

## West Newbury

### Conservation Commission Meeting Minutes

**Meeting date & place:** 7:30 pm, January 6, 2020 Conservation Commission Office, 1910 Building

**Members Present:** Chair Dawne Fusco, Wendy Reed, Margaret Hawkins, Tom Atwood, Conservation Agent Bert Comins.

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*The Commission made a unanimous roll call vote to go into Executive Session, citing M.G.L. Ch 30A sec. 21(a)6. Proceedings were conducted in closed session because an open meeting would have a detrimental impact upon the negotiation of a potential real estate acquisition.*

**Executive Session---** MGL Ch. 30A §21(a) 6: To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.

*The Commission made a 4-0-0 roll call vote to go out of Executive Session at 7:45 p.m.*

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### **Discussion: Pentucket Regional School District newly acquired land**

Brad Dore of Dore & Whittier, architects for the Pentucket high school/ middle school building project at the campus of the existing high and middle schools, described a land swap that would provide the school campus an additional strip of land extending the area behind the new high school near the Merrimack River. This new area would be used for a new 100'x 50' maintenance shed (likely prefab steel on a slab), some impervious sidewalks, etc. and potentially a temporary construction access road as well as construction laydown area.

Mr. Dore explained that the bulk of the project aside from the new strip of land is moving along toward a milestone of 60% completion of construction documents in February and they are working to resolve issues that the Planning Board consultant Meridian had raised. This new strip of land has not, however, even had a wetlands delineation. Mr. Dore inquired whether, to keep the larger project on track in terms of timing, the new strip could be separated for purposes of Commission review. *Ms. Reed generally indicated yes: a new Notice of Intent or an Amendment proposal could be filed with respect to this new strip, provided that the drainage system is not connected to the larger project. This will be confirmed with the DEP.*

In the course of the discussion, Mr. Dore

- Indicated that additional information will be forthcoming to the Commission about the change to use artificial turf for a front field, thus changing storm water management systems
- Said that he will provide the Commission the same plans provided to Meridian so that the Commission can meaningfully review Meridian's comments
- Responded to Mr. Atwood's concern about improper storage of grass clippings in resource areas by promising to inquire further with those more knowledgeable
- Reported that they hope to submit a building permit application in mid April, when all Commission and Planning Board approvals should be in hand

The goal is to have the school building representatives meet again with the Commission on February 4.

### **Discussion: Sullivans Court Lot 6 violation & trails**

Sullivans Court Developer Tom Neve said that the good news is that he met with Conservation Agent Comins and it was determined that the project is currently in compliance with the Orders of Conditions.

With respect to the [culvert Mr. Neve personally installed in non-compliance with the Commission's orders](#), which was subsequently found to be [coming apart and allowing sediment into resource areas](#) as the large concrete blocks pulled away from each other, and was later the subject of an [Enforcement Order when Mr. Neve ordered continuation of non-Commission-approved work after the Conservation Agent ordered cessation](#), Mr. Neve said that

- He arranged for the sediment to be removed by hand—there is direct leaking in 3 out of 4 of the seams
- The large concrete blocks have moved perhaps 6" but they will not move again and the thing to do is to watch this
- There have not been so many instances of Mr. Neve disregarding Commission orders—this is only the second time

Having designed the culvert (which supports a driveway over a stream on Lot 6) without guardrails, Mr. Neve stated that he was alarmed when a truck backing across almost went over. Thus as an emergency safety measure he determined that installation of guardrails (which also were to help fill the developing gaps in the culvert's concrete blocks) should proceed notwithstanding the Conservation Agent's order to stop unauthorized work. Plus, said Mr. Neve, filling in the developing voids has a conservation benefit in helping stem the sediment flows.

Mr. Neve also described the problem of gravel on the driveway over the culvert spilling into the stream below. Mr. Neve explained that the design criteria provide for a 12" gravel bed on top of the culvert to better distribute weight and he has installed perhaps a depth of 8-10" of gravel. Mr. Neve

proposed to address this problem by affixing a sort of bumper comprised of pressured treated timber along the sides of the driveway resting on the culvert.

The Commission offered a number of observations. Ms. Hawkins noted that pressure-treated wood (as opposed to concrete or stone materials) will rot long before the useful life of the concrete—a concern shared by others. In response to Mr. Atwood's questions how so many other builders successfully install culverts like this, Mr. Neve (who referred to his civil engineering credentials) offered explanations including

- Others do the same thing he proposes
- Others pave over the culvert, containing the gravel, but this driveway already has a good deal of paving
- Others install a masonry wall at each side
- No applicable standards apply as to the correct installation of a culvert

*The Commission advised that Mr. Neve will need to make a formal filing for his remedial proposal concerning the spilling gravel and he responded that this would be done in a month or so.*

#### **Discussion: Trail management**

Ms. Reed explained that Open Space Committee trail management volunteers are aging and noted that other towns assign these responsibilities (or supervision of them) to the Conservation Agent. She proposed that Mr. Comins be assigned an additional 5 hours of work for this purpose and shared a draft job description. This would benefit both safety and compliance with the trail management policy.

*The Commission generally agreed that Ms. Reed should approach Town Manager Angus Jennings about the best way to approach this with the Selectmen and others whose consent or support could accomplish this.*

#### **Discussion: Agent compensation**

Ms. Reed stated that because he was not told about this, when reporting his hours worked in order to be compensated, Agent Comins failed to include time spent at meetings, site walks, etc. *Ms. Reed will inquire with the Town Manager if this can be rectified retrospectively.*

Ms. Reed also reported that Agent Comins will have a heavier workload with major construction planned for both the high school/middle school and the anticipated Coffin Street development project. *The Commission generally agreed that in the upcoming budget it should ask for another 5 hours for this additional workload, in addition to the 5 hours for trail management.*

#### **Discussion: Other business**

##### Sullivan's Court Trails

Ms. Reed stated that additional problems persist with Mr. Neve's plan to comply with requirements for installation of trails at the Sullivans Court development. Aspects of the application were incorrect and Mr. Neve has not made needed revisions.

#### Informational Booklet Re Wetlands Protections

Having observed violations by new homeowners on River Road, Chair Fusco proposed that the Commission prepare an informational booklet about dos and don'ts and send that to newcomers in Town, Mr. Atwood stated that the Assessor's office already sends out a packet, and this Conservation Commission brochure could be included in the mailing. This also might be posted on the Commission website.

#### Comcast Installation At Hilltop Circle

As an abutter, Mr. Atwood described the situation with the trenching work [Mirra Company did for Comcast](#). They did indeed identify the wrong box on the plans and trenching was more extensive than described. Additionally, erosion problems are being exacerbated by the fact that with a school bus stop nearby, cars are parking on the protective mat, destroying parts of it.

#### River Road Conservation Restriction

Inadvertently the Commission formally signed the wrong version of the conservation restriction for the newly acquired River Road property—Mr. Comins provided the correct version, which the Commission signed.

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

*The Commission voted*

- 3-0-1 to approve the minutes of November 18, 2019, as revised, Chair Fusco, not present, abstaining.
- 3-0-1 to approve the minutes of December 9, 2019, as revised, Mr. Atwood, not present, abstaining.
- 3-0-1 to approve the minutes of December 16, 2019, as revised, Mr. Atwood, not present, abstaining.

**The next scheduled Con Com meeting is January 27, 2020**

#### **Adjournment**

The Commission adjourned 9:53 p.m.

#### **Meeting Documents**

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

Respectfully submitted