

West Newbury

Conservation Commission Meeting Minutes

Meeting date & place: 7:30 pm, September 23, 2019 Conservation Commission Office, 1910 Building

Members Present: Judy Mizner (acting as Chair), Wendy Reed, Margaret Hawkins, Tom Atwood, Conservation Agent Bert Comins.

Public Hearing --- Request for Determination of Applicability --- Denise Lang Pacini & Alia Elias -- - for 9 Prospect Street --- for 12'x12' addition over driveway with 8'x12' deck. Proposed work is in the buffer zone of a bordering vegetated wetland.

The Commission reviewed a plan to construct an addition (without a foundation) on the existing driveway and to install a deck. The Commission also consulted an older plan for septic work on the property. Applicant Alia Elias was uncertain whether sonotubes or other systems would be used as footings for the deck and was unsure about the proximity of the deck to the septic system. It was noted that the Health Department signed off on a building permit for the addition proposed to be located on the driveway—but not the deck.

The Commission advised that applicants will need to provide a plan with specifics of the location, dimensions, and nature of any proposed activity that would disturb the soils. Applicants should submit a Request for Determination of Applicability and have the builders install stakes where the proposed deck would be located. The Commission scheduled a site walk at 8 am on October 4, and continued the matter to its October 7 meeting.

Public Hearing --- Notice of Intent --- Christopher Harris --- 171 River Road --- for construction of stairs and dock system in the riverfront area, bank, and bordering land subject to flooding.

Denis Hamel, the Consulting Engineer for this project, provided an overview of planned work and shared plans for a system of small decks, stairs, and a dock at the Merrimack River. He stated that the project received a Department of Environmental Protection number with no comment and received a letter indicating that there is no concern regarding underwater archeological resources. A letter was also received from the state's Division of Fisheries & Wildlife Natural Heritage & Endangered Species Program, stating that its approval is conditioned on the Commission's imposition of conditions requiring helical anchors, with flexible low impact moorings that will ensure that chains or ropes do not drag on the river bottom where endangered sturgeon pass through. No wetlands delineation was done, although Mr. Hamel reviewed the property.

The Commission advised that the property should be staked to show where the structures will go and to identify cutting of vegetation before the Commission's site walk scheduled for October 4 at 8:30 am. The matter was continued to the October 7, 2019 meeting.

Discussion: Pentucket School project wetland flags/site walk.

Mr. Comins stated that consultants for the middle/ high school building project inquired whether the Commission was ready to have a site walk of the campus where construction will occur, which has been flagged for wetlands delineation.

The Commission asked Mr. Comins to inform the consultants that although it could do a site walk prior to a formal application filing to the Commission, it must have a plan showing the wetlands flags before it can undertake a site walk. .

Discussion: Cottages at River Hill

Marlene Switzer, a resident of the Cottages at River Hill, raised several issues concerning this condominium complex, which is located in or near wetlands, with storm water detention basins, wetlands replication areas, and other features. Issues included where to locate piles of plowed snow; how to manage erosion of parking spaces adjacent to driveways at # 12, 14, and 16 Follansbee Lane; difficulties in locating septic manhole covers in tall vegetation with limited mowing; and how to maintain catch basins and related storm water systems. The Commission reviewed plans and Orders of Conditions pertaining to these matters, and provided Ms. Switzer a copy of the Orders of Conditions and the Operations Manual, which the Conditions incorporate. These documents include requirements for inspections, maintenance, and reports, as well as prohibitions on sodium deicers.

Ms. Mizner will draft a letter from the Commission to Homeowners Association Chair Maureen Harris, with a reminder of obligations the Homeowners Association must meet.

Discussion: CR/Easement Inventory

Ms. Reed shared a draft of a scope of work to develop a list of conservation restrictions and easements. She also had a starting place list for the project. Ms. Reed had spoken with Mr. Comins and Jennifer Hughes of the Merrimack Valley Planning Commission, who has been providing mentoring to Mr. Comins as a new conservation agent. Money is left over from the mentoring contract and over the winter, Mr. Comins would work on this list with help from Ms. Hughes. Ms. Reed suggested that the MVPC contract could be revised to include this additional project.

The Commission voted 4-0-0 to amend the mentorship contract with MVPC to include the scope of work set out in Ms. Reed's draft.

Discussion: MVPC Mentoring Contract

Ms. Reed noted that Mr. Comin's 90-day trial period is coming to an end at the end of September. Ms. Hughes of MVPC will provide a written review as will Mr. Jennings. Ms. Mizner suggested that the entire Commission should participate in the review as well. She noted that the 90-day limit could be extended upon mutual agreement of the parties, and Mr. Comins agreed to an extension to October 7, the date of the next Commission meeting.

Ms. Mizner will draft a letter agreement revising the end of the trial period to October 7, 2019.

Discussion: Carr Post

Ms. Reed reported that Town Manager Angus Jennings asked whether a Commission site walk or a wetlands delineation would need to be done in connection with proposals to preserve the Carr Post. The proposal includes a tight tank septic system, storage of bricks from the tower (which will be dismantled and then rebuilt), and a walkway from front to back.

The Commission will need a plan, including wetlands lines and the location for the proposed tight tank and any storage areas, in order to review the proposed project. The Commission asked for clarification of what, if any, work would occur between November and April.

Discussion: Sullivans Court trails/lot 6

Ms. Reed reported that the Planning Board voted to extend Mr. Neve's permits to November 2, 2019 in order to allow him time to install trails required under his plans. He has not, however, filed a Notice of Intent with the Commission and thus it is unclear how he could timely complete the trails.

Discussion: Mill Pond

Ms. Reed stated that the Mill Pond management plan remains unresolved and she recently learned that the Riding and Driving Club (whose representative Katharine Feehry was present) had not had an opportunity to provide input in this. Ms. Hawkins expressed concern that after a recent large equestrian event, a considerable amount of horse manure was left in sensitive Natural Heritage areas. She and Ms. Reed noted three trails in particular that are highly sensitive.

Ms. Feehry observed that sports events limit use of some trails; horse manure is preferable to dog waste; trails are changed from year to year to make the equestrian Adventure Trail event more interesting; the Riding and Driving Club uses these events as fundraisers for the Essex County Trail Association; it is difficult to know if one's horse is depositing manure; and requiring manure cleanup is onerous for the organizers of equestrian events.

The Commission suggested that keeping equestrian events from the sensitive Natural Heritage areas could be a simple solution and Ms. Feehry said that she would raise these issues with the equestrian event organizers.

Discussion: Future agenda notifications

Ms. Reed suggested that Mr. Comins could, on Wednesdays before the Commission meeting notice is posted, ask Commissioners for input on items to be included on the agenda.

The Commission agreed to adopt this procedure.

Discussion: Other business

Mill Pond—*The Commission generally agreed that a policy should be adopted to delay mowing until November to protect butterflies and that Mr. Comins will mention to DPW Director Wayne Amaral that mowing should not occur so close to the edge of the pond. The Commission also asked Mr. Comins to check for hydric soils by the existing picnic tables—consideration should be given to moving the picnic tables away from the water's edge.*

371 Main Street—Mr. Comins stated that the owners of 371 Main Street hope to close on a sale very soon and came in today seeking a Certificate of Compliance for a newly completed septic system. Ms. Mizner explained that the Commission will need to make an inspection and confirm that the as-built plan conforms to the plans submitted for approval. *The Commission asked Mr. Comins to inspect the site and compare the two sets of plans. The matter can be addressed at the October 7 meeting.*

87 Georgetown Road—*The Commission signed a new Orders of Conditions to remedy a typographical error in the DEP number.*

Discussion: Review of minutes

The Commission voted 4-0-0 to approve the minutes of September 9, as revised by Ms. Hawkins and Ms. Mizner.

Next Meeting

The next scheduled Con Com meeting is October 7, 2019.

Adjournment

The Commission adjourned 9:34 p.m.

Meeting Documents

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

Respectfully submitted