

## West Newbury Conservation Commission Meeting Minutes

**Meeting date & place: 7:30 pm, June 15, 2020, Remote Participation via GoToMeeting.**

**Members Present:** Via remote participation Dawne Fusco, Wendy Reed, Margaret Hawkins, Tom Atwood. Conservation Agent Bert Comins and Judy Mizner (acting as Chair) present in Town Offices and participating remotely.

At the outset, the Chair 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.”

### **Public Hearing --- Request for Determination of Applicability --- Kerry Laguex – 45 Moulton St – For construction of a retaining wall and repaving of existing driveway.**

After the Chair reread the statement set forth above, applicants explained that to address an erosion issue, they would like to install a retaining wall consisting of boulders at the front of the house. Ms. Mizner said that it would be helpful for the Commission to have a plan. The MIMAP photo that applicants provided lacked sufficient detail. Also, the Commission needs to understand how the retaining wall would be constructed and where the wetlands are located in relation to the proposed project.

*It was agreed that the Commission would conduct a socially-distanced site walk on Friday, June 26 at 8 am to review the location and details of the proposed project.*

### **Discussion: ECTA Trail Management Plan request to extend Order of Conditions DEP File#78-555**

Carol Lloyd, representing the Essex County Trail Association (ECTA), said that the request for an extension of ECTA’s trail management Order had been submitted to the Commission, as discussed at the previous meeting. A letter seeking an amendment to include the Town under ECTA’s plan will be submitted for consideration at the Commission’s next meeting. *It was agreed that the fee for this submission could be waived since the Town is a co-applicant. In response to Ms. Reed, Ms. Lloyd agreed that ECTA would comply with the plan’s requirements for submissions (including the Appendix F site report) to and meetings with the Commission. She also stipulated that no work will be undertaken until the plan renewal is finalized.*

*By unanimous roll call vote, the Commission extended the March 1, 2017, ECTA Trail Management Plan for three years.*

### **Discussion: Pentucket School project DEP File #078-0701 winter work**

Brad Dore, Pentucket School Building consultant, noted that his group had sent the Commission a letter detailing the work that will be done and the need to continue work through the winter season. Jon Rich, the construction manager, gave a PowerPoint presentation. *At the outset, the Commission clarified that the winter work ban applies to site work involving the ground—it does not apply to driving lifts and other*

*vehicles along a roadway, exterior framing, or other activities that involve no ground disturbance and do not threaten soil stabilization.*

Mr. Rich provided a detailed review of each phase of the project over a timeframe of several years, along with winter work for which Commission approval was sought. In Phase 1, Mr. Rich proposed 1) an exception to allow limited utility work, with additional erosion controls as appropriate, and 2) shortening of the winter ban, so that work could occur later in the fall and earlier in the spring.

Mr. Atwood expressed concerns about construction of the road around the new school building closest to the wetlands between the current high school and middle school during Phase 1. Mr. Dore and Mr. Rich stated that the elevation changes and road base should be in place before October 15 to allow for stabilization of the slope from the road towards the wetlands.

Ms. Mizner and Ms. Reed explained that it would be better to have the applicants make a specific proposal shortly before the fall work cutoff date than to address this issue on a blanket basis for a multi-year period. Specifics such as current weather conditions could have a significant impact on the best approach to a given problem. Mr. Dore stated that preventing necessary work in the winter could be catastrophic for the project. Ms. Fusco and Ms. Mizner responded that when a problem arises, the applicant should come to the Commission, which does grant extensions allowing work in otherwise prohibited periods in fall or spring when there are measures that can be taken to protect resource areas while allowing the proposed work, and does work with applicants to develop a viable solution.

*The Commission advised that applicants should 1) send the Commission a letter before October 15 requesting any exceptions from the winter work ban, if needed, and 2) as it arises, describe any winter selective utility work to the Conservation Agent, who will bring the matter to the Commission's attention. Also, in the course of the discussion, the applicant agreed to ensure that the slope by the roadway will be stabilized and that additional erosion controls will be installed on that slope.*

### **Discussion: Cottages at River Hill**

Ms. Reed reported that the homeowners at the Cottages at River Hill development have recurring questions about what activities are permissible in terms of cutting back vegetation and installing permeable pavers and what they are supposed to do regarding storm-water management structures and wetlands replication areas. Also, invasive plants clogging up storm-water basins have become a concern in this development.

Marlene Switzer, a member of this community's Homeowner Association (HOA) board, noted that the community inherited a wide array of obligations from the developer and is having difficulty understanding what can and cannot be done. Also, she said, getting the HOA's landscape company to work in compliance with whatever the obligations may be is currently not possible because no one understands the rules. Ms. Switzer stressed that her community is the first confronting these issues and that Drakes Landing and other HOAs would have the same problems. *The Commission agreed to hold a socially-distanced site walk, with the Orders of Conditions and plans in hand, on June 26 starting at 8:30-8:45 am*

### **Discussion: Sullivans Court Lot 6 Culvert**

Mr. Comins stated that he had just visited the culvert site in question and found that the large concrete block that had moved showed no sign of additional movement but that he saw some crushed stone at the base of the culvert in the streambed. Thomas Neve, Sullivans Court developer, said that the crushed stone was the bedding material for the block and that everything was in order. He noted that the Planning Board and its consultant, Meridian, were satisfied.

Mr. Neve added that to address problems of roadway gravel spilling into the stream below the culvert, he is now proposing masonry blocks as curbing at the sides of the driveway atop the culvert. Mr. Neve said that this would require no work in the streambed and no excavation—it will be done entirely from the driveway.

Mr. Neve emphasized that all vegetation is growing successfully.

*The Commission decided to hold a socially-distanced site walk at 9:15-9:30 am on June 26.*

### **Discussion: 28 Coffin Street**

Ms. Reed asked whether the Commission should hire an outside consultant to assist the Commission with wetlands delineations at the proposed large development at 28 Coffin St. *The Commission generally agreed to pursue this.* Ms. Mizner offered to reach out to potential consultant candidates. Mr. Atwood suggested consulting with the Board of Selectmen about funding for such services.

### **Discussion: Merrimack Valley Planning Commission (MVPC) contract, Conservation Restriction monitoring**

Mr. Comins reported that the MVPC had entered into a contract with the Commission to enhance conservation restriction monitoring. Due to the coronavirus emergency, the contract expired in April, with almost no work having been done. *The Commission generally agreed to pursue a contract extension and discussed potential funding as the fiscal year expires. Ms. Reed agreed to look into the matter and report back.*

### **Discussion: Other business**

Minutes review: Ms. Reed observed that the most recent review of minutes entailed numerous iterations, some submitted shortly before the meeting time. *It was generally agreed that 1) Ms. Grammer will send draft minutes to the Conservation Agent and Commission members a day or two after a given meeting, 2) Ms. Grammer will resend all pending minutes no later than the Thursday before a Monday meeting, 3) Commission members will send Ms. Grammer any edits no later than 5 pm on Friday before a Monday meeting, and 4) Ms. Grammer will send the Conservation Agent and the Commission members a redlined consolidated version of edited minutes no later than 5 pm on the Sunday before a Monday meeting.*

Eagleview pictometry: Mr. Comins noted that the Commission could join the Assessors and the Building Inspector to obtain a subscription to Eagleview, a new pictometry service. Mr. Atwood said that this software offers the advantage of automatically identifying significant changes on a property, be it an addition to a house or tree cutting. The proposal is for the Assessor's budget to cover 50% of the cost and the Building Inspector and Commission each to assume 25% of the cost. *The Commission agreed to this proposal for the upcoming fiscal year.*

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

*Deferred to the next meeting*

**Next Scheduled Meeting**

July 6, 2020

**Adjournment**

The Commission adjourned at 9:45 pm.

**Meeting Documents**

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

Respectfully submitted