

West Newbury Conservation Commission Meeting Minutes

Meeting date & place: 7:30 pm, July 20, 2020, Remote Participation via GoToMeeting.

Members Present: Via remote participation Dawne Fusco, Wendy Reed, Tom Atwood, Margaret Hawkins. Conservation Agent Bert Comins and Judy Mizner (acting as Chair) present in Town Offices and participating remotely.

At the outset, the Chair read the following statement: "Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the West Newbury Conservation Commission will be conducted via remote participation to the greatest extent possible."

Public Hearing --- Request for Determination of Applicability --- James M. Ryan --- 98 Bachelor Street ---For tree removal

Commission members visited and viewed the property where trees are proposed to be removed and the Commission received a letter from the applicant's certified arborist, who stated that the trees identified for removal could threaten the applicant's home. Ms. Mizner noted that trees identified for removal are pines that have split. Ms. Reed said that it appears that the applicants will be taking down only the problematic trees—and many healthy trees will remain. The applicants stated that the stumps will be left in place and the cut trees will be removed from the property.

By unanimous roll call vote, the Commission determined to issue a negative determination of applicability, conditioned on the applicants 1) leaving the stumps in place and 2) disposing of the cut trees offsite.

Public Hearing --- Request for Determination of Applicability (RDA)--- Dr. David Mignault --- 119 River Road ---For construction of 27'x13' deck

Ms. Mizner said that during the site walk of this property, it was confirmed that the wetlands are 65' away from the proposed new deck and that the driveway separates the deck area from the wetlands. Overall, this is a flat area, and disturbance of soil will be minimal. Tammy Leocata stated on behalf of the applicant that there may be some leveling of soil by hand with a shovel or rake.

By unanimous roll call vote, the Commission determined to issue a negative determination of applicability, conditioned on the applicants providing the Conservation Agent 72 hours' notice prior to commencement of work. The Commission generally agreed that because of the minimal soil disturbance, the separation provided by the driveway, and the flatness of the area, no further erosion controls would be needed.

Public Hearing --- Request for Determination of Applicability --- Linda Tufts --- 82 Georgetown Road --- Installation of above ground swimming pool

Mr. Comins stated that he had visited the property and showed the plans for an above-ground pool on the computer screen. Ms. Mizner said that the request form provided no information about the planned pool and the method of construction. She also observed that it looks like the pool will be about 20' from the wetland. Applicant Linda Tufts stated that the pool will be 16' x 24' and the installers will lay down masonry sand to level the site and install the above-ground pool on top of that, with a little digging. The Commission members observed that the plan shows the pool located

on a slope. Ms. Tufts said that to keep the sand in, the installers will put a frame around it.

The Commission generally agreed to have a site walk of this property on July 31 at 8 am, and continue the hearing to August 3, 2020. Before the site walk, the applicant will have her pool installer 1) talk to the Conservation Agent to identify needed information and 2) provide that information to the Agent.

Public Hearing --- Notice of Intent --- Sandra A. Schade --- 25 Bachelor Street --- Septic System upgrade

Engineer Jim Scanlon appeared on behalf of the applicant, who is trying to sell the property and needs a septic upgrade to do so, since the existing system has failed. He stated that the new system will have a bottomless sand filter leaching area (a Rhode Island-developed and –regulated feature involving two side-by-side large concrete rectangular containers for the sand) and will use the Waterloo bio filter, which is a secondary treatment system that is basically a 500 gallon septic tank filled with foam cubes and covered with stones. Mr. Scanlon said that this system was chosen to best accommodate the high water table and the proximity to the wetland because it takes up less space. He stated that two large trees are proposed for removal, the work will be about 39’ from the resource area, and the homeowners are eager to sell and have a closing scheduled in early August.

Mr. Comins will obtain data sheets about wetland delineations. The Commission will conduct a site visit on July 31 at 8:30 am and continue this matter to August 3, 2020.

Public Hearing --- Notice of Intent --- Grant Stoffel --- 14 Dole Place --- Tree cutting and fence installation

Wetlands consultant Michael Seekamp, representing applicant Grant Stoffel, said that he delineated wetlands on the property in May and installed about 21 flags. The proposal is to remove some trees in the 100’ buffer zone to 1) provide sunshine for a planned solar system, 2) construct a goat shed and paddock, 3) install a swimming pool, and 4) build a fence 50’ from the wetlands. The majority of trees in the area in question (shown on the computer screen) will be removed, Mr. Stoffel said, to provide greater light to the home and to establish a clearing.

Mr. Seekamp said that it is pretty clear where the wetlands are and applicant Gant Stoffel said that the wetlands line was established in 2004 when the developer subdivided the property. The Commission clarified that delineations are good for three years only.

Ms. Reed noted that this proposal involves a significant wetland line and the Commission has developed a policy—which should be applied evenly—not to conduct site walks and institute reviews in complex matters that challenge social distancing in contravention of COVID 19 safety measures. Ms. Hawkins said that the wetland line in question transverses the entire property. Ms. Mizner said that the complexity of a proposal, and the ability to maintain distancing in evaluating soil samples, etc. are important questions.

The Commission generally agreed that consistency is a key issue. A site walk is scheduled for 9 am on July 31 so that the Commission can evaluate whether it can proceed and the matter was continued to August 3, 2020.

Discussion: Request for Certificate of Compliance DEP File #078-0702 142 Moulton Street

Mr. Comins reported that this project was for septic work. Mr. Comins visited the site and took photos, which he showed, of good revegetation.

With the as-built plan submitted and confirmation of revegetation, the Commission decided, by unanimous roll call vote, to issue a Certificate of Compliance.

Discussion: Coffin Street 40B revised plan comments

Ms. Mizner said that the Coffin Street developer submitted a revised plan and Ms. Mizner offered to evaluate the new plan in terms of prior Commission comments and concerns, and to draft revised comments. Ms. Reed noted that the due date for submission to the Selectmen is July 29.

Ms. Mizner will draft proposed revised comments, and submit them to Agent Comins for circulation to the Commission.

Discussion: Election of Chair

Mr. Atwood nominated Ms. Fusco as Chair, Ms. Mizner seconding.

By unanimous roll call vote, the Commission elected Ms. Fusco Chair of the Commission.

Discussion: Other business

Coffin Street Development ConCom Timing of Review: Mr. Comins said that a lawyer for the Coffin Street developer asked that the Commission open a hearing on this matter. On the day of this meeting, Mr. Comins heard from the Department of Environmental Protection (DEP) that since the legislature tolled the timeline for Conservation Commission actions, it will take an act of the legislature to lift that.

The Commission generally agreed that Mr. Comins should coordinate with the Town Manager to obtain the views of KP Law to verify the DEP advice and to consult with the Town Manager about timelines, and then, based on the information received, respond to the developer's attorney.

Coffin Street Development Stream at the Merrimack End of Coffin St: Ms. Reed noted that in connection with the Cortland development (which Mr. Atwood dated around 2002), during a drought the DEP overrode the Commission finding of a perennial stream near the intersection of Coffin Street and River Road. DEP classified the stream as intermittent. Ms. Reed raised a concern that wetlands in the proposed Coffin Street development feed this stream, and asked whether, after about 20 years, this matter should be revisited.

The Commission generally agreed that Mr. Comins should contact DEP about this question.

Trail Management: Ms. Reed reported that the Selectmen approved the new Essex Country Trail Association (ECTA) Management Plan also including Town management activities, and that the

Open Space Committee offered helpful revisions. Mr. Comins said that he is beginning to familiarize himself with the trails and will work on a schedule for walking each of the town owned trail areas. He will also solicit input from ECTA and the Open Space Committee regarding high priority trail repair work. Ms. Reed stated that she will forward maps of the trail areas showing potential resource areas and trails to help in this process. She also reported that Selectman Rick Parker is interested in participating in this trail reconnaissance effort.

Mr. Comins will follow up on these discussion points and report his progress at the next Commission meeting.

Discussion: Review of Minutes

By 4-0-1 roll call vote, Mr. Atwood, not present, abstaining, the Commission approved the minutes of July 6, 2020, as amended.

Next Scheduled Meeting

August 3, 2020

Adjournment

The Commission adjourned at 8:44 pm.

Meeting Documents

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

Respectfully submitted