

**West Newbury
Conservation Commission Meeting Minutes
Monday, July 12, 2010**

Members present: Dawne Fusco (Chair), Barry Fogel, Wendy Reed and Richard Spieler.
Consultant Judy Mizner and Agent Jay Smith were also present.

7:30 p.m. Discussion: --- Expense vouchers

Expense vouchers from June were reviewed and signed.

7:30 p.m. Discussion: --- Minutes

The minutes from the June 7, 2010 meeting were reviewed. Spieler moved to accept. Fusco seconded. Motion passed (4,0).

7:35 p.m. Discussion: --- CPC Project Grant Application

A request from the CPC to approve a grant application for purchase and development of the Daly property and Soldier's and Sailor's Memorial Building was discussed. Fusco moved to approve the application assuming that application expenses are to be paid by the CPC. Reed seconded. Motion passed (4,0).

7:45 p.m. Public Hearing --- Request for Determination of Applicability --- David

Sawyer, 3 Crescent Drive --- For work associated with a replacement septic system within the buffer zone to a bordering vegetated wetland.

Applicant's consultant presented plans for the project. Closest point of the septic field is 96 ft from the wetland. All other Board of Health requirements will be met. The wetland line was recently delineated. Smith will confirm the line and report back to the Commission at the July 26 meeting.

7:55 p.m. Discussion: --- Peter Ringenback, 111 River Rd. --- COC Request

The as built drawing shows that the landing was moved slightly to avoid impact to a tree. Fusco moved to grant the COC. Fogel seconded. Motion passed (4,0).

8:05 p.m. Discussion: --- David Marcinkevich, 56 Church St. --- Cutting Violation

The homeowners were present to respond to the letter sent by the Conservation Commission regarding cutting of the understory along the riverfront of their property. They felt that they had been unfairly singled out for this practice and provided photos of other properties along the riverfront which showed riverfront cutting. There were no addresses associated with these photos, but some that were recognized by Commission members had received prior approval under a notice of conditions for such activity. The Marcinkevichs were reminded that the order of conditions for their property stipulates no cutting of the understory along the riverfront, regardless of what might be occurring on other properties.

The history and status of the two orders of conditions for the property were discussed. The Marcinkevichs believed they had been informed that the Conservation Commission does not issue Certificates of Compliance and felt that the additional projects completed at the site without Conservation Commission approval were reasonable. The Commission informed the applicants that a written request for a Certificate of Compliance and as built site drawings in accordance with Order of Condition requirements are necessary before such a request can be considered. The Commission, with limited exceptions, also

reiterated that no work within the riverfront or wetland resource areas may be completed without notification to and approval by the Commission.

Additional work planned at the site was discussed and the Marcinkevichs were assisted with completion of a Request for Determination for some minor projects they hope to complete over the next month. These included removal of three trees allegedly posing a danger to the house, removal and relocation of a propane tank and construction of a shed. Smith agreed to meet Mr. Marcinkevich at the site next week to review the locations and details for these projects and report back to the Commission at the next meeting.

9:30 p.m. Discussion: --- Savoy, 91 River Rd. --- update

Smith conveyed an update from the applicant's consultant.

9:35 p.m. Public Hearing --- Notice of Intent --- 47 Coffin St. Realty Trust for 47

Coffin St. --- The applicant would like to construct a new driveway that crosses a bordering vegetated wetland.

Because new plans for this project are being developed, there was no discussion or action taken.

9:35 p.m. Public Hearing --- Request for Determination of Applicability --- Erin

Antonopoulos, 28 Garden St. --- For grading associated with a proposed barn within the buffer zone to a bordering vegetated wetland.

An application and rough plan for the project had been submitted, but the applicant was not represented at the meeting. Smith reported that barn destruction debris has been placed in a pile adjacent to or in the buffer zone. The plan was not detailed enough to evaluate impact to the wetland. A site walk is scheduled for next Monday at 6:30 p.m.

9:45 p.m. Meeting Adjourned

Spieler moved to adjourn the meeting. Fogel second. Motion passed (4,0).

The next scheduled Con Com meeting will be **Monday, July 26, 2010**