

## **Newburyport Conservation Commission**

October 1, 2013

City Council Chambers

Minutes

### **1. Call to Order**

A meeting of the Newburyport Conservation Commission was called to order by Chair Joe Teixeira at 6:45 p.m.

### **2. Roll Call**

In attendance were members Joe Teixeira, Dan Warchol, Steve Moore, Paul Healy, Jim O'Brien and Doug Muir. Also in attendance was Julia Godtfredsen.

### **3. Minutes**

Steve Moore moved to approve of the minutes of the September 24 meeting as submitted. Jim O'Brien seconded the motion. The motion was unanimously approved.

### **4. General Business**

#### **Land Subject to Coastal Storm Flowage**

The meeting scheduled for next week for a discussion by relevant City department heads of sea level rise and its possible effects on Newburyport was postponed in order that members of the Building Department might be able to attend. A new date has been tentatively scheduled depending on the availability of CZM.

#### **Whittier Bridge**

Steve Moore said he is concerned that the dock was not installed in the approved location and might be shading vegetation. Julia Godtfredsen said a site visit is scheduled for October 7.

### **5. Enforcement**

#### **Stephen Richards**

1 Shandel Drive

Julia Godtfredsen said the Enforcement Order was sent by certified mail on September 25 but a response has not yet been received.

#### **9 Doe Run Drive**

Julia Godtfredsen said an Enforcement Order had previously been issued requiring the restoration of a wetland that had been filled. She visited the last year but not all of the plant material was well established. She will visit the site on October 7 at the property owner's request.

**6. Certificates of Compliance, Requests for Determinations, Requests for Minor Modifications**

**National Grid**

270-270½ Water Street, 32 Union Street, and Perkins Park

Request for Certificate of Compliance

DEP File #051-0856

Elizabeth Greene said the work was done according to the Order of Conditions and the plant materials are thriving. Joe Teixeira said the pond is deeper now than it originally was and vegetation is no longer growing in its middle. Doug Muir said he is concerned about having no recourse if the Certificate were issued and the problem worsened. GEI will be asked to attend the next meeting to provide a possible explanation. Paul Healy moved to continue the request to October 15. Doug Muir seconded the motion. The motion was unanimously approved.

**David Lager**

47 Harbor Street

Request for Modification to RDA

The applicant provided the material requested at the last meeting. The Commission had originally issued a Negative Determination because the project appeared to be a simple one and the applicant intended to do the work by hand. Under the modification equipment would be driven across the sand. Dan Warchol said the modification is not a minor one and the work should be handled under a Notice of Intent. Doug Muir moved to deny the Request for Minor Modification. Dan Warchol seconded the motion. The motion was unanimously approved.

**7. Public Hearings**

Steve Moore moved to recess for public hearings. Joe Teixeira seconded the motion. The motion was unanimously approved.

**Mallow Realty Trust**

183-185 Low Street and 13 Crow Lane

ANRAD

Fred Ford appeared for the applicant. He said the delineation was done in April and indicates there are two bordering wetlands vegetation systems connected by a culvert. The majority of the delineation was based on soils. The Commission members wish to confirm the delineation. A site visit is scheduled for Monday, October 7 at 5:30 p.m. Steve Moore moved to continue the public hearing to October 15. Paul Healy seconded the motion. The motion was unanimously approved.

**John DiFilippo, Newburyport Yacht Club, Inc.**

2R Woodland Street and 300-302R Merrimac Street

Notice of Intent

Tom Hughes appeared for the applicant, who is proposing to replace two walkways. He said both changes would reduce the footprint within the marsh. One walkway runs over the marsh and connects to a gangway that leads to the float system. The gangway meets the float at an angle. The applicant is proposing to move the walkway, add an 8' x 10' platform and lengthen the gangway in order to straighten the connection. Marine Fisheries has indicated that pressure-

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treated wood should not be used for the piers and recommended that the platform not be approved because it would cause shading. Mr. Hughes said he would work with Marine Fisheries to arrive at an acceptable solution for both the design of the platform and the materials of the pilings.

The applicant wishes to replace the substructure of the second walkway, which runs along the length of the property over a creek.

The applicant has been cutting the phragmites two feet on either side of the walkway twice a month. The applicant wishes to maintain the cutting area around the old pier in addition to cutting around the new pier. Mr. Hughes said the applicant would also like the authority to cut the phragmites in additional areas as the budget permits.

A letter from Natural Heritage has not yet been received. The Commission members asked for more information on the cutting of the phragmites and said the material should be removed from the site to allow other vegetation to become established. The applicant must also provide more information on the construction phase of the project. Paul Healy moved to continue the public hearing to October 15. Steve Moore seconded the motion. The motion was unanimously approved.

**William Ring**

9 78<sup>th</sup> Street

Notice of Intent

DEP File #051-0903

The public hearing was continued from the September 24 meeting because a DEP number had not yet been received. The applicant wishes to remove two sheds and construction a combination garage and shed. The work would require the planting of an additional 64 square feet of beach grass. The applicant intends to remove brick from the end of the driveway and an area near the house and plant the beach grass in these locations. He was asked to indicate the planting on the plan. The Commission members were concerned that it might be necessary to drive over the beach grass to reach the ramp to the garage. Julia Godtfredsen will contact the applicant about moving the garage closer to the driveway. Steve Moore moved to continue the public hearing to October 15. Paul Healy seconded the motion. The motion was unanimously approved.

Steve Moore moved to close the public hearings. Jim O'Brien seconded the motion. The motion was unanimously approved.

**8. Adjournment**

Steve Moore moved to adjourn the meeting at 7:50 p.m. Paul Healy seconded the motion. The motion was unanimously approved.