

## West Newbury

### Conservation Commission Meeting Minutes

**Meeting date & place:** 7:30 pm, December 3, 2018 Conservation Commission Office, 1910 Building

**Members Present:** Chairman Dawne Fusco; Judy Mizner; Wendy Reed; Margaret Hawkins, Tom Atwood, and Conservation Agent Jay Smith

#### **Discussion: The Open Space and Recreation Plan Review and Comments.**

Ms. Reed, the Commission's representative on the Open Space Committee (OSC), explained that the OSC members completely revised the report from the prior version, in order to meet the state's very specific directions. The Commission said that the report was very well done. Ms. Mizner will review it in detail and send comments, if any. Ms. Hawkins found a typo and noted that the maps could be more clear—perhaps the image resolution could be finer. Ms. Reed said that she would appreciate any specific comments.

Ms. Mizner read aloud the Commission's prior letter approving the last OSC report and recommended that the same language be used. *The Commission voted 5-0-0 to send a letter to the OSC stating its approval of the report, using the same language as the prior approval letter.*

#### **Discussion: Minutes of September 17, October 1, November 5, 2018:**

*The Commission voted to approve the minutes of the*

- *September 17, 2018, meeting, with edits, 5-0-0*
- *October 1, 2018 meeting, with edits, 4-0-1, Mr. Atwood, not present, abstaining*
- *November 5, 2018 meeting, with edits, 4-0-1, Mr. Atwood, not present, abstaining*

#### **Other Business:**

**97 Moulton Street.** Mr. Smith reported that this home construction site, whose lack of winter stabilization had been discussed at the Commission's [November 3, 2018 meeting](#), still is not in compliance. For instance, the pile of soil has not been graded. Mr. Smith stated that the Town Building Inspector will hold up a building permit for this property until the Commission's issues are resolved. The Commission generally agreed that this matter needs to be addressed and the property owner will be contacted.

**Sullivan's Court Development.** Neighbors have sent the Conservation Agent many photos of significant silty runoff from the Sullivan's Court development during different rainstorms. Mr. Smith explained that water runs into the Sullivan's Court development from other properties, picks up silt from the raw soil in the construction area around Lot 2, and then streams through a neighbor's yard (with silt not dropping there due to its clay content) and on into the Merrimack River.

Mr. Smith and the Commission stressed that this problem is particularly serious in light of silt washing into the river. Notwithstanding the offsite water source, the problem is caused by the development's exposed soils and the developer, Tom Neve, is responsible for resolving this problem. Although it is the developer's duty to choose and implement an effective solution, Ms. Mizner wondered if a settling basin could be a viable alternative.

The Commission signed an Enforcement Order addressed to the developer laying out the problem and his responsibilities to fix it. Mr. Smith had already sent this information via email. Mr. Smith is also going to contact the state Department of Environmental Protection's enforcement unit.

The Commission further observed that this project has been going on for 4 years, while most such projects are completed in 2 years. During all that time, unprotected soils have been located throughout the construction site. The Commission has granted one extension, but is not inclined to grant another. Time is up in April, 2019. The Commission also will reach out to the Planning Board and the Selectmen regarding this matter.

**Drake's Landing Development.** The developer proposed to change the homes' fuel source from natural gas to propane. The Commission determined that the location of the propane tanks will be outside wetlands jurisdiction, so no Commission action is required.

**15 Norino Drive.** Mr. Smith reported that the state's Division of Fisheries & Wildlife Natural Heritage & Endangered Species Program (Natural Heritage) determined that the property owner's houseboat could be stored on the riverbank.

**Rivermeadow Dock Area.** Mr. Smith said that Natural Heritage ok'd proposed activities at the Rivermeadow dock area, but requested monitoring of the condition of the riverbank. The Commission generally discussed the question of handling debris washed onto shore, concluding that as is the case on River Road, residents should place debris in large plastic bags along the roadway so that the Town's Department of Public Works can pick it up for disposal.

**Standard Conditions.** Chairman Fusco noted that the Commission should carefully review the Standard Conditions, ensuring that they are complete and clear.

**Conservation Agent Vacation Time.** Mr. Smith requested and the Commission agreed that he may take two weeks of vacation in January.

### **Next Meeting**

December 17, 2018

### **Adjournment**

The Commission adjourned at 9:04 p.m.

**Meeting Documents**

Presentations and records associated with each matter identified, as included in Mr. Smith's files.

Respectfully submitted,