

## West Newbury

### Conservation Commission Meeting Minutes

**Meeting date & place:** 7:30 pm, November 18, 2019 Conservation Commission Office, 1910 Building

**Members Present:** Judy Mizner (acting as Chair), Wendy Reed, Margaret Hawkins, Tom Atwood (via telephone), Conservation Agent Bert Comins.

*By roll call 3-0-0 vote the members physically present allowed Mr. Atwood's participation in the meeting by phone.*

#### **Discussion: Brown Spring Farm Agricultural Preservation Restriction (APR)**

Vanessa Johnson-Hall of Essex County Greenbelt discussed the APR relating to the acquisition of Brown Spring Farm, clarifying and revising various terms and provisions. The Town Manager will recommend that the Board of Selectmen vote at its next meeting to approve the APR "in form" (with the Conservation Commission revisions discussed at this meeting included in the document), understanding that Massachusetts Department of Agriculture Resources review is still pending.

*By roll call 4-0-0 vote the Commission approved the APR in the form of the document just reviewed.*

#### **Discussion: Drakes Landing Conservation Restriction**

*The Commission signed and Ms. Johnson-Hall notarized copies of the conservation restriction for the Drakes Landing development.*

#### **Public Hearing --- Request for Determination of Applicability (RDA) --- Jim Graf --- 14 Kimball Road --- for proposed installation of a new sanitary disposal system. Proposed work is in the buffer zone of a bordering vegetated wetland.**

The project wetlands consultant, Greg Hochmuth, explained that this work started out as a standard septic repair in May, with no wetlands found on the property. An abutter, however, reported that this new septic system seemed to be very close to neighboring wetlands on the abutter's property. Mr. Hochmuth then identified a hillside seep, with soils—not vegetation—the key indicator of wetlands. Work was immediately stopped and it now stands with a hole in the ground surrounded with an earthen berm and an impaired septic system.

A new system was designed and it is now pending Board of Health approval at that body's next meeting. The new plans relocate the system (which is now 80' long), shifting it about 40' to provide greater distance from the wetlands. Mr. Hochmuth stated that the system is now over 50' from the wetland but grading work is within 100' and thus the project needs an RDA. The plans include an impervious barrier that will allow them to tighten up grading; at the back end there will be a 3:1 slope from the septic system.

Applicants would like to finish this as soon as possible. They propose temporary soil stabilization with an erosion control blanket consisting of biodegradable jute with straw and seed under it, with

additional seeding as needed in spring. As erosion controls applicants would use a 12" diameter mulch sock. In response to Ms. Mizner's concern about erosion at this time of year, Mr. Hochmuth said that applicants could install a silt fence along the sloping side of the work area.

*By roll call 4-0-0 vote, the Commission made a negative determination allowing work to proceed without time restriction, based on the fact that the proposed system would be at least 50' from wetlands and would not have an adverse effect, and conditioned upon 1) erosion controls consisting of a 12" mulch sock around the project with a 100' silt fence placed along the length of the system with 10' extending to each side, and 2) upon completion of work, installation of erosion control blankets, to be inspected through the winter, with additional stabilization measures to be undertaken by applicants as needed.*

**Public Hearing --- Request for Determination of Applicability --- Leonard and Ann D'Alessandro --- 121 Middle Street for proposed installation of a subsurface sewage disposal system. Proposed work is in the buffer zone to a bordering vegetated wetland.**

Consultant Jim Scanlon appeared with applicant Leonard D'Alessandro. Mr. Scanlon explained that the existing septic system is in failure, the house is pending sale, and applicants are proposing an upgrade to be installed as soon as possible. Two wetlands areas have been identified—one on the applicants' property and another across Ash Street, which was flagged in connection with current home construction. Applicants propose to install a new leech field to be located 89' from the wetland across the road and 102' from the wetland on the property, as well as a new tank that would be 85' from the nearest wetland resource. This is a very flat area and no grading will be needed. Applicants are proposing to use a siltation fence for erosion control. This project has received Board of Health approval.

Ms. Mizner noted that the Commission has not had an opportunity to inspect the site and the applicants' documentation to the Commission does not include a description or data sheet explaining the method used for wetlands delineation. Mr. Scanlon said that the wetlands delineation for the property across the street was done in connection with that property's construction approvals and the delineation for applicants' property occurred on September 3, 2019.

*The Commission determined that Conservation Agent Comins will conduct a site inspection to confirm wetlands delineations.*

*By roll call 4-0-0 vote, the Commission made a negative determination based on the project's distance from the wetlands location, and conditioned on 1) a site inspection that establishes that the wetlands are accurately shown on the plans, and 2) applicants' use of hay bale and silt fence erosion controls as shown on the plans.*

**Public Hearing --- Notice of Intent --- Justin Bartholomew of Pentucket Regional School District --- 24 Main Street --- for proposed construction of a new High School and Middle School building and associated work including new roadways and parking areas, access driveway, utilities, landscaping, athletic fields, slope stabilization, earthwork, and**

**revegetation. Several aspects of the proposed project are in the buffer zone to bordering vegetated wetlands.**

Brittany Veeck, a civil engineer working on the Pentucket high school/middle school project, provided an overview of the plans for storm water and erosion controls. Soils on the site were tested: most areas have significant clay and groundwater is 3-8' below the surface. Storm water drainage will connect to existing outfalls. The current pond will be replicated with an underground system with concrete chambers to be located under a new parking lot. Plans include 3 bio retention detention basins and one infiltration system. Runoff from paved areas will be treated with a proprietary water filtering system to remove suspended solids. The system will look like a manhole at the surface.

Ms. Veeck said that during construction erosion controls will consist of fencing around the work area, including silt fencing or wattles, as well as protection around existing drainage structures and stabilization at the construction road entrances. Applicants will file with EPA and the project will undergo periodic inspections. The plans also include long term maintenance plans for storm water management.

Kirk Balcom, representing the project contractor, described planned construction phases. Throughout, snow disposal and storage will occur on identified areas outside the wetlands buffer zone.

Phase 1 (2020-22) will involve building the new combined middle/high school, starting with erosion controls (envisioned as standard wattles) in an area cordoned off from the rest of the campus. This involves a temporary parking lot with a binder course of pavement that can be plowed. The three construction entrances (primary, secondary, emergency) will have stones to catch mud and keep dust down. Mr. Balcom said that he does not see a need to stockpile much material during Phase 1.

Phase 2 (summer-fall 2022) will involve abatement (of asbestos, PCBs, etc) and demolition of the old middle and high schools (minus the administration offices, which remain), and then construction of parking. Again, this will be cordoned off with erosion controls in place. Dust control measures, such as wetting, will be undertaken. Demolition debris will not be stored onsite, but rather will be sorted and taken away for recycling as much as possible. Timing of the current retention pond's conversion into a parking lot is still under consideration, but the latest time for that would be during the abatement process. There will be space made for temporary overflow parking. This will be over 200' from the river.

A land swap with neighbors is pending and the maintenance shed (roughly 100' x 400') will be relocated. Once this is finalized, new plans will be provided for this component.

Phase 3 (fall 2022-summer 2023) involves work on the stadium, fields, and pavement. This will be outside of wetland buffer zones. Fill will be taken from the site. Under field drainage is planned to

consist of pipes connecting to a pipe discharged to the wetlands. No treatment is planned because the surface will be all grass and there will be some filtering through the soil under the field.

Phase 4 involves final landscaping, and no erosion controls would be needed.

In response to questions from the Commission, it was clarified that

- Applicants will relocate some wetlands flags as determined in Mr. Comins' site visit
- Applicants' documents will be revised to specify that no snow will be stockpiled in a wetland or buffer zone and locations for storing grass clippings will be clearly identified outside of resource areas
- The Commission does not object to applicants' direct communication with the Planning Board's peer review consultant Meridian
- No vehicle washing will occur onsite after construction, but it may occur during construction to control construction mud and dust
- Applicants' documents will be revised to identify what maintenance (e.g., cleaning out storm basins and disposing of debris offsite) can be performed without a prior filing to the Commission
- Reference to mulch as a dust control measure will be removed
- The Stormwater Pollution Prevention Plan (SWPP), which currently shows a variety of potential options contractors might use, will be revised to specify measures to be used, such as the proposed silt control systems and their locations
- In view of the vernal pool across the street, applicants will confirm that no filing with the state's Division of Fisheries & Wildlife Natural Heritage & Endangered Species Program is needed

As to ongoing compliance with long term maintenance and recent violations with storage of grass clippings and other materials in resource areas, Pentucket building manager Greg Hadden reported that all improperly stored materials have been removed and taken offsite. Going forward, grass clippings will be spread on the fields or removed and taken to Groveland or elsewhere. At least one of the new fields will be synthetic turf, which will not generate grass clippings.

*Ms. Mizner advised that the matter will be continued until applicants can return to the Commission upon completion of Meridian's peer review—likely the December 16<sup>th</sup> meeting.*

#### **Discussion: Coffin Street pesticide event**

The Commission discussed an event on September 5, 2019 when residents at 28 Coffin Street released a large cloud of pesticides that deposited residues on neighboring properties. The state is conducting an enforcement investigation and Health Agent Paul Sevigny is aware of the matter. The cloud may have deposited pesticides in wetlands resource areas.

*Mr. Comins will check with the Department of Environmental Protection and with Mr. Sevigny.*

**Discussion: Other business**

80 Church Street Mr. Comins explained that the Commission issued a certificate of compliance on September 24, 2012 to be filed with the deed—applicants at the time did not explain that the property was registered land and has a different document number.

*Accordingly, the Commission re-issued a certificate of compliance, with the registered document number, with the original date and today's re-issue date.*

Lot 6 Sullivans Court [The culvert developer Tom Neve personally installed](#) this summer is coming apart as the concrete block structures are separating from each other, so that sediments are coming through. Meridian identified this problem.

*The Commission advised Mr. Comins to email and attempt to phone Mr. Neve tomorrow to require him to 1) clean up the sediments by the end of this week and 2) submit to the Commission a plan for sealing the gaps before December 2. If these deadlines are not met, the Commission will issue an enforcement order.*

Cottages at River Hill Ms. Reed reported that because a consultant sent the Homeowner's Association (HOA) a letter saying that no ongoing maintenance of storm water control systems is required, the HOA is allocating no funding for this. Ms. Mizner briefly reviewed the certificate of conditions and found explicit requirements for ongoing maintenance.

*Ms. Mizner will draft and circulate a letter to the HOA explaining requirements to the HOA.*

**Discussion: Review of minutes**

*The Commission deferred the minutes of October 28 to the next meeting*

**The next scheduled Con Com meeting is December 2, 2019**

**Adjournment**

The Commission adjourned 10:22 p.m.

**Meeting Documents**

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

Respectfully submitted