

West Newbury Conservation Commission Meeting Minutes

Meeting date & place: 7:30 pm, February 6, 2023, Second Floor Town Offices.

Members Present: Chair Judy Mizner, Molly Hawkins, George Preble, David Parrott, Jack Haley, and Conservation Agent Michelle Greene. Molly Hawkins acted as Chair until Judy Mizner arrived at approximately 07:45 PM.

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. Certificate of Compliance Request: 3 Archelaus Hill Road, DEP# 078-0578

Ms. Greene said that this matter concerns an Order of Conditions issued in 2011. The house was recently sold and the need for a Certificate of Compliance was discovered. The applicants met with the engineering firm Millennium to obtain an as-built plan. The work that was done just clipped the 100' buffer but was at that time in a priority habitat and it is assumed that the work was permitted through a NOI filing to receive the streamlined MESA review from NHESP. Ms. Greene reported that the property is now stabilized and well vegetated. The housebuilding did not involve as much clearing as had been authorized. Ms. Greene noted that some conditions involving maintaining a 25' no disturb area and restrictions on use of pesticides, etc., will be continuing.

In response to a question from Richard Baker, a resident at 288 Middle Road, whether the Commission had anything to do with a drainage easement (which he said the house may have encroached upon), Ms. Greene said that would not be a Commission issue.

Ms. Hawkins moved, Mr. Parrott seconded, and the Commission voted unanimously to issue the Certificate of Compliance with the continuing conditions.

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

Ms. Greene said that consultant Tom Hughes is hoping to complete a restoration plan for this property by March 6, 2023, which is also the deadline applicable to the 4 Norino drive property he is also working on.

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

Ms. Greene said that consultant Tom Hughes is working toward completing a restoration plan by the March 6, 2023 deadline issued in the enforcement order.

5. Enforcement Order Update: 24 Main Street – PRSD, Re: Siltation into intermittent stream, DEP# 078-0701

Ms. Greene said that the project has hired wetlands consultant Mary Rimmer to evaluate the silt incursions into the stream onsite. On Thursday there was sediment on Main Street tracking from the area where the baseball field will be built. The contractor had the street swept, added riprap at that construction entrance, and inspected and bolstered erosion controls. Ms. Greene noted that the contractor did get on this right away and as it was dry, no sediment appeared to have entered the stream.

6. 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 said that she left another voicemail but has not gotten a response.

7. Discussion (continued): Conservation Agent staffing draft job description

Ms. Greene said that she does have comments on this and hopes to circulate them soon.

8. Discussion (continued): Attorney General determination regarding site visits

Ms. Mizner reported that she has been going through past Attorney General opinions concerning open meeting requirements as applied to conservation commission site walks. She has seen a number of complaints about emails but has not come across opinions dealing with site walks. She said that if she cannot find a substantive opinion, then the Commission members will need to divide up to avoid having a quorum present. Mr. Haley suggested that Ms. Mizner could do the Sunday site walk and the other members could rotate in joining her.

9. Discussion: Tree warden high hazard tree removals in jurisdictional wetland buffers and riverfront areas

Ms. Greene said that she circulated material about this a couple of weeks ago, noting the exemption in the Wetlands Protection Act for removal of roadside trees that present a high hazard and including the criteria the Tree Warden uses to determine if a tree is highly hazardous. She noted that the legislation concerning tree wardens does not provide a definition of what makes a tree hazardous, leaving it to the Tree Warden's discretion. Ms. Mizner said that the Conservation Agent should be consulted before a tree is taken down. The Commissioners generally agreed that if it cannot wait, the tree should be removed. Ms. Greene noted that River Road, which is priority habitat, will have a separate tree removal program.

10. Wetlands Bylaw Discussion:

Ms. Mizner said that she has begun to go through the draft bylaw looking for ways to streamline it and hopes to have something for the next meeting. Ms. Greene said that she submitted a placeholder article for the bylaw for spring town meeting. Ms. Hawkins will circulate her executive summary of the bylaw and the most recent version of the draft bylaw will be sent to the new Commission members.

11. Other Business:

12. Old Business:

13. Informal Discussion:

14. Community Input:

15. Approval of Minutes: August 15, 2022

Deferred

16. Approval of Minutes: September 8, 2022

Deferred

17. Approval of Minutes: January 31, 2023

Deferred

18. Correspondence: BioMap information from MA Division of Fish and Wildlife

Ms. Greene said that pamphlets and other materials are available to explain the state's newest BioMap. She noted that a Massachusetts Open Space Conference will also address this on February 23, and those who sign up will get a recorded version of the webinar.

Ms. Mizner said that the MACC spring conference will occur during the week of the 28th and those who wish to participate should say to invoice the Town when signing up. Ms. Greene asked to be informed of sign-ups so she can keep track of the budget.

19. DEP Comments:

20. Land Agent Update:

21. Commission Representative to Open Space Update:

22. Next Meeting: February 22, 2023, please note meeting is on a Wednesday due to Monday holiday

Adjournment 8:04 pm

Meeting Documents

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

Respectfully submitted