cannot be taken onto the ice, where they will then later sink into the water.

The manufacturer's recommendation is to put the tables onto a 4" thick 11' x 14' concrete pad—though Mr. Goodwin also looked at alternative footings. The goal is to have the work done next spring.

*The Commission generally favored use of the manufacturer's recommended pad, inasmuch as it would be easiest for maintenance and should not be significantly disruptive to the pond area. The applicant Committees will need to work with Mr. Comins to prepare a Request for Determination of Applicability and submit that RDA to the Commission. If the applicants intend to recycle the bluestone pavers now there into a path for ADA users, that too should be part of the application, which should cover all work proposed. The Commission will conduct a site walk and this matter was continued to a following meeting.*

**Discussion: Conservation restriction/ trail easement monitoring.**

Ms. Reed raised the difficulty of locating conservation restrictions and trail easements as there is no organized central location where this information resides. She suggested that it would be good to have a central file (paper and electronic) for this information. Once this information is in place, it will be possible to the Conservation Agent and others to monitor compliance with restrictions and maintain trails. Mr. Atwood noted that the Assessor's Office may have pertinent records.

*The Commission generally agreed that it would be a worthwhile investment to hire a knowledgeable person to work on this. Ms. Reed agreed to draft a proposed scope of work for this project.*

**Discussion: Request for Certificate of Compliance—4 Summer Sweet Lane.**

This matter concerns a home that was built in 1987 as part of the Twig Rush development, and now is being sold, with closing pending. The applicants provided an Order of Conditions that applies not only to this property but to the development overall.

*The Commission will look for additional records pertaining specifically to this property. The matter was continued to the meeting to be held on Friday, September 13, starting at noon.*

**Discussion: Steele landfill.**

Mr. Comins explained that Health Agent Sevigny wanted to know whether the Board of Health should submit a Request for Determination of Applicability or a Notice of Intent for a trenching project intended to prevent methane from migrating beyond the confines of the landfill boundary. *The Commission advised that a Notice of Intent is required because of the project's proximity to wetlands.*

**Discussion: DPW riverfront area tree cutting.**

Following up on Commission concerns that trees along River Road had been marked, presumably for cutting, Mr. Comins contacted Department of Public Works Director Wayne Amaral. Mr. Amaral explained to Mr. Comins that the marking is a preliminary effort to identify sick or dying trees—no cutting is imminent. DPW will be putting together a game plan to deal with these trees.

*The Commission asked Mr. Comins to remind Mr. Amaral that Commission review is required before cutting in any resource area or buffer zone. It was agreed that the Commission will invite Mr. Amaral to the meeting to take place on September 13.*

**Discussion: National Grid vegetation management plan.**

Ms. Mizner described her review of regulations concerning National Grid's letter announcing an intent to do hand-applied touch up spraying to treat noxious vegetation in the right of way. She determined that this matter is subject to state—not Commission—jurisdiction, and state approval was granted.

**Discussion: Other business.**

**River Road Conservation Easement**

Vanessa Johnson of Essex County Greenbelt was present and *the Commission decided with Ms. Johnson to discuss the Conservation Easement for the conservation land on River Road at the upcoming September 13<sup>th</sup> meeting.*

**Sullivans Court** Ms. Reed reported that two issues arose at the Planning Board meeting (concerning another extension) with Tom Neve, Sullivans Court developer.

- Mr. Neve told the Planning Board that the Conservation Commission approved paving for Lot 6 through wetlands—is this correct? *The Commission reviewed the records and found a plan with a proposed paved drive. This was superseded by Mr. Neve's July 2018 email to the Commission stating that crushed stone would be used for the Lot 6 drive.*
- Mr. Neve stressed the importance to him of having a bench with river views and his willingness to construct the riverfront trail (which the Planning Board said is mandatory). Mr. Neve wanted to know if a bench within 50' of the river is conceptually acceptable to the Commission? *The Commission generally agreed that in concept a bench could be acceptable. Mr. Neve would have to submit a Notice of Intent for any proposed bench or cutting of vegetation. His proposal should*

*include on-the-ground marking of any vegetation proposed to be cut in order to allow the Commission to review the scope of any proposal and should include specific written descriptions of any cutting. The Commission would review the Notice for compliance with applicable regulations. The Commission also discussed the width of and materials to be used in a path within 100' of the river. Such a path should be no wider than 36" with stone dust used within 100' of the river.*

### **Mill Pond**

Ms. Hawkins expressed concern that considerable horse manure has been left in Natural Heritage areas near the Mill Pond/ Dunn area in the wake of recent well attended equestrian events. In its comments on the updated Mill Pond/ Pipestave management plan, the Commission had raised this problem and sought clean up.

*Ms. Reed will try to determine the status of the updated plan.*

### **Discussion: Review of minutes**

*The Commission voted 5-0-0 to approve the minutes of August 19, as revised by Ms. Reed, Ms. Hawkins, Mr. Atwood, and Ms. Mizner.*

### **Next Meeting**

The next scheduled Con Com meeting is Friday, September 13, 2019, starting at noon

### **Adjournment**

The Commission adjourned 9:11 p.m.

### **Meeting Documents**

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

Respectfully submitted