

**West Newbury  
Conservation Commission Meeting Minutes  
Monday, June 4, 2012**

Members present: Dawne Fusco (chair), Judy Mizner, Rick Spieler, Wendy Reed.  
Conservation Agent Jay Smith also present.

**Discussion: Minutes**

The minutes from the 5/21/12 meeting were reviewed. Fusco moved to approve with corrections. Reed seconded the motion. Motion passed (2,0,2- Spieler, Mizner abstained due to absence from meeting)

**Cont. Public Hearing --- Notice of intent --- Thomas Stoker, 16 Brickett St. (DEP # 78-596) ---** For the construction of a single-family home and septic system. Work will be done within the buffer zone to more than one resource area at **97 Moulton St.**

The site walk was discussed and changes noted on the plans. Mizner moved to issue an Order of Conditions for the proposed work with the standard special conditions as well as the following conditions:

1. A post and rail fence will be installed 5 ft off the property line along Moulton St.
2. Wetland flags A12 and A13 must be staked out prior to construction.
3. The 25 ft no disturb area to wetland flag A12 must comply with the open management area requirements and may be mowed once a year after November. High bush blueberries to be planted where the retaining wall decreases the no disturb area to 15 feet.
4. The D and E series wetlands will also comply with the open management area requirements.
5. The B line between the edge of the driveway and the property line will remain undisturbed. Mowing may not extend more than 3 ft off the edge of the driveway.

Spieler seconded the motion. Motion passed (4,0).

**Discussion: Susan Holt for 40 Maple St. --- COC request.**

Smith reported that he conducted a site inspection and the site was well vegetated. The silt fence should now be removed. Mizner moved to issue a COC based on the Agent's report and contingent on receipt of an as built plan. Spieler seconded the motion. Motion passed (4,0).

**Cont. Discussion: John and Susan Camozzi, 6 Captain Pierce Dr. ---** For restoration of a wetland and natural vegetation area.

Property owner and consultant were present to discuss the proposed work. Wetland flags were laid according to the original plan and the line was confirmed by Smith. The fill extends into the wetlands, although its depth is unknown. The following conditions were agreed to:

1. The owner will attempt to estimate depth of fill and prepare cross sections so that a slope for regrading can be proposed and approved.
2. Fill is to be moved to a location more than 50 feet from the wetlands line on site.
3. No further tree cutting is to be completed.
4. An as built plan for the site must be submitted.

**Public Hearing --- Request for Determination of Applicability --- David**

**Marcinkevich, 56 Church St. ---** For the construction of a stairway and well within the Merrimack Riverfront resource area and buffer zone to a bordering vegetated wetland.

Site walk results were discussed. It was noted that conditions on the previous order had not been complied with including no vista pruning, no disposal of soil in the wetland/buffer zone area and adherence to a 25 foot no disturb area. The proposed work will require installation of 4 tubes for the stairway off the existing deck and installation of a well five feet off the property line and 20 feet off the house foundation. Fines from the well drilling will be disposed of in a trench as per standard drilling procedures. Erosion control will include hay bales and silt fence on down slope side of work. Spieler moved a negative determination with the condition that erosion control for the well be completed as per the plan and subject to Agent's approval. Mizner seconded the motion. Motion passed (4,0). The question of whether a COC had been requested/received was raised. Smith to check with the Registry of Deeds to determine.

**Discussion: 72 Church St. (DEP # 78-516) --- Plan change request.**

Applicant would like to substitute wood pilings/slabs for the dock and garage due to unforeseen site conditions. This will reduce disturbance to the resource areas. Mizner moved to accept the plan changes with no further conditions. Spieler seconded the motion. Motion passed (4,0).

**Cont. Discussion: Mike Dimodica ,73 Coffin St. ----** Request to control knot weed infestation within the buffer zone to a vegetated wetland.

Property owner not present. It was concluded that leaving the tarps in place for not more than two years with submittal of a planting plan at that time was reasonable. Discussion continued to next meeting.

**Cont. Discussion: Scanlon Engineering for 720 Main St. ---** COC request.

Smith inspected the site and received the as built plan. The silt fence is still in place and the site is revegetated with a gradual slope. Mizner moved to issue the COC based on the Agent's report. Spieler seconded the motion. Motion passed (4,0).

**Discussion: 14 Bachelor St. portion of 419 Main St. (DEP #78-586) --- Plan change request**

The plan change involves changing the configuration of the house and moving the driveway further away from the wetland area. Mizner moved to accept the plan

change given that it is outside the buffer zone and creates no impacts to the wetlands. Spieler seconded the motion. Motion passed (4,0).

**Other Business: Discussion: William and Ann Daley for 720 Main St. ---** Additional information to recommend to the Selectmen.

Town counsel requested a broader explanation of the Commission's recommendation and an explanation of the priority in evaluation requests.

**Meeting adjourned at 8:55 p.m.**

The next scheduled Con Com meeting will be Monday, **June 18, 2012**