

## West Newbury Conservation Commission Meeting Minutes

**Meeting date & place:** 7:30 pm, August 1, 2022, Second Floor Town Offices

**Members Present:** Chair Judy Mizner, Molly Hawkins, Kathy Feehery, David Parrott, and George Preble. Also present Conservation Agent Michelle Greene, and Associate Commission Member Jack Haley.

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

*Continued at request of the applicant.*

**Public Hearing: Request to Amend Final Order of Conditions (continued): 87 Main Street, Lot 3, Applicant: Robert Johnson, Re: Construction of drainage and stormwater management systems to address runoff and sitework to stabilize site, DEP# 078-688**

Robert Johnson of Johnson Construction presented a plan to the Commission showing the drainage systems currently installed, drainage systems proposed, proposed utilities, proposed septic, and current topography. Mr. Johnson advised that easements are still needed for Lot 3's drainage structures which are along the common driveway but on Lot 2 and that the easement area needed is outlined in red on the plan. The driveway will be crowned and will pitch the water to the swale. The Board of Health has not signed off on the plan yet. and Mr. Johnson advised that the health agent had seen it and is OK with the location but has not signed off on the details yet. Ms. Greene inquired if the drainage basins near the common driveway were changing; Mr. Johnson responded that when construction is complete and Lot 3 is stabilized, the basins will be filled with stones and become level spreaders. Ms. Feehery suggested that the Commission require maintenance for the level spreaders.

*Ms. Mizner moved to amend the final Order of Conditions to accept the revised plan dated August 1, 2022 with conditions that: the stone swales and level spreaders be maintained free of vegetation and debris; the swales shall remain stone; the swales shall be created with a mix of 3/4" stone and pea stone with check dams installed every 20'; the amended OOC is effective once required easements for drainage structures are obtained, recorded with the Registry of Deeds, and proof of recording is provided to the Commission; and that the proposed level spreaders along the common driveway remain basins kept free of sediment until the construction on Lot 3 is complete. Ms. Hawkins seconded the motion and the motion passed unanimously.*

**Public Hearing: Notice of Intent (continued): 137 Indian Hill Street, Applicant: Joshua Wegrzyn, Re: Construction of a garage and after-the-fact permitting of an outdoor patio, DEP# 078-0747**

*Continued at request of the applicant.*

**Public Hearing: Notice of Intent (continued): 0 Middle Street, Map R27, Lot 31 – Lower Artichoke Reservoir Spillway, Applicant: City of Newburyport, Re: Construction of a stone foundation along the upstream side of the Lower Artichoke reservoir spillway and removal of trees along the dam embankment, DEP# 078-0749**

Tracy Adamski of Tighe and Bond and Jon-Eric White of the City of Newburyport appeared before the Commission. Ms. Mizner questioned the wetland line of the plan and inquired about the A line of flags and B line of flags. Ms. Adamski advised the area had previously been flagged and that the consultant flagged the channel of an intermittent stream as the B line. Ms. Greene inquired how the trees will be removed from the embankment once they were cut and Mr. White said that trees would be cut once the ramp is built so that they can be removed over the ramp. Ms. Feehery asked what will be done with the stumps on the

embankment and Ms. Adamski advised that DCR will make that decision. Ideally, they would be removed, but since a new dam is being designed the stumps will remain. No replanting after tree removal is planned. Ms. Greene inquired how the turbidity curtain will be attached; Ms. Adamski advised it will be staked into the embankment. Ms. Mizner asked why only trees on a portion of the earthen embankment are planned to be cut and Ms. Adamski responded this is because a new dam is being designed which may prevent the need for further cutting. The erosion control near the spillway was discussed. The Commission suggested matting be used on the slopes until they are vegetated, signage and a stake and rope fence to keep people off the area until the grass has grown in, and increasing the diameter of the straw wattles in this area from 6" to 12", to be disposed off site when stabilized. Ms. Mizner asked if an operation and maintenance manual was prepared yet and Ms. Adamski indicated one is still being worked on.

*Ms. Mizner moved to issue an Order of Conditions with the Standard Conditions and Special Conditions that: a revised plan be submitted with plan sheets C100 and C101 updated, flags B139- B133 removed, and the riverfront line removed; the area of embankment to be loamed and seeded be fenced off until stabilized by vegetation; netting be placed over the area that is loamed and seeded until it is vegetated; erosion control shall consist of 12" wattles; a construction schedule be submitted at least 72 hours prior to the start of work; erosion control be installed and inspected before the start of work; an O&M plan be submitted and approved before the start of construction; the sandbags to be installed as shown on plan sheet 103 shall be brought to and removed from the area by boat or over the embankment if it has been sufficiently cleared to allow access; at no time shall sandbags be stored in the area shown on plan sheet 103; trees removed from the embankment shall be disposed of offsite but all stumps shall remain in place; all required state and federal permits be obtained with copies submitted to the Commission prior to the start of work; the turbidity curtain shall be staked to the embankment; and the cut trees shall be removed over the ramp once constructed. Mr. Parrott seconded the motion and the motion passed unanimously.*

**Public Hearing: Notice of Intent: Along Church Street and Prospect Street, Applicant: Town of West Newbury – Water Department, Re: Replace approximately 7,500 linear feet of existing 6" water main with 8" water main, DEP# 078-0751**

Steven Daunais of Tata and Howard introduced the project which involves installing an upgraded water main alongside an existing water main. The work will take place entirely in existing pavement on Prospect Street and will be in existing pavement and in the roadway shoulder on Church Street. Mr. Daunais indicated a small portion of the project on Church Street appears to be in mapped priority habitat but they have spoken to the Natural Heritage and Endangered Species Program and the mapped area is for sturgeon and no MESA filing is needed for the project. Mr. Daunais advised the wetland were flagged by a company called Ecotech. Ms. Mizner asked how the watermain will be excavated and Mr. Daunais explained the pavement will be sawcut, then dug, then backfilled at the end of each day with paving done on Friday. The removed pavement will be disposed of offsite and the backfill material will not be stored in any buffer zones. Ms. Greene asked how the chlorinated water from sanitizing the water main will be handled and Mr. Daunais advised it will be dechlorinated through the fire hydrant and then into a sediment basin. He also explained the process to sanitize the pipe: 1) install, pressure test and clean the pipe, 2) pump highly chlorinated water into the pipe and let it sit for 24 hours to disinfect the pipe, 3) flush the pipe through the hydrant. The pipe is dechlorinated as it leaves the hydrant. This work will be done by American Water Works. After residences are connected to the new water main the old main will be cut, capped, and left in place. Mr. Daunais said erosion control will consist of straw wattles and silt sacks for the catch basins. Work is planned to start in 2023 or 2024.

*At the request of the applicant the hearing was continued pending a site visit scheduled for Sunday August 28<sup>th</sup> at 8 AM.*

**Certificate of Compliance Request (continued): 68 Ash Street, FKA 149 Middle Street Lot 3, DEP# 078-0673**

Ms. Greene advised she conducted a site visit and everything is stable and vegetated. She recommended issuance of a Certificate of Compliance.

*Ms. Mizner moved to issue a Certificate of Compliance. Ms. Hawkins seconded the motion and the motion passed unanimously.*

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

Ms. Greene advised that the area has grown back with vegetation but that a replanting plan from Tom Hughes is still outstanding.

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

Ms. Greene advised that a restoration plan from Tom Hughes is still outstanding.

**Enforcement Order Update: 87 Main Street, Lot 3, Robert Johnson, Re.: Construction of drainage and stormwater management systems to address runoff and sitework to stabilize site, DEP# 078-688**

No action was taken on this item as it was resolved under the public hearing for the request to amend the Order of Conditions.

**Enforcement Order Update: 11 Pleasant Street, Sergio Vergara and Maia Vergara Azoulay, Re: Grading and filling within 100' of a bordering vegetated wetland; installation of fencing that constitutes a barrier to wildlife movement within 100' of a bordering vegetated wetland; and destruction of vegetation within 100' of a bordering vegetated wetland without a permit**

Ms. Greene advised she had been to the site recently and that in the area where the clearing had been done, it had since heavily revegetated on its own. Ms. Greene presented pictures of the area to the Commission and recommended that no action is needed as the area has revegetated and additional work in the area is likely to cause disturbance to the wetland.

*The Commission agreed that no further action is needed.*

**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**

Ms. Greene shared an email she had been cc'd on from Mr. Hodgson to the Natural Heritage and Endangered Species Program (NHESP) requesting that he be allowed to leave the houseboat where it is for another winter while he determines the next steps he would like to take – either permitting a dock for the houseboat or removing it entirely from this area. The Commission discussed that and agreed that they do not support this request as the houseboat, stairs, and portions of dock have been on the bank of the river, unpermitted, since 2016 with multiple requests to Mr. Hodgson to remove the houseboat or design and permit a system in compliance with regulations to allow it to remain.

*Ms. Mizner will draft a response to NHESP advising that the Commission does not support Mr. Hodgson's request.*

**Other Business:**

Ms. Greene recently met with Michael Crowe who is developing 519 Main Street. He plans to install 1 or 2 of the foundations soon before the October 15<sup>th</sup> stop work date. She advised that the erosion control on site should be bolstered in spots and Mr. Crowe will be installing additional erosion controls around the lots he is working on as he goes.

Ms. Greene also advised that the Planning Board will be hosting some virtual stormwater education meetings with Meridian which the Commission is welcome to log on to.

**Wetlands Bylaw Update:** None

**Old Business:** None

**Informal Discussion:** None

**Community Input:** None

**Approval of Minutes: April 4, 2022:** Deferred

**Approval of Minutes: June 6, 2022:** Deferred

**Approval of Minutes: June 22, 2022:** Deferred

**Approval of Minutes: July 18, 2022**

The Commission discussed two additional changes, the word “contemplate” to “provides” in item number 19 and deleting the statement “commission determines” from item number 23.

*Ms. Mizner moved to approved the July 18, 2022 minutes as amended. Ms. Hawkins seconded the motion and the motion passed unanimously.*

**Correspondence:** None

**DEP Comments:** None

**Land Agent Update:** Ms. Greene provided an update on the progress of the invasive species interns and advised they will be presenting their work to the Select Board at a meeting on August 22<sup>nd</sup>.

**Next Meeting: August 15, 2022. Need to vote on meeting date for first September meeting which falls on Labor Day.**

The Commission decided on Tuesday September 6<sup>th</sup> for the first September meeting.

**Adjournment**

*Ms. Hawkins moved to adjourn. Mr. Preble seconded the motion and the motion passed unanimously. The meeting was adjourned at 9:22 PM.*

## **Meeting Documents**

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

Respectfully submitted