

## West Newbury

### Conservation Commission Meeting Minutes

**Meeting date & place:** 7:30 pm, December 16, 2019 Conservation Commission Office, 1910 Building

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

**Public Hearing—Request for Determination of Applicability—Michael & Laura Sarno—135 Garden Street—For removal of three trees on the property. Proposed work is in the buffer zone of a Bordering Vegetated Wetland.**

Michael and Laura Sarno were present as applicants. Mr. Sarno explained that they seek to remove three trees that hazardously hang over the house and are located in the wetlands buffer zone. Agent Comins, who visited the site, reported that the major concern is that heavy machinery should not be used in wetlands resources areas.

The applicants explained their intent to have their tree service use a bucket truck on the driveway to remove the two trees by the driveway. The third tree would be accessed from applicants' second gravel driveway. Applicants considered grinding the stumps, but upon learning that least ground disturbance will involve less wetlands review, agreed to leave the stumps in place. All the work would occur in areas that are lawns.

*The Commission voted 3-0-0 to issue a Negative Determination, conditioned on applicants' 1) leaving cut stumps in place, 2) removing all tree debris offsite, 3) using no heavy equipment in the buffer zone or wetlands—cutting will be by bucket truck using existing driveways, and 4) informing Mr. Comins prior to commencement of work.*

**Discussion: Request to extend Orders of Conditions. 58 Ash Street. DEP File #78-663-Terry C. Sullivan**

Mr. Sullivan explained that the property was subdivided before he bought it and that he and his wife are debating whether to sell it, build on it, etc. They cleared timber outside of wetlands areas and then stopped work. With respect to this property, they have Orders of Conditions that are due to expire and they are seeking a one-year extension from the Commission.

*The Commission vote 3-0-0 to grant a one-year extension to the Orders of Conditions.*

**Discussion: Other Business**

Sullivan Court Lot 6 Mr. Comins reported that he spoke with the Department of Environmental Protection (DEP), which recommended that Developer Tom Neve come to a Commission meeting and submit a plan for work that needs to be done. In the event of repeat violators who defy ConCom orders to, among other things, cease work, DEP has and may undertake enforcement powers including imposition of fines. Agent Comins said that Mr. Neve is back in Massachusetts and asked to be put on the agenda for the next meeting.

Mr. Comins inspected the recently installed culvert that had been leaking sediment and thought that it did not look too bad. However, he shared concerning photos of the stream that feeds into the Merrimack. It appears that recent sandy sediments have been deposited between the culvert and the Merrimack River.

#### Sullivan Court Lot 3

Mr. Comins stated that although he found no obvious breaches in erosion controls, sediments have been passing through. *Mr. Comins will consult with Town Consultants Meridian about this and keep an eye on this area.*

#### **Discussion: Review of minutes**

*By a 2-0-1 vote (Chair Fusco, not present, abstaining) the Commission approved the minutes of October 28, 2019.*

**The next scheduled Con Com meeting is January 6, 2020**

#### **Adjournment**

The Commission adjourned 8:09 p.m.

#### **Meeting Documents**

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

Respectfully submitted