

West Newbury Conservation Commission Meeting Minutes

Meeting date & place: 7:30 pm, February 3, 2020 Conservation Commission Office, 1910 Building

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

Public Hearing—Notice of Intent (NOI)—Michael Waters—41 Pleasant Street—For Construction of new sanitary disposal system

Applicant Michael Waters explained that the property is to be sold on February 21 and its existing septic system has failed Title V. The plan is to have contractor Tim Collins (also present) install a Presby system, which will be smaller and more efficient in removing contaminants. Mr. Waters said that given the site, the Board of Health approved this project and granted a variance to allow the system to be closer to the house (18') than usually allowed, so as to locate it as far from the encircling wetlands as possible. Because of the closeness to the house and the added elevation of the system of 2-4', new sonotubes supporting a deck will be required and to minimize grading a small wall will be installed. Only minor grading is within 50' of the wetlands.

Mr. Waters stated that he would like to have work start as soon as possible, but he is aware that the Health Department will not allow work to commence unless there will be a 2-week stretch of good weather. The wetlands were delineated in November 2019; Mr. Comins stated that he has viewed the property and flag #8 could potentially be moved.

Mr. Collins stated that as to erosion control, silt socks and a fence would be used, with compost (woodchips) in the silt socks, which are covered in burlap and will disintegrate over time. He added that there will be no stockpiling of materials at the site.

The Commission generally advised that 1) the plan should have a scale stated on it, 2) notes and logs supporting the delineation determinations will be helpful, 3) the specifications for the contents of the silt sock should be stated. The Commission scheduled a site walk for February 11 at 8 a.m., and continued this matter to its next meeting, scheduled for February 24, 2020.

Public Hearing—Notice of Intent—Andrew Cole/National Grid—Middle Street—0 River Road, 394 Transmission Right of Way—For activities associated with exploratory geotechnical borings

Theresa Portente, a consultant appearing on behalf of applicant New England Power Company, explained that the company intends to take soil borings at structure 255 on the power line right of way, which is in the wetlands buffer zone. This will necessitate moving equipment about ½ mile in

from River Road and will involve crossing wetlands. To cross wetlands, the applicant proposes to use construction matting for a temporary crossing that will use the access way the applicant usually uses to work along the right of way. The boring work itself will take only one day and there will be construction compliance monitoring. The intent is to do the work early in the spring as soon as they can get in there. If there is standing water the applicant would delay the work or apply extra layers of matting. Ms. Portente also stated that the wetlands have been flagged but they do not yet have a Department of Environmental Protection (DEP) number.

The Commission generally advised that work would need to commence after April 15 and conditions such as a requirement for applicant's prior notice to the Conservation Agent and inspection by the Agent before work commences would be required. The Commission scheduled a site walk for February 23 at 8 a.m. and continued this matter to its next meeting, scheduled for February 24, 2020.

Discussion: Pentucket Regional School District New Land Acquisition Filing Procedures

Applicant's representative Brad Dore stated that they are in the process of completing a land swap that will provide an additional strip of land behind the proposed new high/middle school, which is downgrade from the existing project and will have no connection to that project in terms of storm water management. The intent is to use this strip of land as a temporary construction entrance and as site for a maintenance shed surrounded by extensive blacktop, making something over 1/2 of the new strip into impermeable surfaces. This additional strip of land is more than 200' from the river.

Applicant's wetlands consultant Rich Kirby stated that when he examined this additional land, he did not see wetlands on it, but saw a depression in the hay field located to the north of the new strip. Because it was snowy, vegetation was not visible, but Mr. Kirby did look at soils using an auger. In so doing he determined that there is no Commission jurisdiction with respect to the new strip of land. He stated that some wetlands flags (#1-6) have been placed on the east side of the new strip.

The Commission 1) advised that it would helpful to receive logs or notes associated with Mr. Kirby's wetlands determination, 2) asked that the outer edges of the new strip be staked, 3) scheduled a site walk for February 11 at 8:30 a.m., and 4) continued the matter to the February 24, 2020 meeting.

Mr. Dore also noted that a new set of plans, reconciling comments of Planning Board consultants Meridian, had been provided to the Commission today and asked to be informed if additional information is necessary.

Discussion: Assessor's New Resident Information Packet

Mr. Comins said that he discovered that information about wetlands protection under Commission jurisdiction is already included in the Assessor's sendout. *The Commission generally agreed that the material could be presented in a more clear and compelling fashion and Ms. Mizner stated that she would work on*

and circulate a draft revision. Also, the Commission determined that to gain extra attention, the send out of Commission materials should occur in a mailing done after the Assessor's materials are sent.

Discussion: Sullivans Court Lot 6 Culvert

Mr. Comins stated that the most recent weekly Meridian report about the condition of developer Tom Neve's culvert at Lot 6, Sullivans Court is concerning because the large concrete blocks are moving even more, are being undermined, and the wing-walls' tilting is getting worse. Meridian has identified many things that need to be done, such as installing a proper foundation upon which the concrete blocks would securely rest.

Ms. Reed reported that the Planning Board knows about this situation and is concerned. The Building Inspector has also looked at this. He says he cannot refuse a certificate of occupancy but could put a note on the certificate of occupancy regarding this situation.

Mr. Comins said that he was unable to find in the files plans for the 3-sided culvert, as opposed to the 4-sided version initially proposed. Ms. Mizner recommended looking at plans C1, C2, and D3.

Ms. Mizner will draft and circulate an Enforcement Order that references Meridian's comments and requires compliance with the actions Meridian has identified as needed.

Discussion: Other Business

Inconsistency in Pentucket school building plans. Ms. Mizner noted that the Commission has made clear the need for the set of plans used by the Commission to match those used by the Planning Board—but she has identified differences in drawings of storm water management systems, in invert elevations, and pipe diameters in plans used by the two groups. For instance on sheets L3.01 L2.01 obvious differences appear in drawings of the parking area.

Ms. Reed noted that this will be going before the Planning Board tomorrow. *She will explain that differences have been noted and will ask for confirmation that as of now, the plans given to each board are identical.*

Mr. Atwood also shared a concern that the school's new elevation will be considerably higher than the land is currently—where will they be getting the fill to accomplish this change?

Protected Article 97 status for Town land at Brake Hill Mr. Atwood asked whether the proposal by the Water Department and the Open Space Committee to put Town land around the Water Department's Brake Hill complex into protected Article 97 status could be revised to keep some 12-15 flat acres at the bottom the hill in unrestricted municipal use. That land may be needed for additional school playing fields in the future.

The Commission generally noted that it would be important to know if this piece of the land is flat, contains wetlands,

and/or is a site of Natural Heritage concern. Ms. Reed said she will look into this.

Conservation Agent trail and open space management role presentation at Town Meeting. The Commission noted that the Riding and Driving Club is scheduled to give a talk at the Library on February 12 about Town trails. Ms. Reed said that she and others on the Open Space Committee plan to attend.

The Commission generally agreed that as concerns the presentation at Town Meeting, when the proposal for an expanded role of the Conservation Agent will be voted on, it would be good to garner as much support as possible from various citizens and interest groups. Also, the Commission determined that it will be good to work on obtaining additional information to support such a role for the Conservation Agent going forward.

Department of Public Works tree cutting update. Ms. Mizner reported that she has spoken with DPW Director Wayne Amaral and he is working on a plan for the trees slated for cutting.

Discussion: Review of minutes

The Commission voted

- *5-0-0 to approve the minutes of January 27, 2020, as revised*
- *4-0-1 (Ms. Mizner, not present, abstaining) to approve the minutes of January 6, 2020, as revised*
- *by roll call, 4-0-1 (Ms. Mizner, not present, abstaining) to release the January 6, 2020 Executive Session minutes from confidentiality and to approve those minutes*

The next scheduled Con Com meeting is February 24, 2020

Adjournment

The Commission adjourned 9:49 p.m.

Meeting Documents

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

Respectfully submitted