

## West Newbury Conservation Commission Meeting Minutes

**Meeting date & place: 7:37 pm, April 16, 2020 Remote Participation via MicroSoft Teams.**

**Members Present:** Judy Mizner (at Dore & Whittier offices), and via remote participation Wendy Reed (acting as Chair), Margaret Hawkins, Tom Atwood, Conservation Agent Bert Comins

At the outset, Acting Chair Reed read the following statement: "Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the West Newbury Conservation Commission will be conducted via remote participation to the greatest extent possible."

**Continued Public Hearing --- Notice of Intent DEP File # 078-0701 --- Justin Bartholomew/Pentucket Regional School District --- 24 Main Street --- for proposed demolition of existing Middle and High School buildings and construction of a new High School and Middle School building with 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.**

Applicants' consultant Brad Dore noted that the consultants and the Commission had exchanged some questions and answers about the project and the proposed Commission conditions. Ms. Mizner raised questions about work in the 25' buffer area. Consultant Brittany Veeck stated that the work in this area would be minimal and would connect existing sewage and utility infrastructure. The consultants agreed to show this on the plans and to include erosion controls including 2 rows of coconut fiber wattles and an erosion fence. Ms. Veeck also clarified that in certain instances, runoff will not go to bioretention or underground storm water management systems, but rather will be treated through proprietary structures before running directly to wetland areas.

Mr. Atwood inquired about the process for ensuring adequate erosions controls as work on the site progresses and changes. Mr. Dore said that he anticipates that Conservation Agent Comins will be making periodic site visits and runoff management adjustments will be made along the way.

It was agreed that the applicant would revise and resubmit its documents to 1) clarify that some work would occur in the 25' area , 2) incorporate the additional erosion controls for work in the 25' area, 3) clarify that particularly in the 25' area, the limit of work (a chain link fence) will have erosion controls just inside it, with no work to occur between the limit of work and the erosion controls 4) commit to meet with the Commission prior to each stage of work, and 5) amend the SWPP to clarify that not all work is outside a 50' natural buffer.

*By unanimous roll call vote, the Commission determined to issue an Order of Conditions containing standard and special conditions as discussed at this and prior meetings, conditioned upon the applicant's submission of revised plans and documents, as also discussed. The Commission then conducted a unanimous roll call vote to reopen the conditions to add a requirement that applicant amend the long term pollution prevention plan to include proscriptions restricting use of certain chemical pesticides, etc., and specifying limits on storage of snow piles and grass clippings. Thereupon the Commission took a unanimous roll call vote to issue the revised Order of Conditions.*

The applicant to submit the documentation next week and the Commission agreed to issue an order following receipt thereof.

**Public Hearing --- Request for Determination of Applicability --- Arthur McCue --- 23 Indian Hill Street --- for construction of a 23'x11' deck with stairway, proposed work is in the buffer zone of bordering vegetated wetlands**

Property owner Arthur McCue described the work as installation of a new deck with 3-5 additional sonotubes located about 95' from wetlands line. Mr. Comins stated that he had seen the site and agreed that the wetlands are well more than 50' from the proposed work. Some sonotubes from prior construction are in place about 3-5 feet from proposed sonotubes.

*By unanimous roll call vote the Commission authorized a Negative Determination with the condition that spoils for sonotube installation be disposed outside buffer zone.*

**Discussion: 23 Indian Hill Street Request for Certificate of Compliance DEP File # 78-448**

Mr. Comins that he has been out to look at the property: the septic system has been satisfactorily completed. He also reviewed the Commission conditions applied to this project.

*Based on the Conservation Agent's inspection and report, the Commission took a unanimous roll call vote to issue a Certificate of Compliance.*

**Discussion: 119 Bachelor Street, Request to Extend Order of Conditions DEP File # 78-651**

Mr. Comins explained that the property owner is seeking to extend the Order of Conditions for one year. The applicant, Michel Tomasello, stated that much work, including a wetlands crossing and wetland replication, has been completed but items such as final paving of the driveway and trenching for a final stage of electric hookup needs to be completed. This is anticipated to take 4-6 weeks. The Order of Conditions had expired on March 19, and applicant had requested an extension on February 4, 2020. This had been on the Commission's March 16 agenda, but the coronavirus emergency interfered.

*By unanimous roll call vote the Commission granted a 1-year extension of the Order of Conditions, effective as of March 16, 2020.*

**Discussion: 465 Main Street Request for Certificate of Compliance DEP File# 78-530, 78-108, et al**

Mr. Comins stated that he had not yet been able to visit this site and was still gathering information about the various applicable orders. By chat box at this meeting, Michael Shively submitted to the Commission information about the DEP file numbers.

*The Commission deferred this matter until the Conservation Agent can do an inspection and obtain additional information.*

**Discussion: Sullivan's Court Lot 6 Culvert**

The Commission expressed general satisfaction with the latest Meridian report on this matter, which concluded among other things that developer Tom Neve must submit a detailed plan, prepared by a certified engineer, for proper footings, etc. with respect to the failing culvert. Ms. Reed noted that the

Planning Board will be reviewing this at its upcoming meeting.

*The Commission agreed that Ms. Mizner will draft a letter from the Commission to Mr. Neve stating that he must submit the new plan to the Commission and obtain Commission approval before starting work.*

### **Discussion: Future meeting and site walk procedures during State of Emergency**

Mr. Comins said that he attended a webinar in which it was said that if a commission considers some projects and not others during this period of epidemic emergency, it should be able to express criteria for the determination to proceed or not.

*The Commission generally determined that the need for a Commission (not just Agent) site walk, based on the size and complexity of a proposed project, should serve as criteria for deciding whether to proceed during the emergency. Projects that require a site walk by the Commissioners will not go forward in this period. It further generally agreed to continue to hold meetings on the first and third Mondays of the month to evaluate which projects and Commission issuances can go forward. As to the signing of Commission orders, the Commission decided that Mr. Comins will leave the document in need of signatures with the Town Clerk, and individual Commission members can call him to make an appointment to provide their signature.*

### **Discussion Update to standard conditions**

*The Commission agreed that Ms. Mizner will provide a clean revised draft of the amended standard conditions so that the Commission can take a formal vote.*

### **Discussion: Review of Minutes**

Deferred

### **Adjournment**

The Commission adjourned 9:45 p.m.

### **Meeting Documents**

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

Respectfully submitted