

## **Newburyport Conservation Commission**

October 21, 2014

Mayor's Conference Room

Minutes

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

Chair Joe Teixeira called a meeting of the Newburyport Conservation Commission to order at 7:00 p.m.

### **2. Roll Call**

In attendance were members Joe Teixeira, Doug Muir, Dan Warchol and Steve Moore. Julia Godtfredsen was also in attendance.

### **3. Minutes**

Steve Moore moved to approve the minutes of the October 7, 2014 meeting as amended. Dan Warchol seconded the motion. The motion was unanimously approved.

### **4. Certificates of Compliance, Requests for Determinations, Requests for Minor Modifications**

None

### **5. Public Hearings**

Steve Moore moved to open the public hearings. Dan Warchol seconded the motion. The motion was unanimously approved.

#### **Geordie Vining, Newburyport Planning Department**

Clipper City Rail Trail Phase 2

Notice of Intent

DEP File #051-0920

The applicant requested a continuance. Steve Moore moved to continue the public hearing to the November 18, 2014 meeting. Dan Warchol seconded the motion. Doug Muir noted a request for a variance was not included as a part of the Notice of Intent, as is required by the ordinance. The motion was unanimously approved.

#### **Henry Becker**

259 Northern Boulevard

Notice of Intent

DEP File #051-0923

Mary Rimmer represented Henry Becker, who is proposing to demolish an existing structure on wooden posts and replace it with a new structure on piers. She said the project would result in a significant improvement in the ability of the site to provide storm damage protection and flood control because the structure would be elevated 7.5 feet above grade. The footprint of the proposed structure would be 42 square feet smaller than that of the existing one. Gravel covers the entire lot and there is no vegetation. Mr. Becker has no plans to install any plant materials at this time.

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Karen and Patrick Friel, 238 Northern Boulevard, asked questions about the project. Julia Godtfredsen said the project would improve the site because the footprint of the proposed structure would be smaller than that of the existing one and would therefore allow more infiltration. She explained their concerns are outside of the purview of the Conservation Commission and referred them to the Zoning Board.

Steve Moore moved to close the public hearing. Dan Warchol seconded the motion. The motion was unanimously approved.

Dan Warchol moved to issue an Order of Conditions with the special condition that when a planting plan is developed it shall be submitted to the Conservation Commission for review and approval prior to installation. Doug Muir seconded the motion. The motion was unanimously approved.

**Charles Palmisano**

10 Jefferson Court  
Notice of Intent  
DEP File #051-0922

Mary Rimmer spoke on behalf of the applicant, who is proposing to add a one-car garage adjacent to an existing home and reconfigure the existing gravel driveway. The property is within the riverfront area and the buffer zone to the BVW. Some grading would take place within the 50-foot no-disturb zone but the area is currently lawn and would be returned to lawn, creating a temporary impact. One tree would be lost as a result of the construction and would be replaced.

Steve Moore moved to close the public hearing. Doug Muir seconded the motion. The motion was unanimously approved.

Dan Warchol moved to issue an Order of Conditions with the condition that a native, non-invasive tree shall be planted to replace the one that is to be removed and the Conservation Agent shall approve of the species of this tree prior to the start of work. Steve Moore seconded the motion. The motion was unanimously approved.

**Christopher Horan**

17 J Street  
Notice of Intent

Tom Hughes appeared for the applicant, who wishes to construct a second story on an existing home. He is also proposing to install a deck, add a carport and reconfigure an existing gravel driveway. The project area is within 200 feet of the river and the site is surrounded by salt marsh. He is proposing to better define the "recreation area" and remove it from the 25-foot no disturb zone. The project would result in an impact of 706 square feet. The applicant is proposing 1,590 square feet of mitigation.

Brett Murphy, 2 Marsh Street, is concerned about the reduction of the driveway. He said the amount of gravel would not allow enough space for a vehicle to turn around and neighboring

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properties would be impacted. He is also concerned about snow storage. The applicant is willing to revise the plans to address these concerns.

The Commission members will visit the site. The public hearing will be continued because an updated Notice of Intent must be submitted to DEP and a letter from Natural Heritage has not yet been received.

Dan Warchol moved to continue the public hearing to November 18. Steve Moore seconded the motion. The motion was unanimously approved.

Dan Warchol moved to close the public hearings. Doug Muir seconded the motion. The motion was unanimously approved.

## **6. Enforcement**

### **Shandel Drive**

Tom Hughes described the work that was done to remove the invasive species on the Shandel Drive side of the wetland. The work will be repeated next year.

## **7. General Business**

### **Meeting Times**

Meetings will start at 7:00 rather than 6:45. Informal presentations will be limited to five minutes.

### **Regulations**

Joe Teixeira said he discovered some problems in the references between the ordinance and the regulations. Julia Godtfredsen will make sure the documents are consistent in terms of the references and also the requirements concerning mitigation.

## **8. Adjournment**

Steve Moore moved to adjourn the meeting at 8:53 p.m. Dan Warchol seconded the motion. The motion was unanimously approved. The next meeting of the Conservation Commission will be held on November 18, 2014.