

West Newbury Conservation Commission Meeting Minutes

Meeting date & place: 7:30 pm, August 17, 2020, Remote Participation via GoToMeeting.

Members Present: Via remote participation Dawne Fusco, Wendy Reed, Margaret Hawkins. 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."

Continued Public Hearing --- Notice of Intent Department of Environmental Protection (DEP) File# 078-0709 --- Thomas Neve --- 5 Sullivans Court ---Construction of Dock

Ms. Mizner stated that a site walk was conducted and that the problematic driveway culvert on the lot, as well as the proposed dock, was reviewed. The applicant has received a letter from the state's Division of Fisheries & Wildlife Natural Heritage & Endangered Species Program (Natural Heritage) regarding the proposed dock and is working to make adjustments in response.

The Commission continued this matter at the request of the applicant.

Public Hearing --- Notice of Intent DEP File# 078-0710 --- Stephen Swallow --- 131 River Road --- Septic system upgrade

Jim Scanlon, engineer consultant for applicant, described a proposed septic system upgrade. The existing system has failed. The applicant proposes to install a new tank and a Presby enviro leach system more than 100' from the top of the Merrimack River bank and 79' from bordering vegetated wetlands. Pine trees (shown as stars on the plan) will be removed to install the new system and for protection of the house. The proposed work area will be staked. The applicant has received Board of Health approval and has received a DEP number with no comment. In response to Ms. Mizner's question concerning the slope and proposed use of a silt sock for erosion control, Mr. Scanlon said that if the Commission determines that hay bales and silt fencing are required, the applicant will comply.

The Commission scheduled a site walk for August 27, 2020 at 8 am. The matter was continued to the September 1 meeting.

Discussion: 5 Sullivans Court culvert

Greg Hochmuth, consultant to developer Tom Neve, said that following the site walk for the dock proposal (which included an examination of the culvert, one of whose wing wall blocks is listing and has been undermined), he had a conversation with Mr. Neve. Mr. Neve is aware of the issue but is satisfied that Meridian, consultants to the Planning Board, are satisfied. Mr. Neve is also aware that the Commission remains concerned about the culvert, and that it should probably be fixed.

Mr. Neve would like to do this work in the next 2 weeks while it is dry. He would remove the listing block, stabilize the base with a layer of compacted gravel, and replace the block. He will also remove extra blocks piled next to the culvert. If done properly, this should take half a day. Mr. Neve is also hoping that the Commission will allow him to install masonry curbs on the sides of the driveway atop the culvert, so that gravel from the driveway stops falling into the stream below.

The Commission agreed that Mr. Neve will need to submit to the Commission a written description of the work planned, including a 1) timeline, 2) explanation of what will be removed with the listing block and the replacement base (including concrete to fill gaps and prevent sediment seepage), 3) use of shovels and hand work to remove sediment from the stream, and 4) commitment to have an independent, professional wetlands scientist supervise the work. It was also agreed that this will be communicated to the Planning Board and Meridian and that the Conservation Agent will supervise in addition to the professional wetlands scientist.

Discussion: Drakes Landing stormwater

Developer Chip Hall appeared to discuss the overflow of silty water that streamed from his Drakes Landing development down Main Street for the third time. Mr. Hall again explained that another cloudburst surprised him with the heavy volume of water. He said that his contractor had started to clean out a storm water retention basin and had left piled up sediment at the site, so that the pile of sediment was caught in the surprise cloudburst. He said that on Wednesday August 19, the contractor will come again, finish cleaning out the basin, and reseed, completing the work.

In response to Ms. Mizner's query whether this is an issue limited to the duration of construction or a problem that will persist, Mr. Hall stated that during construction, they have not finished the sediment basins. Currently the basins are a little deeper than called for in the final plan, allowing them to store more water and collect more sediment. Next spring, when the final group of foundations and related ground disturbance are complete, they will be able to get the sediment basins to the proper state.

Mr. Hall said that a separate issue is the fact that now, before the final coat of asphalt is installed on the roadway, the grade of the road is lower than the catch basins, causing water and sediment to run past the basins. This was not a problem at Mr. Hall's River Hill development because during construction there, the basins were level with the first asphalt coat, then raised when the final coat was applied.

Mr. Hall said that to address this catch basin problem, he has 1) ordered 30 new sediment bags for the catch basins and 2) arranged to have asphalt hot patch applied at the back side of the basins to trap water and direct it into the basins.

Ms. Hawkins noted that Mr. Hall had promised to apply the additional asphalt last October, and asked if that was done. Mr. Hall said no. He stressed his surprise at the microburst. In response to Ms. Hawkins' observation that this is the third repeat occurrence and inquiry whether the additional asphalt would be applied this time, Mr. Hall stated, "I just told you it will happen."

Ms. Reed expressed concern that this problem seems to be happening too often, and asked Mr. Hall if he is confident that this will work. He said yes: if the basins are level to the road with the application of additional asphalt, there will be no problem.

Referring to the Meridian consultants' August 10 report about this incident, the Commission noted that 4 issues need to be addressed. Mr. Hall indicated that the site contractor will address them on Wednesday, and perhaps the hot patch asphalt will be installed the next day.

The Commission and Agent Comins agreed that he will be at the site on Wednesday and will try to be present when the asphalt is installed. Mr. Hall agreed to keep Mr. Comins apprised.

Discussion: Wetlands protection bylaw

Ms. Mizner said that she will have a draft wetlands protection bylaw by next week and the aim is to submit it for the Fall Town Meeting warrant. Warrant articles are due to be submitted to the Board of Selectmen by August 27.

The Commission agreed that Mr. Comins will contact the Town Manager about this tomorrow and that a public hearing will be planned for September.

Discussion: Other business

Mr. Comins and Ms. Grammer stated that Town resident and Emerson College professor Jack Duggan has mapped Japanese knotweed along the roadways and may have a presentation to share with the Commission and other Town bodies.

Discussion: Review of Minutes

By unanimous roll call vote, the Commission accepted the August 3, 2020 minutes as revised.

Next Scheduled Meetings

September 1, 2020 (September 7 is Labor Day)

Adjournment

The Commission adjourned at 8:28 pm.

Meeting Documents

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

Respectfully submitted