

West Newbury Conservation Commission Meeting Minutes

Meeting date & place: 7:30 pm, November 2, 2020, Remote Participation via GoToMeeting.

Members Present: Via remote participation Dawne Fusco, Wendy Reed, Tom Atwood, Margaret Hawkins. Conservation Agent Bert Comins present in Town Offices and participating remotely.

Also present remotely: DPW Director Wayne Amaral, West Newbury residents Dick Cushing and Rose Vetere, “Jim,” and Caller 1.

At the outset, Mr. Comins 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 at the applicant’s request.

Continued Public Hearing --- Notice of Intent Department of Environmental Protection (DEP) File# 078-0715 --- Charles Spencer --- 83 Ash --- Septic system upgrade, construction of barn and extension of gravel driveway

Consultant Jim Scanlon said that the turtle protection plan requested by the Commission was provided by wetlands consultant Greg Hochmuth today. This plan is similar to others submitted for homes built in the same area. It was sent to the state this morning for review by the state’s Division of Fisheries & Wildlife Natural Heritage & Endangered Species Program (Natural Heritage). Ms. Reed confirmed with Mr. Scanlon that the only missing piece for this project was the turtle protection plan.

This matter was continued until the next Commission meeting on November, 16, 2020.

Public Hearing --- Notice of Intent (NOI) DEP File# 078-0717 --- Wayne Amaral, West Newbury Department of Public Works (DPW) --- Town Wide --- Management of hazard trees

DPW Director Wayne Amaral said that he has submitted a blanket NOI for a program of removing high hazard trees on Town properties to both the DEP and the Department of Fish & Wildlife and so far has heard only from the DEP. He stressed that the situation can be very fluid—trees can present sudden danger and require removal immediately.

Mr. Comins has seen the DPW submission but the Commission members have not. During the

meeting Mr. Comins sent the document via email and showed it on screen.

In response to Ms. Reed's request for an overview, Mr. Amaral said that the current tree removal contractor is using cranes and a large claw mechanism, allowing equipment to stay on the paved roads, although sometimes it may be necessary to go a few feet onto the shoulder. With the claw mechanism, the tree does not even fall down. Ms. Fusco said that she has identified a leaning tree along River Road that, if it falls, will likely take out a good section of riverbank. How can she have that addressed? Mr. Amaral said that she should contact him and they will meet to examine the tree.

The plan is generally to cut tree stumps as low as possible and leave them in place. DPW has no desire to incur costs of stump removal. Exceptions may occur when 1) a stump at the roadside presents a danger to drivers, particularly snowplow drivers, or 2) a trunk in a safe location with a sturdy base has habitat value, in which case the stump may be left at 10' high or so. If a stump does need removal, it would be left at ground level with a grinder, with the shavings taken away. Mr. Amaral said that because of concerns about the emerald ash borer, woodchips are now removed from Town.

As to timing for the NOI, Mr. Amaral stated that he would like to have the program in place over the winter, so that he might seek lower cost bids from tree companies in the slow season. In the meantime, emergency situations will be addressed and dangerous trees removed.

The Commission determined to continue this matter to the first meeting in December, so that the Commission members may review the submission and Natural Heritage's comments, if any.

Discussion: Request for Certificate of Compliance DEP File# 078-0706, River Road transmission ROW—National Grid

As part of work to conduct soil borings at the transmission corridor abutting River Road, National Grid obtained an Order of Conditions permitting wetlands crossings. Mr. Comins said that he inspected the area: everything looks fine and erosion controls have been removed.

By unanimous roll call vote, the Commission determined to issue a Certificate of Compliance to National Grid for this project.

Discussion: Request for Certificate of Compliance DEP File# 78-642, 166 Ash Street

Mr. Comins said that the septic system has been installed, grass is growing, and the erosion controls have been removed. Required conservation plaques have been installed at the fence posts. The ongoing conditions limit use of pesticides, insecticides, herbicides, and fertilizer.

By unanimous roll call vote, the Commission determined to issue a Certificate of Compliance for this project.

Discussion: Commission policies for hiring third party consultants

Mr. Comins said that he circulated draft rules based on the Massachusetts Association of Conservation Commissions model, and has not yet received comments from Ms. Mizner.

After discussion, it was further generally agreed that Mr. Comins will 1) Schedule a public hearing (highly recommended, not required, for such a rulemaking) and file the legal notice, 2) contact potential third party consultants and send them a digital copy of the Coffin Street development plans to see if they have any interest in this work, and 3) ask consultant Greg Hochmuth (who may be interested in this work) to determine whether there would be any conflict of interest.

Ms. Fusco will contact Ms. Mizner to make sure she has seen the document, and the Commission members will submit their comments to Mr. Comins, so that the Commission can vote on this at the next meeting. The Commission will target December 7, 2020 for the public hearing on the rules and will arrange to interview candidate third party consultants, who will perform a wetlands delineation on the Coffin Street properties.

Discussion: Scheduling public hearing 28 Coffin Street ANRAD

Mr. Comins noted that project developer Cottage Advisors' submissions to the Conservation Commission occurred in March, during the time that the deadlines for Commission action were suspended due to the COVID emergency, and the applicant would like to proceed with Commission review as soon as possible. Given the passage of time, notices to abutters should be re-sent and the legal notice posted again. Ms. Reed asked that full size copies of the plans be submitted for each Commission member to facilitate review. No representative from Cottage Advisors participated in this discussion.

Mr. Comins will get in touch with the developer's consultant Tom Hughes to discuss the timeline.

Mr. Comins noted that the developer's upcoming activities in testing for leaching will be observed by DEP. So, even though the developer will not allow the Town Conservation Agent on the property, Mr. Comins believes DEP will not allow violations to occur.

The Commission determined to target the December meetings (December 7 or 21) to open the hearing, depending on the outcome of the search for a third party consultant.

Discussion: Mowing on Conservation Restriction (CR) properties

The Commission discussed mowing practices on Town properties, which the Open Space Committee (OSC) has been working on with DPW, with DPW Director Amaral. The objective is to decrease mowing to one time per year or every two years after September 15. Mr. Amaral said that issues arose on land that is partially CR and partially Water Department near Middle and Indian Hill Streets. Neighbors tend to want more frequent mowing for the sake of their views and their use of the Town properties, and after a meeting, it was decided to try mowing the majority of the area with 33% unmowed every other year. Another issue is the outbreak of invasive plants on unmowed areas. Autumn olive has invaded this area. Mr. Amaral said that we may need to consider alternative means of controlling the invasives if mowing is less frequent. Another concern is that some of the area can be wet. With very heavy growth, the equipment may not be able to handle it. The OSC will need to help keep an eye on invasive plants.

In response to Ms. Fusco's inquiry, the Water Department is still using contractors for mowing and a contractor mows Dunn Field pursuant to a written agreement with the Selectmen. The Water Department presumably supervises its mowing contractors and it may be wise to reach out to that Department about reduced/delayed mowing on land it controls.

Discussion: Invasive species management

Ms. Reed reported that the climate change Municipal Vulnerability working group is focusing on invasive plants and the question arose whether the Commission could use its funds for consultants to hire interns (perhaps high school students) to help map and manage invasive plants. Mr. Atwood noted that the Commission's consulting fund could be used and that a key question is training and supervision. He suggested that solid candidates could be found among West Newbury students.

The Commission generally viewed this idea favorably.

Discussion: Wetlands protection bylaw

Ms. Hawkins provided an update on her work on an executive summary of the proposed wetlands bylaw. The summary is intended to be an easy-to-read overview for voters at Town Meeting. It was noted that the rules for hiring a third party consultant should be incorporated in the bylaw.

It was generally agreed that Ms. Hawkins' draft will be circulated to Commission members' and their comments provided to the Agent for incorporation into the summary

Discussion: Other business

Zoom Mr. Comins noted that the electronic remote meeting platform Zoom offers more flexibility than the currently-used GoToMeeting platform. *The Commission agreed to switch to Zoom.*

COVID Curfew Mr. Atwood noted that the new COVID curfew may affect volunteers attending Town board meetings at night—it would be good to check on this and make sure meetings end timely if need be.

Composting yard waste Mr. Atwood reported that he has contacted DPW Director Amaral about this topic, which was raised at the last Commission meeting.

Electronic document signing Mr. Atwood stated that he has contacted Town Counsel and the Town Manager to see whether the Commission can adopt the electronic signing protocol used by the Board of Assessors.

Discussion: Review of Minutes

By unanimous roll call vote, the Commission approved the minutes of October 5, 2020, as revised.

Next Meeting

November 16, 2020

Adjournment

The Commission adjourned at 8:47 pm.

Meeting Documents

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

Respectfully submitted