

## West Newbury Conservation Commission Meeting Minutes

**Meeting date & place: 7:30 pm, October 19, 2020, Remote Participation via GoToMeeting.**

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

At the outset, Ms. Mizner 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# 078-0712 --- City of Newburyport Department of Public Services --- Lower Artichoke Spillway --- Construction of stone foundation at lower Artichoke spillway**

*This matter was continued pending completion of a wetlands delineation.*

### **Public Hearing --- Notice of Intent DEP File# 078-0714 --- Aubrey & Joe Gruttadauria --- 44 Coffin Street ---Construction of single family home, driveway and septic system**

Consultant Greg Hochmuth said that the Commission conducted a site walk and revised a couple of flag locations, which revision is included on the plan shown on the computer screen. He also noted that the wetlands delineators did not go on the property next door to examine wetlands there, but very conservatively some work could be within 25’ of that wetland—more likely it would be 30’. Mr. Hochmuth said that the applicants are now proposing a boulder slope at the north side of the driveway to reduce the slope and that minor comments from the Board of Health regarding the proposed septic system have been incorporated. The proposed project has a File Number from the Department of Environmental Protection (DEP) with no comments and that the area is not mapped as a priority area by the state’s Division of Fisheries & Wildlife Natural Heritage & Endangered Species Program (Natural Heritage).

In response to Ms. Mizner, Mr. Hochmuth said that the calculation for the culvert by the roadside has not yet been submitted to the Commission, but it will be. Mr. Hochmuth also noted that applicants should receive all approvals in mid to late November and would like to be able to commence work during the winter construction ban period, with additional environmental monitoring. Ms. Mizner said that she would prefer to move forward with the standard winter ban, which could be reexamined with a proposed amendment request after all permits are in place.

*By unanimous roll call vote, the Commission determined to issue an Order of Conditions for the proposed project with standard conditions and special conditions providing that applicants will 1) keep the area extending 25 feet from the wetlands as an undisturbed natural vegetation area except for the boulder slope area; 2) keep the area between the boulder slope area and the wetlands as an undisturbed natural vegetation area after construction; 3) install natural vegetation area markers after construction; 4) prior to the start of work, install erosion controls consisting of staked 12”*

*diameter silt socks and obtain Conservation Agent approval before work commences; 5) provide to the Conservation Agent a construction schedule 72 hours prior to the start of work; and 6) use clean fill, to the extent that fill soils are used on the site.*

**Public Hearing --- Notice of Intent DEP File# 078 --- Charles Spencer --- 83 Ash --- Septic system upgrade, construction of barn and extension of gravel driveway**

Consultant Jim Scanlon said that the Commission had conducted a site walk and changed the location of one flag, which is now included in the revised plan (a hard copy to be provided to the Commission). He said he also obtained some data sheets from the company that performed the delineation. More detail about the proposed retaining wall has also been added to the plans. Mr. Scanlon said that the septic installation is on the Board of Health's upcoming agenda.

This site will require a turtle protection plan. Natural Heritage sent a letter stating that this site is in Blandings turtle habitat. The Commission advised that it will need to have the turtle protection plan before it can issue an Order of Conditions.

*The matter was continued pending Commission receipt of the turtle protection plan.*

**Public Hearing --- Notice of Intent DEP File# 078-0716 --- Bill Kopacieawicz --- 32 Archelaus Place ---Replacement of failed sanitary disposal system**

Consultant Greg Hochmuth said that a DEP File Number has been received with no comments. The Commission has conducted a site visit. Most of the lot is wetlands and the only non-buffer zone area is near the street. The proposed site is the only place where a septic system can go. No area on this lot is 100' from wetlands and the proposed system would be 49.3' from wetlands, which is more distant than the current system. Applicants propose a Waterloo Biofilter system, which is a cleaner, more costly, technology.

Mr. Hochmuth said that a contractor is lined up to do the work and Board of Health approval is expected to be given at their upcoming meeting. The work should be done now because the system is in failure. This would mean doing work during the winter shut down season for perhaps two weeks or a week and a half. Proposed erosion controls could be 12" mulch socks or straw bales plus silt fence. Applicants would be willing to have an environmental reviewer on site.

*By unanimous roll call vote (as amended by unanimous roll call vote to add a condition requiring an environmental supervisor), the Commission determined to issue an Order of Conditions including standard conditions and special conditions requiring that applicants will 1) install as erosion controls a 12" silt sock with a silt fence and obtain Conservation Agent approval prior to any other work; 2) maintain the area extending 10' from the wetlands as an undisturbed natural vegetation area, with markers at the locations specified; 3) perform work after November 1 conditioned on their stabilization of the site with sod, netting, or other measure(s) approved by the Commission; 4) notify the Conservation Agent with a construction schedule at least 72 hours prior to commencement of work; 5) comply with provisions restricting or prohibiting use pesticides, insecticides, etc.; 6) use only clean fill; 7) dispose of spoils offsite; and 8) employ an environmental scientist to supervise the work and to provide reports to the Commission at the beginning of work and weekly as work progresses.*

**Discussion: 18 Norino Drive Request to Extend Order of Conditions DEP File# 078-667**

Mr. Hochmuth stated that the developer is seeking a one-year extension of an Order of Conditions approving a dock installation so that he can continue to market the property. He confirmed that the approved plan does include up-to-date eco-mooring with helix anchors.

*By unanimous roll call vote the Commission granted a one-year extension for the installation of a dock.*

**Discussion: 72 Ash Street DEP File# 078-674 winter work request**

Mr. Comins reported that the applicants no longer seek an extension because they will wait until spring to install the leach field.

**Discussion: 183 River Road Amended Notice of Sale**

The right of first refusal submission has been amended to reflect a change in proposed property lines. The Commission did not recommend this property for Town acquisition before. *The Commission agreed to send a letter to the Selectmen and Town Manager stating that the amended property line does not change the Commission's prior recommendation.*

**Discussion: Yard waste dumping**

Mr. Comins reported that yard waste dumping in resource areas is an ongoing problem in the Farm Lane, Rivercrest, River Meadow, and Brake Hill areas. He confirmed that it is not the Town Department of Public Works (DPW) that is doing this. *The Commission will look into signage and placement of large rocks or posts to discourage this dumping.*

Mr. Comins also contacted Terry Hartford at River Meadow, who said that there is no Homeowners Association (although there is a Dock Association that is responsible for complying with Commission conditions in the dock area). *The Commission determined to send a letter to property owners in the immediate area notifying them that such dumping is a violation and that it should cease.*

Mr. Atwood suggested that a Town composting program could assist with this problem of yard waste dumping. He noted that the City of Attleboro had such a program where townspeople brought their yard waste to a central spot and the DPW used tractors to churn the compost. When the compost was ready, townspeople could use the compost in their gardens. *Mr. Atwood will contact the Town DPW Director about this concept.*

**Discussion: Third party wetlands delineator**

Mr. Comins said that he discussed this issue with Jen Hughes of the Merrimack Valley Planning Council. She said that if the applicant is asked to pay for a third party wetlands delineator, written rules need to be in place and procurement requirement apply. The Commission noted that it does have funds on hand to pay for a third party delineator. *It was generally agreed, however, that it should obtain the applicable rules and go through the requirements at the next meeting.*

**Discussion: Wetlands protection bylaw**

Ms. Hawkins is working on a summary that would explain the proposed bylaw to townspeople. She said that she would like to explain what is being changed. Some changes include codification of the 25' no disturb area, extending vernal pool protections, addition of fines, etc.

**Other Business**

*None.*

**Discussion: Review of Minutes**

*Deferred to the next meeting.*

**Next Scheduled Meetings**

November 2, 2020.

**Adjournment**

The Commission adjourned at 8:40 pm.

**Meeting Documents**

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

Respectfully submitted