

**West Newbury  
Conservation Commission Meeting Minutes  
Monday, June 6, 2011**

Conservation Commission members present: Dawne Fusco (chair), Wendy Reed, Barry Fogel, and John Dimitry. Conservation Agent Jay Smith was also present.

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

Fogel moved to approve the minutes from the May 23, 2011 meeting as amended. Fusco seconded the motion. Motion passed (3,0).

**7:30 p.m. Cont. Public Hearing --- Notice of Intent --- Catherine Fenn-Smith, 69 Church St. ---** For grading and associated work in the back yard within the buffer zone to a bordering vegetated wetland.

Fogel moved to issue an Order of Conditions in accordance with the May 10, 2011 plan with standard conditions and pending receipt of a DEP Filing number. Dimitry seconded the motion. Motion passed (4,0).

**7:35 p.m. Public Hearing --- Abbreviated Notice of Resource Area Delineation --- Al Perkins, 419 Main St. ---** For the confirmation of wetland resource area boundaries

The subject property has frontage on both Main St and Bachelor St and evidence of more than one wetland area. One wetland line was delineated for this filing. Fusco moved to approve the wetland line shown on the 5/18/11 plan. Fogel seconded the motion. Motion passed (4,0).

**7:50 p.m. Public Hearing --- Notice of Intent --- Roger Colvin, 255 River Rd. ---** For the construction of a driveway within the Riverfront resource area.

Applicant will be shortening an existing common paved driveway, including the removal of a parking area, and adding a separate gravel driveway. The driveway will run through an existing lawn area, have a width of 12 feet and be pitched with a stone swale. Both alterations will take place in the outer 100 feet of the protected Riverfront resource area. Fusco moved to issue an Order of Conditions for the project with erosion control placed at the Agent's discretion, asphalt to be removed off site and any excavated soil stockpiled outside the Riverfront area. Reed seconded the motion. Fogel requested that the applicant's attorney submit a letter stating that the option of using an existing driveway on the north side of the property was considered but an easement preventing shared use is in place. Motion passed (4,0).

**8:05 p.m Discussion: Russell and Amy Stiles, 274 Middle St. ---** Wetland violation

The property owners were present for the discussion. The vehicle, which was stuck on this property and removed by a tow truck, was trespassing and the owners had no knowledge of it. They noted that a Department of Agriculture approved Forest Management Plan has been in place since the purchase of the property. They are cutting trees in accordance with this plan and under the guidance of a consultant.

There is an intermittent stream, which they would like to be able to cross. The Commission notified the owners that this would require review and approval.

**8:25 p.m. Discussion: James and Rita Dwyer, 17 Coffin St. --- Wetland violation**

The property owner was present to discuss this violation. A trench was dug along his driveway in September 2010 to collect run off from a culvert under Coffin Street which discharges next to his driveway and floods/ices over it in the winter. He has historically mowed this area, which is a wetland. The area on the other side of the driveway is also a wetland. A Cease and Desist Notice was issued in April. Mr. Dwyer was instructed to stop mowing the area, except for 5 feet along the driveway, and to see if this helped the drainage. If not, he will need to come before the Commission with a plan and get approval prior to taking any further action.

**8:55 p.m. Discussion: Brian Buia for 5 Hilltop Circle --- COC Request.**

Fogel moved to approve the COC request subject to Agent approval of work on site. Fusco seconded the motion. Motion passed (4,0).

**9:00 p.m. Discussion: Michael McCarthy for 6 Barberry Lane --- COC Request**

This request is for lot #5 which is an upland lot. The order of conditions was for the subdivision road. Fogel moved to issue a partial COC for file # 78-275 in order to give the owners of lot #5 the ability to proceed with their property transfer. The ongoing conditions under the order will continue. Fusco seconded the motion. Motion passed (4,0).

**9:05 p.m. Discussion: 124 Crane Neck St.--- Request to convert land taxed under M.G.L. Chapters 61 and 61B.**

Fusco moved to notify the Board of Selectman that the Conservation Commission has no objection to them waiving right of first refusal for this property. Fogel seconded the motion. Motion passed (4,0).

**9:10 p.m. Meeting Adjourned**

The next scheduled Con Com meeting will be **Monday, June 20, 2011**