

West Newbury Conservation Commission Meeting Minutes

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

Members Present: Via remote participation Dawne Fusco, Wendy Reed, Tom Atwood (with delayed arrival), 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."

Public Hearing --- Notice of Intent DEP File# 078-0718 --- Jennifer Attenborough --- 387 Middle Street --- replacement of failed sanitary disposal system

Consultant Greg Hochmuth noted that this matter was continued from the prior meeting. The Commission conducted a site walk and Mr. Comins shared an updated plan reflecting revised wetlands lines and conservation posts with markers.

Ms. Mizner said that the site walk confirmed that there is no other place to locate the planned septic tight tanks, but raised concerns about continued mowing in wetlands at the backyard, which is comprised of wetlands. Mr. Hochmuth described his interpretation of applicable regulatory and manual provisions as allowing continued mowing under statute of limitations provisions. Ms. Mizner described a different interpretation, viewing continued mowing as an ongoing new violation, particularly with a new owner.

Roderick Dewar, the applicant's realtor, pointed out that regardless of the mowing question, the new septic needs to go in, and that particular project presents no remaining issues.

As Ms. Mizner began to propose a motion for an Order of Conditions regarding the septic project, the question of the canvas shed and the gravel driveway in the wetlands arose. After the Commission considered concerns that bifurcating issues might cause procedural issues and delays and/or be deemed as Commission acquiescence, Ms. Mizner withdrew her motion.

It was suggested that the applicant could have her septic contractor take the preparatory steps of installing erosion controls and removing a sick ash tree near the house under emergency authorization.

By unanimous roll call vote, the Commission authorized removal of the stressed ash tree next to the applicant's house.

The Commission also generally determined to 1) consult with the Department of Environmental Protection regarding the correct interpretation of rules regarding continued mowing in wetlands, 2) examine its records concerning the canvas shed and gravel driveway in wetlands, and 3) continue the matter until the next meeting on December 7, 2020.

Discussion: Commission policies for hiring third party consultants

Ms. Mizner said that the draft looks good. She had only one change to replace “Select Board” with “Board of Selectmen.” Mr. Comins said that the requisite newspaper notice is in place.

The Commission agreed to vote on this policy at its next meeting on December 7, 2020.

Discussion: Commission policies for BOS meeting

The Commission agreed to 1) request an early slot on the Selectmen’s agenda in light of the Commission meeting starting at 7:30 on the same evening, 2) appoint Mr. Atwood as the Commission’s presenter, 3) identify priorities as a) the wetlands bylaw for Spring Town Meeting, b) additional Conservation Agent hours for monitoring Town lands and trails, and c) provide opportunities for high school students to serve as interns assisting the Agent and perhaps working on invasive plants. Ms. Mizner will look at materials submitted last year and provide Mr. Comins a draft of written bullet points for circulation among Commission members prior to submission to the Selectmen (due this Friday).

Discussion: Other business

Preparing for upcoming meetings with large public participation Elisa Grammer, the Commission’s administrative assistant, 1) asked for guidance about procedures (particularly getting names of speakers) for upcoming meetings when a large amount of public participation is expected and 2) suggested that the Commission have a plan to deal with Zoom bombing.

The Commission agreed that at the outset of the meeting concerning the 28 Coffin Street development, it will explain the Commission’s role and what will be addressed and will not allow public comment until the Commission has finished its discussion. Ms. Reed will work on getting names (with spelling) of public commenters. Mr. Atwood and Ms. Hawkins suggested a review of the procedures that the School Board used for the meetings over use of the Sachem nickname. Mr. Comins is prepared to handle Zoom bombing

Next Meeting

December 7, 2020

Adjournment

The Commission adjourned at 9:00 pm.

Meeting Documents

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

Respectfully submitted