

## West Newbury

### Conservation Commission Meeting Minutes

**Meeting date & place:** 7:30 pm, March 4, 2019 Conservation Commission Office, 1910 Building

**Members Present:** Chairman Dawne Fusco; Judy Mizner; Wendy Reed; Margaret Hawkins, and Tom Atwood.

**Cont. Public Hearing --- Notice of Intent --- Richard Atwater, 7 Waterside Lane --- For a driveway, seasonal float, and repair to a boat ramp within the riverfront resource area, bank and bordering vegetated wetlands.**

*This matter was continued.*

**Cont. Public Hearing --- Request for Determination --- Thomas D' Alessandro, 14 Garden St. --- For the construction of a deck within the buffer zone to a bordering vegetated wetland.**

Mr. D'Alessandro answered questions about the proposed location of stairs for a proposed deck and about the location and number of sono tubes or other supports. He showed the stair location and explained that 3 sono tubes or [Diamond Piers](#) were planned. Mr. Atwood noted that the Diamond Pier technology requires only about one shovelful of excavation—instead it uses a precast concrete block anchored by spreading, tripod-like, steel pins driven into the soil.

*The Commission voted 5-0-0 in favor of (and signed) a Negative Determination of Applicability, conditioned upon Conservation Agent Smith's 1) check on wetlands locations once snow cover dissipates and 2) receipt of a copy of the plan showing the location of stairs for the deck.*

**Public Hearing --- Request for Determination --- Gregory and Laura Bibler for 7B Archelaus Hill Rd. --- The applicants would like to grade and plant to support a proposed patio to be built outside the buffer zone. The work requested will be in the buffer zone to a bordering vegetated wetland.**

Wetlands Consultant Mary Rimmer explained that the proposed house and related construction would be located outside the wetlands buffer zone, which was delineated in 2016. Rather than install a retaining wall for a deck, the applicants want to do grading to make a gradual transition to the yard. The grading will involve a 20' incursion into the 100' wetlands buffer zone; and erosion controls are planned for this work.

*In view of the distance of proposed work from the wetlands, and the limited nature of the work, the Commission voted 5-0-0 in favor of (and signed) a Negative Determination of Applicability, conditioned upon installation of hay bale/ silt fence erosion controls.*

**Discussion: Mike Tomasello for 119 Bachelor St. --- Mr. Tomasello is requesting an extension to the Order of Conditions for the property and a minor plan change.**

Matthew Steinel of Millennium Engineering explained that the property has new owners who largely intend to follow an existing approved application for home construction at this site, whose existing approval is about to expire. Proposed changes include 1) changing from a 4-bedroom single home to 2 bedroom duplexes with a slightly expanded footprint; 2) relocating the garage with corresponding changes to the driveway near the garage; 3) changing from one septic tank to 2 to accommodate the duplex.

Mr. Stienel stated that the house is outside of the wetlands buffer zone, but there would be grading in the buffer zone. The new owner applicant will use the existing approved plan for the leach field, wetlands crossing, wetlands replication, etc. In response to Ms. Reed's query, Mr. Stienel described minor adjustments the Board of Health required for the septic system.

In response to Ms. Mizner, Mr. Stienel stated that the applicant would agree to a one-year extension of the existing approval and to use of hay bale/silt fence erosion controls instead of the sock system.

*The Commission voted 5-0-0 to extend the existing Order for one year, contingent upon the applicant's reflagging the wetlands delineations and Conservation Agent Smith's site visit to ensure that there are wetland lines—all prior to any construction layout.*

*The Commission voted 5-0-0 to approve the proposed revisions as minor modifications to the Order given the minimal change in project size and the distance from wetlands.*

*The Commission signed these orders contingent upon Mr. Smith's check of the wetlands delineation.*

**Discussion: Mill Pond gate --- The DPW director has inquired about the gate at Mill Pond accessing the causeway. He was wondering if permission could be granted to the farmer who mows the field beyond to use the drive as long as he is the only one having access, without a filing with the Commission. A key to the lock on the gate would be given to him only. He has been using the roadway for many years without having to file.**

The Commission reviewed its prior conclusion that inasmuch as this is a Natural Heritage area, the gate should remain closed and a filing should be required if anything is done in the area. The instant proposal raises questions such as 1) how many times would the gate be opened and the area traversed; 2) what kind of equipment would be using the drive; and 3) what alternatives are available in lieu of crossing this environmentally sensitive area.

*The Commission determined that an application from the property owner (the Town) is required in view of the area's Natural Heritage status, and that this will need review by the state's Division of Fisheries & Wildlife Natural Heritage & Endangered Species Program. Ms. Mizner will consult with Mr. Smith about this so that the Commission's conclusion can be communicated to the Director of Public Works.*

### **Rivermeadow order of special conditions concerning dock area including right of way and town-owned lands within 100' of the riverbank**

The Commission reviewed and commented on Ms. Mizner's draft Order of Special Conditions concerning the Rivermeadow dock owners' proposal to mow and otherwise use their 20' strip of land accessing the dock as well as Town-owned conservation land within the jurisdictional riverfront area. The Commission addressed and clarified such issues as the location and height of permissible mowing, location of wetlands markers, the prohibitions on storage of boats at the riverfront, and the ban on fertilizers, herbicides, pesticides on conservation land. A plan will be required of applicants to help ensure compliance. In response to Ms. Reed's comment concerning automotive parking at the riverfront, Ms. Mizner suggested that the cover letter contain a reminder that parking is not allowed. *With incorporation of the revisions discussed, the Commission approved the draft Order.* Ms. Mizner committed to make the proposed changes and provide the document to Mr. Smith.

### **Discussion: Signing the MACC voucher for two members to attend the Conference**

*The Commission signed the voucher.*

### **Other Business**

#### **Sullivan Court Open Space Requirements**

Ms. Reed reported that the Planning Board and Open Space Committee are working together to get the developer to comply with Open Space requirements imposed as part of the approval of his development.

#### **Municipal Vulnerability Preparedness Program (MVPP)**

Ms. Reed noted that the West Newbury Energy Advisory Committee and the Open Space Committee are investigating West Newbury's potential participation in the MVPP, and the Conservation Commission would be a stakeholder in this process.

### **Discussion: Minutes**

*The Commission voted 5-0-0 to approve the minutes for December 17, 2018, with revisions.*

*The Commission voted 5-0-0 to approve the minutes for January 7, 2019, with revisions.*

### **Next Meeting**

The next scheduled Con Com meeting is Monday, March 4, 2019

### **Adjournment**

The Commission adjourned at 8:38 p.m.

### **Meeting Documents**

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

Respectfully submitted,