

West Newbury Conservation Commission Meeting Minutes

Meeting date & place: 7:30 pm, May 3, 2023, Second Floor Town Offices.

Members Present: Molly Hawkins acting as Chair, Jack Haley, David Parrott, George Preble, and Conservation Agent Michelle Greene.

1. **Public Hearing: Notice of Intent (continued): 0 River Meadow Drive – Whetstone Greenway, Applicant: Town of West Newbury, Re: Construction of a new trail and boardwalk, DEP# 078-0755**
Applicant requests a continuance.
2. **Public Hearing: Notice of Intent (continued): 10 Pleasant Street, Applicant: Anna & Schyler Reilly, Re: Septic system replacement, patio improvements, installation of new driveway, DEP# 078-0761**

Greg Hochmuth of Williams and Sparages appeared before the Commission on behalf of the applicant. Mr. Hochmuth recounted that the Commission had conducted a site visit and revised some wetland flag locations which resulted in the wetlands line moving 5-8' closer to the house and now wrapping around the patio. The plans have been revised to reflect this. Permanent conservation boundary posts were also discussed at the site visit and locations for these posts are shown on the revised plans. As a black walnut tree will be removed to repair the patio, a new native tree will be planted to replace it. An invasive plant management plan to manage the Japanese knotweed at the property has also been submitted and recommends a combination of chemical and mechanical treatments, first cutting the plants to 3" tall then treating the cut plants with diluted glyphosate. The plan proposes monitoring and retreating the knotweed as needed for the first 6 months and then annual inspections and retreatments after that. Mr. Hochmuth explained that the root mass does not seem dense at the site so treatment should be able to manage the area within 5 or so years. Once the knotweed is managed, native shrubs to be approved by the Conservation Agent shall be planted. As the knotweed management will take longer than 3 years the Order will likely need to be extended. Mr. Hochmuth will educate the homeowners on all of this.

Ms. Hawkins asked how the walnut tree will be removed and how will the ground be prepped for rebuilding the patio. Mr. Hochmuth advised the patio will be dismantled to the concrete edge, then the tree will be cut, and the roots will carefully be extracted by a small machine with a thumb attachment. Once this is done the ground for the patio will be filled back in and compacted. The patio pavers will then be reset in the existing footprint of the patio within the concrete collar. Ms. Hawkins asked if the tree roots that extend into the wetland will also be removed and Mr. Hochmuth advised those roots are also planned to be removed. As the area is wet, he anticipates they will easily come out when pulled. He advised that the erosion control in this area can be removed for the tree root removal and replaced once the tree and roots are removed. Due to the likelihood of soil disruption and potential impacts this could cause to the wetland Ms. Greene suggested a weather condition so the roots can't be removed immediately before or after a forecasted rain event.

Ms. Hawkins moved to closed the public hearing, Mr. Preble seconded the motion and the motion passed unanimously.

Ms. Hawkins moved, Mr. Preble seconded and the motion passed unanimously to issue an Order of Conditions with the Standard Conditions and Special Conditions as follows: 1) The Japanese knotweed management shall be done in accordance

with the invasive plant management plan, a copy to be recorded with the Order; 2) 6 permanent conservation boundary posts shall be installed as located on the plan. The posts shall be installed so they are buried 4' below ground and extend 4' above ground; 3) Erosion control consisting of a staked 12" silt sock shall be installed by the applicant as shown on the plan and inspected by the Agent prior to the start of any work; 4) The replacement tree and proposed shrubs shall be native and submitted to the Conservation Agent for review and approval prior to planting; 5) Any spoils generated from the construction of the walkway and installation of the septic system shall be disposed of outside of any wetland resource area or buffer zone or disposed of lawfully offsite; 6) With the exception of herbicides used per the invasive plant management plan to treat the Japanese knotweed, no herbicides, insecticides or pesticides shall be used within any wetland resource area or buffer zone. Fertilizers used for lawn care shall be low in nitrogen and used in moderation; 7) The area between the posts and wetlands shall remain undisturbed and naturally vegetated with the exception of knotweed management; 8) The removal of the walnut tree shall occur during dry weather only and no equipment to remove the tree shall be used in the wetland. Once the roots are removed the area shall be restored to original conditions using clean fill if needed; 9) Any materials to be stockpiled within the buffer zone for longer than 24-hours shall be protected with erosion controls; 10) Notice of at least 72-hours shall be given to the Agent prior to the start of any work.

3. Public Meeting: Request for Determination of Applicability: 5 River Meadow Drive, Applicant: Jeffrey Proodian, Re: Removal of trees

Homeowner Jeffrey Proodian appeared before the Commission and explained he is hoping to manage some of trees along his property line and in the backyard. The trees along the property line are shading his roof and one in the backyard is leaning and contacting the chimney. The trees at the end of the driveway are entangled in vines. Mr. Proodian advised there are approximately 5-6 trees along the property line but he is only looking to remove 3 of them to allow light in to prevent moss from growing on the roof. Mr. Proodian explained the work will be done by crane located in the driveway and no equipment in the backyard.

Mr. Parrott asked if removing limbs from the trees would eliminate the shading issue. Mr. Proodian responded that both sides of the trees would have to be limbed and this would likely kill the trees.

A site visit was scheduled for Sunday May 7th and with Mr. Proodian's permission the meeting was continued.

4. Insignificant Change Request: Church Street lot R13-341, Applicant: Kenneth Cutcliffe, Re: Pruning limbs from tree on river bank, DEP# 078-0739

Ms. Greene showed pictures of a large river birch tree with limbs overhanging the newly installed dock and explained Mr. Cutcliffe seeks to remove the 2 large overhanging limbs but will not cut down the tree entirely.

Ms. Hawkins moved, Mr. Preble seconded, and the motion passed unanimously to approve the insignificant change request conditioned that only the 2 limbs be cut.

5. Insignificant Change Request: 119 Middle Street, AKA Lot R8-E6, Application: Ross & Hannah Courtemanche, Re: Removal of two trees outside of limit of work, DEP# 078-0741

Ross Courtemanche appeared before the Commission requesting permission to remove two trees at their property which are beyond the project's limit of work but are not in then wetlands. Mr. Courtemanche explained the trees are dead and if the one near the street fell it would likely block their driveway or the street; the other tree in the back would hit their house if it fell once the house were built. His plan would be to move the erosion control, cut and remove the trees, and replace the erosion control.

Ms. Hawkins asked how he proposed to reach the tree in the back to remove it. Mr. Courtemanche responded it could be cut to drop on the cleared lot and then removed to not impact the wetland behind it. Ms. Hawkins shared her concerns with the likelihood of disturbance due to the wet weather and wet conditions at the site. Mr. Courtemanche advised the weather is supposed to improve and the removal of these trees will be at the end of the lot being cleared once things have dried out. Ms. Greene asked if the trees could be cut to leave 10-15' leads to provide habitat and Mr. Courtemanche agreed this could be done.

Ms. Hawkins moved, Mr. Preble seconded and the motion passed unanimously to approve the insignificant change request conditioned that 1) the tree in the back of the lot be cut to a height of 10-15'; 2) the tree in the front can be cut flush with the ground; 3) no equipment shall be used beyond the limit of work; 4) the trees shall be cut down with chainsaws.

6. Enforcement Order Update: 22-24 Main Street – PRSD, Re: Continuing siltation into intermittent stream, DEP# 078-0701

Ms. Greene provided an update that discharges continue to occur from the site with the most recent discharge having occurred the past weekend.

7. Violation Update: 21 Montclair Road, Re: Clearing trees within 100' buffer zone without a permit

A site visit was scheduled with the Commission and Tom Huges for 5/7 at 9 AM

8. Enforcement Order Update: 4 Norino Drive, Re: Clearing within the 25' no disturb buffer and clearing past the limit of work, DEP# 078-0740

A site visit was scheduled with the Commission and Tom Huges for 5/7 at 8:30 AM

9. Enforcement Order Update: 13 Meetinghouse Hill Road, Re: Unpermitted clearing in bordering vegetated wetland and 100' buffer zone

No update.

10. Enforcement Order Update: 15 Norino Drive, Colin Hodgson, Reinhild Hodgson, and Shirene Hodgson Re: Placement of a houseboat and dock along the Merrimac River without a permit with impacts to the 200' riverfront resource area, bordering vegetated wetland, inland bank, and rare species habitat

A letter from the town demanding that the houseboat be removed is being drafted in consultation with the Salisbury Harbormaster.

11. Discussion (continued): Attorney General determination regarding site visit

No update.

12. Discussion (continued): Pumping in wetlands adjacent to Indian Hill Reservoir, DEP# 78-0445

No update.

13. Wetlands Bylaw Discussion: No update.

14. Other Business: None

15. **Old Business:** None
16. **Informal Discussion:** None
17. **Community Input:** None
18. **Approval of Minutes: February 22, 2023:** Deferred
19. **Approval of Minutes: March 20, 2023**
Mr. Parrott advised that his name appeared with a typo. Ms. Greene will make the revision. Approval of the minutes was deferred.
20. **Approval of Minutes: April 3, 2023:** Deferred
21. **Approval of Minutes: April 18, 2023:** Deferred
22. **Correspondence:** None
23. **DEP Comments:** None
24. **Land Agent Update:**
Ms. Greene provided an update that candidates for the invasive plant internship will begin interviews soon. Ms. Greene also updated that an RFP was sent to 7 companies seeking for proposals for professional invasive plant management on town owned land and that she has a site walk scheduled with the Eagle Scout candidate to review the Riverbend Trails and his proposed project and will update the Commission after that.
25. **Commission Representative to Open Space Update:** None
26. **Next Meeting: Monday May 15, 2023**

Adjournment *Ms. Hawkins moved, Mr. Preble seconded and the motion to adjourn passed unanimously at 8:35 PM*

Meeting Documents

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

Respectfully submitted