

**West Newbury  
Conservation Commission Meeting Minutes  
Monday, November 21, 2011**

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

**Discussion: Minutes**

Minutes from the 11/7/11 meeting were reviewed. Spieler moved to accept as written. Fogel seconded the motion. Motion passed (5,0).

**Public Hearing --- Notice of Intent --- Peter O'Brien, 7 Donovan Drive ---** for the construction of an addition, deck and driveway paving. The work proposed is within the buffer zone to a bordering vegetated wetland

Smith completed a site walk and reported to the Commission that the wetland line proposed is acceptable. He also noted that there was evidence of leaf dumping in the wetlands and tree cutting in the buffer zone. Fogel moved to issue an order of conditions with the standard conditions and:

1. Planting of native shrubs east of the driveway and to the end of the existing driveway to mark the wetland line. Placement subject to Smith's approval.
2. Permanent markers be installed 25 feet off the wetland line south of the project to establish a no disturb zone.

Fusco seconded the motion. Motion passed (5,0).

**Continued Public Hearing --- Notice of Intent --- Anthony and Donna Cannatelli, 13 Maple Street ---** For a septic system upgrade. The work proposed is within the buffer zone to a bordering vegetated wetland.

Smith completed a site walk and reported that wetland flag #9 should be moved about 5 feet closer to the proposed septic system. Rather than requesting a DEP variance, the applicant's engineer proposed altering the dimensions of the septic system to meet the 50 foot setback requirement. Spieler moved to issue an order of conditions with the standard conditions and:

1. Establishment of six markers five feet from the wetland line to establish a no disturb zone.
2. No dumping of yard debris in the wetlands.

Fusco seconded the motion. Motion passed (5,0).

**Public Hearing --- Notice of Intent --- Susan Holt 40 Maple Street ---** For a septic system repair within the buffer zone to a bordering vegetated wetland.

This property is a narrow parcel located entirely within the buffer zone. Access to the project location will have to be from neighboring parcels. The applicant has BOH approval and DEP did not make any comments on the application. Mr. and Mrs. Conn, the applicant's neighbors, were present. Mrs. Conn was concerned about stockpiling of excavated material during construction. Mr. Conn was concerned about the potential for water running off from the project onto his property. Fusco moved to issue an order of conditions with standard conditions and the following:

1. All excavated material will be stockpiled off site.
  2. Erosion control must be maintained during equipment access to the project.
  3. Any additional work will require modification of the order.
- Dimitry seconded the motion. Motion passed (5,0).

**Continued Discussion: John Cena, Bailey's Lane --- COC Request**

Replication reports have been submitted and Smith, Fusco and Mizner visited the site. A question was raised about receipt of a copy of the deed restriction (condition 14). Smith will contact the applicant's engineer to find out. Fogel moved to grant a certificate of compliance contingent on proof that condition 14 has been satisfied. Spieler seconded the motion. Motion passed (5,0).

**Discussion:** Proposal to supply orders of conditions for septic system projects to the Health Department so that they will be aware of the requirements. The consensus was that this would not be an effective way to insure that excavation work site stabilization was completed within the Nov 1 to April 15 timeframe. Instead, Smith will notify the BOH agent when a septic system order of conditions is issued.

Meeting adjourned at 9:00 p.m.

The next scheduled Con Com meeting will be **December 5, 2011**