

u **West Newbury Conservation Commission Meeting Minutes**

Meeting date & place: 7:30 pm, February 7, 2022, Town Office Building 2d Floor.

Members Present: Judy Mizner, Chair, Tom Atwood, Kathy Feehery, and Margaret Hawkins. Also present, Conservation Agent Michelle Greene.

1. **Old Business: Review edits for Coffin Street Conservation Project, Map 230 Lot 40, Review Conservation Restriction with Essex County Greenbelt Association, Re: CR for permitting public access and Greenbelt to create and maintain trails and manage the land for wildlife habitat conservation.**
2. **Old Business: Review edits for Coffin Street Conservation Project, Map 230, Parcels 110 and 120, Review Conservation Restriction (CR) with Essex County Greenbelt Association, Re: CR for - for the two parcels to be sold to different entities, for public access on existing and future trails, an access easement provision on an adjacent parcel owned by SOW LLC which is not subject to the CR; this access provision allows Greenbelt to create a trail connecting to Coffin Street, and for limited grazing and associated temporary structures on Parcel 110.**

Vanessa Johnson-Hall appeared on behalf of Essex County Greenbelt and noted that the Select Board approved the CRs as revised and now the documents will be sent to the state Office of Energy and Environmental Affairs for review.

The Memorandum of Agreement (MOA) between the Town and Greenbelt, said Ms. Johnson-Hall, is pending before ConCom. She explained that under the MOA Greenbelt is charged with monitoring the property every other year and preparing a report, which will be provided to the Town. The MOA also contains provisions for enforcement and for notice and approval for landowners' exercise of rights reserved under the CR that require permission. In such a case, both the Town and Greenbelt must give permission if the requested activity is to proceed.

Ms. Mizner moved, Ms. Hawkins seconded, and the Commission voted 3-0-0 (Ms. Feehery, an abutter, recused) to send the MOA to the Town Manager for review by Town Counsel.

3. **Public Hearing: Notice of Intent (continued): Lower Artichoke Spillway, City of Newburyport Department of Public Services Re: Construction of stone foundation at lower artichoke spillway DEP# 078-0712 Applicant requests a continuance.**

Ms. Greene said that the plan now is to build a new dam and this will trigger an environmental impact review. *The Commission generally advised that the applicant should make a new filing for the new project. The current proposal can be denied or the applicant can withdraw it.*

4. **Public Hearing: Notice of Intent (continued): Town Wide, West Newbury DPW, Re: Hazard tree management, DEP# 078-0717 Applicant requests a continuance.**

Ms. Greene reported that the Department of Public Works (DPW) informed her that this matter is on hold until DPW is done coping with winter road maintenance.

5. Public Hearing: Notice of Intent (continued): 87 Crane Neck Street, William P. Spalding, Re: Construction of a gravel driveway, DEP# 078-073 *Applicant requests a continuance.*

6. Public Hearing: Request for Determination of Applicability: 35 Cherry Hill Street, Paul and Lynn Delaney, Re: Construction of a gravel driveway

Consultant Greg Hochmuth said the applicants are trying to build an in-law suite. With the existing grade and location of the septic and other features, the locations for an addition were limited. The plan is to install a temporary access road subject to Commission review. Once built, the lawn will be seeded, stabilized, and the property will be much the same as before. Certain activities, such as a garden, appear to have occurred in the wetlands and may require remediation.

Ms. Mizner noted that the project just described may be suitable for a Request for Determination of Applicability, but the Commission will need to view the wetlands lines. Mr. Hochmuth said that in this case, the soils are determinative. He said that the applicant understands the need for a site walk and that current weather conditions are not suitable.

The Commission continued the matter and will schedule a site walk once the ground is visible, unfrozen, and conditions allow.

7. Request for Insignificant Change: 24 Main Street - Pentucket Regional School District Building, Re: Work in buffer zone to complete bus loop between October 15, 2021 and April 15, 2022, DEP# 078-0701

Dan Blumberg, the construction superintendent for the Pentucket High/Middle School project asked that the winter work ban be lifted for three projects: 1) installation of a small retaining wall about 3' high at its tallest point; 2) adding site lighting requiring a 24" trench; and 3) adding a foot of dense grade gravel at the bus loop in preparation for installation of asphalt binder (to be done around April 1). All of these projects need to be done so that the bus loop will be ready for the start of the next school year. Mr. Blumberg said that a curb will be added and then landscapers will add loam and grass after April 15.

Ms. Mizner moved, Mr. Atwood seconded, and the Commission voted unanimously to lift the winter work ban for the projects Mr. Blumberg described, provided that the excavated material will be added to the existing stockpile, erosion controls are inspected and approved by the Conservation Agent before work commences, and, if necessary, matting will be installed to stabilize the disturbed area.

8. Request for Insignificant Change: 9 Woodcrest Drive, Noah Askman, Re: Removal of additional trees within buffer zone, DEP# 078-0737

Ms. Greene said that the homeowners are planning to put a barn near the end of the driveway and have an Order of Conditions allowing removal of some trees if the ground is frozen. The insignificant change proposal is to remove three additional trees—two pines and one that may be an oak—the applicant views as hazard trees, leaving the stumps. One is a dead tree leaning over the driveway. The other two trees may shed limbs, raising a concern about children playing nearby. The applicant had no documentation from the tree company about the danger associated with the two live trees.

Ms. Mizner moved, Ms. Hawkins seconded, and the Commission unanimously voted to approve an insignificant change to remove the dead tree at the same time the previously-approved tree removal takes place subject to the same conditions and with the requirement that the stump stays in place.

Ms. Mizner noted that if the applicant develops additional substantiation of the hazardous nature of other trees, they can return to the Commission and raise the issue again.

9. Old Business: 15 Norino Drive, Re: houseboat, update from Coast Guard and Salisbury Harbormaster

Ms. Greene said that she contacted the Coast Guard about the dock and houseboat improperly located on the riverbank, which may break apart and go downstream, creating a navigation hazard. *The Coast Guard is unsure if it will be involved in this matter, but will reach out to the Salisbury Harbor Master and may take a boat to see this, depending on the weather.*

10. Old Business: Open spot on Conservation Commission

11. Other Business:

12. Wetlands Bylaw Update:

The Commission reviewed additional changes by Ms. Mizner and Mr. Atwood to the proposed bylaw. *Ms. Greene will accept all changes to the article and the proposed bylaw, circulate clean versions among the Commission again, and then send the package to the Select Board.*

Ms. Greene outlined some feedback from those in Town offices. They are interested in knowing the specifics of implementing regulations that will set standards; revisited such things as regulation of roadside swales (which may be wetlands under state law), and would like specificity in timing—when does the bylaw become effective and how does the timing of subsequent regulations affect application of the bylaw in the meantime. The latter questions have been sent to Town Counsel.

13. Informal Discussion:

14. Community Input:

15. Approval of Minutes: January 3, 2022

Ms. Mizner moved, Ms. Feebery seconded, and the Commission voted 3-0-1 (Mr. Atwood, not present at that meeting, abstaining) to approve the minutes as revised.

16. Approval of Minutes: January 18, 2022

Deferred

17. Correspondence:

18. DEP Comments:

Ms. Greene reported that the state Department of Environmental Protection is proposing updates for climate change resiliency in three categories: 1) revised stormwater requirements consistent with the US Environmental Protection requirements, 2) updating rainfall data to use 2015 National Oceanic and Atmospheric Administration data, and 3) performance standards and other provisions regarding coastal resiliency. Proposed rules will go out for public comment around March. *Ms. Greene will circulate to Commission members slides describing the proposed changes.*

19. Land Agent Update:

20. Next Meeting: February 23, 2022 (Please note this is a Wednesday due to a Monday holiday)

Adjourn

8:44 pm

Meeting Documents

Materials pertaining to each item, as maintained in Conservation Agent files.

Respectfully submitted