

West Newbury Conservation Commission Meeting Minutes

Meeting date & place: 7:30 pm, May 17, 2021, Remote Participation via Zoom.

Members Present: Via remote participation Chair Dawne Fusco, Margaret Hawkins, Tom Atwood. Conservation Agent Jay Smith and Ms. Mizner present in Town Offices and participating remotely. Members of the public and Town officials were also present.

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 tree management --- CONTINUED

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

Ms. Mizner noted that the Commission had recently received updated documents and invited project representative Sara Kreisel, who was present with consultant Micah Morrison, to provide an update. Ms. Kreisel reviewed background materials and offered an update regarding a change in design and modifications relating to storm water management associated with this proposal to rebuild a bridge—located in both West Newbury and Newburyport—over the Artichoke drinking water reservoir.

Recapping her [prior presentation to the Commission](#), Ms. Kreisel described impacts that are and are not of concern under the Wetlands Protection Act and provided an overview of the work planned, including an expansion of the length and width of the bridge. She said that after consultation, it was decided to add two storm water catchment systems, one at each side of the bridge and thus in each jurisdiction. This will provide 900 gallons of water treatment. Construction methods would be determined by the contractor, with consultation with the Commission before work begins. A small 2-3” high) Cape Cod berm would be used to direct water to the catchment systems.

Because of cost consequences, concern about grant deadlines, and the current practice with road

projects, Ms. Kreisel asked that no seasonal work stoppage requirements apply to this project. She also proposed that rather than have a wetlands scientist on site for all work, the resident engineer would consult periodically with the wetlands scientist, whose onsite presence would be limited to special activities.

In response to questions from Commission members, project representatives said that:

- Maintenance of catchment systems will be done with sediment removal every 3 years. West Newbury Department of Public Works Director Wayne Amaral said that Newburyport has equipment, so he will reach out to them
- The catch basins will be installed in the later part of the project
- Sediment controls during construction will vary during different phases
- Further clarification may be warranted for the statement that there is no practicable mitigation for increased impermeable surfaces
- The question of winter salt and sand applications is a difficult one, and reduced salt would need to be worked out in coordination with Newburyport

It was generally agreed that

- *Ms. Kreisel will provide additional written information about items discussed that were not included in the recent submission (such as use of the wetlands scientist during construction, the Cape Cod berm cross section, etc) and Mr. Amaral will provide additional information about the plans for road treatment in winter.*
- *The Commission will thoroughly review materials recently provided and begin drafting Orders of Conditions for this project*
- *The matter is continued to the June 7, 2021 Commission meeting.*

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

Consultant Mike Seekamp, representing applicant Kenneth Cutcliffe, noted that the Commission held a site walk on May 9, at which it reviewed wetland lines, and discussed such items as dewatering for construction of a force main wetlands crossing connecting the septic system leach field to the home. Mr. Seekamp said that a revised project narrative was provided to the Commission, detailing such matters as trees that would be removed to dig the septic pipe trench.

In response to Commission inquiries about whether and how the stream on the property had been determined to be intermittent (with a 100' buffer) as opposed to perennial (with a 200' buffer) the applicant and his representatives stated that former Conservation Agent Comins had sent an email on October 8, 2020, stating that his sources said that the stream was not perennial. Commission members indicated an interest in contacting Mr. Comins and reviewing records about this.

Abutter Wayne Sanborn said that the Commission may want to review its records concerning 70 Bridge Street (now abandoned), which required a wetlands crossing for septic system piping. He also stated that glacial activity in this neighborhood created a mixture of soils and soil and rock layers.

The Commission inquired whether the piping will go through groundwater. Mr. Seekamp said that borings had not been done, but that the groundwater level will vary (it is perhaps at the surface now but may go 3' down in August) but likely extends down to the bedrock. Another question was whether the piping could pierce a perched water table. Mr. Seekamp said that the process of taking borings would itself be disruptive to the wetlands.

Mr. Sanborn stated that he strongly supports sleeving the piping to mitigate potential leak of sewage into wetlands. The Commission agreed. Mr. Seekamp suggested that such a requirement could be included in the Orders of Conditions.

The Commission concluded that it needs to examine

- *Prior records about this area*
- *The determination that the stream is intermittent*
- *Impacts of PVC material in acidic wetlands—a consultant is looking into this*

The matter was continued to June 7, 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 6/7/2021

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

Consultant Bill Manuell said that during a site walk Commission members walked wetland boundaries and augured soils. No wetlands flags were changed and it was confirmed that the flags on the ground corresponded to those on the plans and that the 25' and 50' demarcations on the plan were accurate.

The Commission discussed the wetlands line at 121 Middle Street. It was noted that the Commission had reviewed those wetlands lines in connection with a septic project and issued a negative determination, as reflected in the [minutes of its November 18, 2019 meeting](#).

By unanimous roll call vote, the Commission accepted the Abbreviated Notice of Resource Area Delineation.

Public Hearing... Request for Determination of Applicability, Angela Palmer... 54 Church St. ... Applicant would like to do minor work on a deck.

In this matter, the applicant proposes to install a replacement deck about 32' from wetlands. The

proposal is to leave the old footings in place and use [diamond pier footings](#) for the new project.

The Commission determined that it needs a dated plan showing the deck work in relation to wetlands. Conservation Agent Jay Smith will visit the site and determine whether a Commission site walk would be needed.

Discussion: Article 14 Coffin Street Conservation Project vote of recommendation

No discussion

Discussion: Other business

Commission signatures needed

Mr. Smith identified two Commission issuances that need to be signed. Also, the agreement covering Mr. Smith's employment as interim Conservation Agent needs to be signed. *Commission members agreed to respond promptly.*

Conservation Agent job description

Although efforts remain underway to try to team up with another Town for a shared agent, the Town Manager has said that it is important to post a job description as soon as possible. *The hiring subcommittee will address this as soon as possible.*

Merrimack Valley Planning Council (MVPC) work on managing invasive plants

Ms. Hawkins explained that a contract has been drafted that would pay MVPC up to \$1,250 to help the Commission determine how to respond to requests for permissions to manage invasive plants. Ms. Mizner noted that important details, including the number of hours and hourly rate, needed to be specified.

The Commission determined that the Conservation Agent will ask MVPC for the details and the matter would be deferred to the June 7, 2021 meeting.

Discussion: Review of minutes

By unanimous roll call vote, the Commission determined to 1) make the March 1, 2021 executive session meeting minutes public and 2) approve those minutes, as revised.

By unanimous roll call vote, the Commission approved the March 15, 2021 minutes, as revised.

By 3-0-1 roll call vote (Ms. Mizner, not present, abstaining), the Commission approved the April 5, 2021 minutes, as revised.

By 3-0-1 roll call vote (Mr. Attwood, not present, abstaining), the Commission approved the April 15, 2021 minutes, as revised.

The Commission deferred action on the April 26, 2021 draft minutes.

Next meeting

The next Commission meeting will take place on June 7, 2021.

Adjournment

The Commission adjourned at 9:10 pm.

Meeting Documents

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

Respectfully submitted