

West Newbury

Conservation Commission Meeting Minutes

Meeting date & place: 7:32 pm, December 9, 2019 Conservation Commission Office, 1910 Building

Members Present: Dawne Fusco, Chair; Judy Mizner; Wendy Reed; Margaret Hawkins; Conservation Agent Bert Comins.

Public Hearing --- Request for Determination of Applicability --- Brian Hanrahan --- 41 Way to the River Road --- For construction of an 11'x7' porch and 18'x5' porch at 41 Way to The River Road. Proposed work is in Riverfront Area.

Brian Hanrahan, the applicant, explained the plan submitted in connection with two proposed porches with decks to shelter his home's two front doors. The only work affecting the ground would be installation of at least 4 sonotubes as footings. The proposed work would be in the front of the house, perhaps 190' from the river, with the house between the river and the work area. Work is planned in April, 2020 or so.

Based on the plans and the photos, the Commission voted unanimously to make a Negative Determination, conditioned on 1) provision of the location and number of the sonotubes on a revised plan, 2) disposal of any excavated materials more than 100' from wetland resources, and 3) commencement of work no earlier than April, 2020 unless the applicants obtain Commission approval for an earlier start date.

The Commission also noted that the photos showed erosion from a town drainage culvert. Mr. Hanrahan stated that he has observed that the culvert is steep and unstable, with brush and trees collapsing in and with something of a delta appearing in the river. Previously, the Department of Public Works (DPW) dumped a couple of truckloads of large stones into the culvert, which has done something to break some of the erosion. *Also, perhaps 20 or so large railroad ties were long ago dumped in the area. Mr. Comins will pursue this with DPW.*

Discussion: Sullivans Court Lot 6 Enforcement Order

Although Conservation Agent asked him to attend, Developer Tom Neve was not present at the meeting. As discussed at the last Commission meeting, Mr. Comins contacted Mr. Neve to address the culvert that Mr. Neve installed that is now separating, creating a problem with uncontained silt. Mr. Comins reported that the culvert that is partially failing and dispersing sediment and is somewhat cleaned out now.

When Mr. Comins visited the site, he saw that work not permitted by the Commission was underway as Parker Fence was installing posts for guardrails at the culvert. The workers initially stopped but resumed work when Mr. Neve directed them to continue. The concrete used for the posts was intended to fill the gaps forming between the concrete blocks that are separating. It did not appear, however, that the new concrete was effectively filling the gaps where the sediment is coming through.

Ms. Mizner revised the draft Enforcement Order to make it clear that Mr. Neve was directed to file a plan and submit a Notice of Intent, but failed to make the filings and failed to appear before the Commission. *The Commission signed the Enforcement Order as revised. Mr. Comins will discuss this matter of repeated offenses with the State Department of Environmental Protection. The Commission will also look at enforcement bylaws in other communities.*

Discussion: Mirra Co. utilities work at Hilltop Circle

The Commission reviewed photos of the area where underground communication lines were installed. The applicants committed (and the Commission order provided) that they would complete the work within one day and plant sod, but the applicants did neither and failed to immediately install wattles and mulch socks. Applicants also failed to notify the Conservation Agent 72 hours before work commenced. Straw wattles have now been installed and the disturbed earth has been covered with thin straw matting, which appears unlikely to last through the winter. Mr. Comins had asked the applicant, Mirra Company, to attend this meeting, but they were not present. They did say that they would install sod in the spring.

Mr. Comins will inspect the site tomorrow to determine impacts of snow plowing on the delicate matting located at the roadside. The Commission also concluded that heavier matting should be used and it should be staked down. Also, applicants should comply with the requirement for 72 hours advance notice to ConCom.

Discussion: DPW proposed mowing schedule

Ms. Reed explained that the Open Space Committee is working with DPW to develop a schedule for mowing so that, among other things, fields will not become scrubby, and then lost as fields. She noted that the Conservation Commission should have a say in this, since it imposes limits on mowing and the timing of mowing (in wetland areas, often once per year after September 15) in order to protect wildlife.

Ms. Mizner indicated that the spreadsheet should be made more clear—what does “last mow” mean? How often is mowing done and when does it start. The Commission reviewed the spreadsheet and identified areas where more information is needed.

Discussion: Meridian Associates Site Plan Review/Stormwater Management Review; Pentucket School Project

Ms. Mizner noted that Meridian’s consultant review of the Pentucket School building project referenced certain plans, but it is not clear which Pentucket plans Meridian is talking about. *Mr. Comins will ensure that the Commission has the appropriate plans.*

Discussion: Other business

Discussion: Review of minutes

This was deferred to a subsequent meeting

The next scheduled Con Com meeting is December 16, 2019

Adjournment

The Commission adjourned 8:38 p.m.

Meeting Documents

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

Respectfully submitted