

West Newbury Conservation Commission Meeting Minutes

Meeting date & place: 7:30 pm, May 3, 2021, Remote Participation via Zoom.

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

At the outset, Ms. Mizner 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."

Continued Public Hearing --- Notice of Intent DEP File# 078-0712 --- City of Newburyport Department of Public Services --- Lower Artichoke Spillway --- Construction of stone foundation at lower artichoke spillway --- CONTINUED

Continued Public Hearing --- Notice of Intent DEP File# 078-0717 --- West Newbury DPW -- Town Wide --- Hazard tee management ---CONTINUED

Continued Public Hearing --- Notice of Intent DEP File # 078-0724 --- Town of West Newbury --- Middle Street Artichoke River Bridge --- Reconstruction of bridge --- CONTINUED

Continued Public Hearing --- Notice of Intent DEP File#078-0728 --- Kenneth Cutcliffe --- 64 Bridge Street --- Construction of single family house and associated grading and utilities -- CONTINUED TO 5/17/2021

Continued Public Hearing --- Notice of Intent DEP File# 078-0725 --- Gorman Homes LLC --- Middle Street Assessors Map 22 Lot 2 Builders Lot A --- Construction of driveway, wetland fill and replication --- CONTINUED TO 5/17/2021

Order of Conditions --- 34 Ash Street DEP File# 078-0727

The Commission reviewed the draft conditions with the applicant. Mr. Hochmuth felt some of the replication area conditions were repetitive, Ms. Mizner said restating was done for clarity. Mr. Hochmuth suggested substituting trenched silt fence for the straw/hay bale erosion control in the replication area. Soils from the roadside intermittent stream replication area will not be reused due to roadside conditions of sand and salt and should be removed from the resource area. Suitable soil amendments for the replication area should be brought in. Mr. Hochmuth suggested amending the replication reporting condition to reports for two growing seasons. Ms. Mizner proposed monitoring the replication area in spring and fall for two years, for a total of four reports as two growing seasons could be interpreted as a spring and fall growing season within one year. Ms Fusco proposed planting should take place in earlier spring, and Ms. Mizner suggested specifying the number and type of

species planted.

Continued Public Hearing --- Notice of Intent DEP File# 078-0723 --- Deer Run Land Development LLC --- 519 Main Street --- Construction of roadway and stormwater management areas, wetland fill and replication

Revisions to the draft order and the plan of no disturb markers were accepted by the applicant. The Stormwater Pollution Plan address of the applicant was changed. The Historical Commission's recommendation for Major Boyd Drive was incorporated. Other amendments were discussed, including correcting the number of acres disturbed to 8.43 acres, adding language about preconstruction meeting to occur before start of construction activities, maintaining erosion and sediment control devices (haybales, silt fence, stakes, and peat) on site in case the need arises. Under the heading Structural Practices, erosion control will be as specified on definitive plan. In Petroleum product pollution prevention, any storage containers shall be labeled and stored at least 100' from any wetland resource area. Ms. Mizner clarified that silt fence should be "trenched silt fence."

Public Hearing --- Abbreviated Notice of Resource Area Delineation DEP File# 078-0729 --- Leonard Delessandro --- Middle Street Assessors Map R8 Lotvc6E --- Confirmation of resource area boundaries

The applicant explained that flags A7 to A9 are on an abutting lot and the property owner will not allow access. The wetland line follows a break in the slope. The Conservation Agent had reviewed the line with the applicant's wetland scientist. Ms. Mizner asked for data sheets; they were not available. A site visit to review the line was scheduled for May 16 and data sheets will be available on request if there are questions about any flags.

Discussion: Article 14 Coffin Street Conservation Project vote of recommendation

Vanessa Johnson Hall from Essex County Greenbelt provided background on the project. Greenbelt was offered an opportunity to acquire 30 acres in fee simple, and a conservation restriction on 21 acres, which will have public trail easements. The Open Space Committee and Mr Jennings negotiated a \$250,000. Greenbelt will provide \$75,000. Greenbelt will maintain trails. This project will provide connections to Riverbend and to Long Hill via the adjacent River Run Farm which has allowed access. Parking areas are still undecided. Coffin Street parking would have potential wetland impacts as the roadside intermittent stream would require a crossing, and the adjacent field is wet. Ms. Mizner asked about wetland impacts and appraisal values. Appraisal values are accessible to boards and committee members but are not public. Ms. Reed asked about the size of the wetlands being preserved by this proposal. There will be a May 11 public site walk from River Run Farm; details are on the Greenbelt website. John Dodge (Open Space) asked if the other parcels were ever explored for conservation. Ms. Johnson Hall reiterated that the project was fully planned before Greenbelt was involved. Elisa Grammar, an abutter, asked for details about the parcels that are not part of the conservation land and questioned the transparency of the process. She is interested in conserving the other parcels, however researching the CPC minutes found that the remaining lots will each have one house. She questioned the tax expectation from those lots and the real costs of development. Will the scenic vista be lost? Parking is a critical piece, due to the scenic values and the stream. Mr. Atwood asked if there are concerns about the amount of money coming from the CPA

that will make other acquisitions more difficult in town. Mr. Dodge views this proposal as a bargain and feels with the real estate market and the connectivity potential this is a compelling project. Ms. Johnson Hall said timing is important and it is important to strike when the iron is hot. The whole property is valued at \$830K. The Town gets public access, and development is limited in the remainder of the parcels. Mr. Dodge compared this project to the Chestnut Farm to underscore the good value. Ms. Mizner asked if trails are allowed under the power lines. Ms. Johnson Hall reported that National Grid will allow a trail under the powerlines since the landowners are allowing trails. Ms. Reed moved to support the warrant article based on its conservation values; Ms. Mizner seconded. The vote to support the article was unanimous.

Discussion: Pre-filing inquiry

Nancy Pau explained she has a stand of knotweed, about 100 feet x 6-10 feet, in the river front resource area and the buffer zone at 183 River Road and would like to eradicate it and replant with native trees and shrubs. She would like to use Rodeo, with surfactants. She has data from some test sites on Plum Island in 2006, and will probably do a foliar application. She would like a three-year permit, as was done with pepperweed control. Natural Heritage would need to be involved because of the location. Mr. Atwood asked about how to treat cut plants, and the dangers of resprouting and spreading. Ms. Mizner suggested an NOI may be required because of the number of resource areas affected. Mr. Atwood asked how to streamline the application process for these projects that are reducing harm to resource areas.

Discussion: Retaining consultant to evaluate directional drilling

Ms. Reed moved to submit a proposal for Matt Schweissberg to evaluate the impacts of directional drilling on wetland resource areas, not to exceed 10 hours. The proposal will be reviewed by the town manager.

Discussion: Wetlands protection bylaw

Awaiting confidential comments from Mr. McCarron

Discussion: Other business

Farewell and good luck to Bert!

Discussion: Review of minutes

Continued to next meeting.

Next meeting

The next Commission meeting will take place on May 17, 2021.

Meeting Documents

Presentations and records associated with each matter identified, as included in the Conservation Agent's files.

Respectfully submitted