

Newburyport Conservation Commission

October 4, 2016

Senior/Community Center Board Room

Minutes

1. Call to Order

Acting Chair Steve Moore called a meeting of the Newburyport Conservation Commission to order at 6:48 p.m.

2. Roll Call

In attendance were members Steve Moore, Paul Healy, David Vine, Dan Warchol and Doug Muir. Dan Bourdeau and Joe Teixeira were absent. Julia Godtfredsen was also in attendance.

3. Minutes

Paul Healy moved to approve the minutes of the September 20, 2016 meeting as submitted. David Vine seconded the motion. The motion was unanimously approved.

4. Plum Island Updates

The next meeting of the Merrimack River Beach Alliance is scheduled for Friday, October 7. The scope of the CZM grant for dune restoration work on Reservation Terrace is being revised slightly and work will begin shortly.

5. Informal Discussion

Mike Hennessey of the Parks Department described the plan to water the new sod at Fuller Field during the water ban. A water truck would be used to draw water from two retention ponds near the Charter School and two near the Hope Church. The water would be pumped into the irrigation system at the field. Approximately 10,000 gallons of water per day would be needed. The watering would continue until the turf freezes. The level of the pond would be monitored daily and the withdrawal would be stopped if the water level were to drop more than three inches. The bottom of the pond would not be disturbed and the work would not impact any the resource area.

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

None

7. Public Hearings

Ronald Guertin, Carr Island, LLC

386 Merrimac Street

Notice of Intent

The applicant requested a continuance. Dan Warchol moved to continue to the public hearing to the October 18 meeting. Paul Healy seconded the motion. The motion was unanimously approved.

Newburyport Conservation Commission

October 4, 2016

John DiFilippo, Newburyport Yacht Club, Inc.

300-302R Merrimac Street

Notice of Intent

Tom Hughes represented the applicant, who is proposing to replace and realign the main dock in front of the clubhouse. The footprint of the new dock would be larger but it would have the same number of pilings as the existing dock. The solid decking would be replaced with flow through decking. This would increase the amount of light under the deck to allow the growth of vegetation. The applicant has undertaken a program of phragmites control and some Spartina has become established but bare spots still exist, especially under the dock. As a part of the project 400 plugs of Spartina would be added each year. DEP did not issue any comments on the application.

Paul Healy moved to close the public hearing. Dan Warchol seconded the motion. The motion was unanimously approved.

8. Orders of Conditions

John DiFilippo, Newburyport Yacht Club, Inc.

300-302R Merrimac Street

Paul Healy moved to issue an Order of Conditions with the special conditions that no heavy equipment for the piling driving shall be placed in the salt marsh or any resource area; all work shall take place from a paved or gravel area or from a floating barge; and the applicant may plant appropriate native species within the salt marsh area with the approval of the Conservation Agent to supplement the phragmites removal project. Steve Moore seconded the motion. The motion was unanimously approved.

9. Enforcement/Violations

17 82nd Street

David Vine recused himself from the discussion. Tom Lawrence said Gary Calderwood approved the construction of a deck without a permit. He said Mr. Calderwood told him the structure would be considered a patio because it was not to be attached to the house. Mr. Lawrence said the construction took above an existing cement patio and no beach grass was impacted. He added a deck had previously existed in the same location and had been removed by the prior owners. Dan Warchol said under the Newburyport Wetlands Ordinance a permit must be obtained for the installation of a deck, whether or not the structure is attached to a house. Mr. Lawrence was informed he must file a Notice of Intent to receive a permit after the fact. He must demonstrate the existing conditions at the time the deck was constructed. The Commission members will decide whether or not the deck must be removed. The application must be received before the first meeting in December.

Mr. Lawrence denied removing any beach grass from the parcel he jointly owns with another party. He said the property is a vacation rental and the beach in front of it is heavily used, especially at high tide, when the beach is narrow. He said he has photographic evidence that beach grass has not existed in front of the property while he has owned it. He said his written admission that beach grass was removed was a one-time incident when he hired a landscaping company to remove heavy debris from the beach, some of which was entangled in the beach grass. Julia Godtfredsen informed him beach grass should never be intentionally removed. She said the beach is a wetland resource area that is under the jurisdiction of the

Newburyport Conservation Commission
October 4, 2016

Conservation Commission. She advised Mr. Lawrence to reach an agreement with the joint owner about the management of the property. She added the Commission is not able to control the loss of beach grass in an area that is being heavily used. Mr. Lawrence stated he would not remove any beach grass planted with permission by the joint property owner. Doug Muir suggested a compromise might be to allow the ends of the property to be vegetated.

10. Adjournment

Paul Healy moved to adjourn the meeting at 8:18 p.m. David Vine seconded the motion. The motion was unanimously approved. The next meeting will be scheduled for Tuesday, October 18, 2016.