

**West Newbury
Conservation Commission Meeting Minutes
Monday, October 22, 2012**

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

Discussion: Minutes

The minutes from the October 9, 2012 meeting were reviewed. Mizner moved to approve the minutes as amended. Fusco seconded the motion. Motion passed (3,0,1-Spieler absent from meeting).

Cont. Public Hearing --- Notice of Intent --- Michael Zuercher-Martinson, 18

Garden St. --- The applicant would like to erect a solar array with the transmission line passing through the buffer zone of a bordering vegetated wetland.

Smith reported that the DEP has issued a number with comments that the plan does not show the boundaries of the resource area and must be revised. In contacting the applicant's consultant, Smith found that the work had already been initiated. He ordered that work be stopped until the order of conditions had been received. The building inspector had also issued a stop work order due to a discrepancy of panel location with the permit.

An abutter was present to express concerns about the project. Jean West had not been able to make the last meeting and was told that the hearing had been continued and she or her husband could appear tonight. Their concerns were about panel location, however, which is outside the buffer zone to the wetlands.

Mizner moved to notify the applicant that they may not resume any work within the Commission's jurisdiction and must submit a plan showing the wetland resource area boundaries in accordance with DEP comments. Any unapproved work is also subject to an order of removal. Reed seconded the motion. Motion passed (4,0).

Cont. Discussion: Eastern Mass. Properties, C/O Tim Collins for 84 Middle St. --- COC Request (DEP #78-575).

Smith and Mizner conducted a site walk and found that permanent markers and the required sign had not been installed as per the Order of Conditions. This was communicated to the applicant. On revisit, Smith found that the markers were not permanent and that the sign was not in the correct location and made of flimsy materials. Mizner instructed Smith to notify the applicant that markers must be of a permanent material and installation equivalent to survey markers or that plans for alternative markers be submitted to the Agent prior to installation in accordance with condition #4 of the Order.

Discussion: Louisa Tanner for 72 Church St. (DEP #78-516) --- Plan change request and stabilization plan.

Smith reported that a site visit had been conducted and issues with drainage, erosion and as built locations had been found. The applicant's engineer submitted a letter acknowledging plan changes and plans for erosion control. The Commission found that the location of the septic tanks was not accurate and that the added stairway was not shown. The plan for erosion control was deemed adequate for the short term. If reseeding is not successful or drainage results in further erosion, however, a more permanent plan must be submitted. The installation of the drainage pipe to the river will also be reviewed in the spring to determine if drainage is adequate at the as built elevations. Smith to notify the applicant of these findings by letter.

Other Business:

Discussion: River Meadow Conservation Area: Smith reported that the conservation land on either side of the dock right of way has been mowed and that boats are being stored on the margins. Commission requested that he determine if mowing had been completed by the Highway Department or Association and follow up with written notification that mowing is not allowed on these parcels.

Meeting Adjourned at 8:25 p.m.

The next scheduled Con Com meeting will be **Monday, November 5, 2012**