

Newburyport Conservation Commission

November 19, 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, Mary Casey, Steve Moore, Paul Healy, Jim O'Brien, Doug Muir and Dan Warchol. Also in attendance was Julia Godtfredsen.

3. Minutes

Paul Healy moved to approve of the minutes of the November 12 meeting as amended. Steve Moore seconded the motion. The motion was unanimously approved.

4. General Business

2 Savory Street

Joan Danglemaier had submitted a Notice of Intent to install floats and undertake a phragmite-control program. She received a Certificate of Compliance in 2011. She wishes to continue cutting the phragmites but a condition to allow ongoing work was not a part of the Order of Conditions. The Commission members discussed possible ways to permit the activity. It was decided that Ms. Danglemaier would be asked to file a request for a correction of the Certificate of Compliance. A condition for the perpetual maintenance of the phragmites could then be added to the revised Certificate.

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

George Charos

10 82nd Street

Request for Determination of Applicability

The applicant requested an ongoing permit to remove sand from the paved and gravel parking areas on his property. The sand would be pushed on to the adjacent beach. The removal of sand from driveways is allowed on the island. Doug Muir expressed concern about sand that has been contaminated by oil from automobiles being pushed onto the beach. Mary Casey moved to issue a Negative Three Determination with the conditions that the sand removed is wind blown sand that has not been contaminated and the sand must be moved to the adjacent beach or dune unless otherwise approved by the Conservation Agent. Steve Moore seconded the motion. The motion was unanimously approved.

Jeff Stellman

14 Frances Drive

Request for Certificate of Compliance

Julia Godtfredsen said Certificates of Compliance had not been issued for all of the lots in the Kelleher Pines subdivision, which was completed in the 1980s. She reviewed the files and found

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no violations or specific requirements for the lot. Dan Warchol moved to issue a Certificate of Compliance for 14 Frances Drive. Steve Moore seconded the motion. The motion was unanimously approved.

Eric Botterman

251 Low Street

Request for Certificate of Compliance

Taylor Turbide appeared for the property owner, who submitted a Notice of Intent in 2003. The as-built plan was compared to that filed with the Order of Conditions and found to be substantially the same. The tractor access to the farmland was changed but was moved further from the wetland. The Planning Board had requested a change in the treatment of roof runoff so that it flowed directly into the detention basin rather than first into a catch basin. Paul Healy moved to issue a Certificate of Compliance. Mary Casey seconded the motion. The motion was unanimously approved.

6. Public Hearings

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

Christopher Schillaci, Commonwealth of MA

84 82nd Street (Shellfish Depuration Plant)

Notice of Intent

The applicant wishes to move an outfall pipe to prevent it from being buried by accreting sand. The pipe would be cut below the vegetation and a 45-degree coupling would be attached to extend and redirect the pipe. Paul Healy moved to close the public hearing. Mary Casey seconded the motion. The motion was unanimously approved.

George Haseltine

2 K Street

Notice of Intent

Tom Hughes appeared for the applicant. He said the lawn is to be converted to beach grass but DEP will not credit this towards the mitigation. The elevation of the house will allow beach grass to grow under it. The planting of the area under the house and the filling in of the sparsely vegetated areas will be used to reach a one-to-one ratio. The portion of the site that is covered by K Street will be used as a reserve area in the event the amount of beach grass under the house does not prove to be sufficient mitigation. The plantings will be monitored for two years. The survival rate will be evaluated at the end of the first season and if it does not appear to be sufficient the pavement will be removed at that time. If the pavement must be removed a split rail fence will be installed along the roadway to protect the plant material. The gravel area adjacent to the pavement is also to be used towards the mitigation. Shrubs will be installed in this location, as it is an area likely to be damaged. If it is determined it would not be necessary to cut the pavement, a split rail fence would be installed along the edge of what is now the gravel strip. The split rail fence that is to be placed near the house along the limit of conservation area is to be installed at the beginning of the project. Steve Moore moved to close public hearing. Paul Healy seconded the motion. The motion was unanimously approved.

Steve Moore moved to close public hearings. Mary Casey seconded the motion. The motion was unanimously approved.

7. Orders of Conditions

George Haseltine

2 K Street

Paul Healy moved to issue an Order of Conditions with special conditions as discussed, including:

- prior to construction all planting areas shall be marked in the field for the purpose of defining the monitoring areas. The stakes shall remain in place through the first growing season.
- prior to construction photographs shall be taken of the area that is currently sparsely vegetated and the area that is to be under the house.
- there shall be no changes to the vegetated areas on the site.
- any impact to beach grass shall be mitigated at a 1:1 ratio.
- any soil removed from the site for the purpose of planting or construction shall be replaced with clean sand to restore the original elevations except as otherwise shown on the plan.
- the Conservation Agent shall be notified of the date the mitigation plantings are installed.
- monitoring reports shall be submitted on or before October 15 of the first two growing seasons.
- snow fencing shall be placed along the edge of the pavement until the end of the first monitoring season.
- the fences protecting the vegetation shall be not removed without permission.
- if it is determined at the end of the first growing season it is necessary to remove pavement, a revised plan shall be submitted to the Commission that indicates the size and location of the new planting area and includes the final location of the split rail fence that is to be located along the new edge of pavement on K Street. This fence shall be installed prior to the beginning of the second growing season.
- there shall be no storage beneath the house that would damage vegetation.
- the conservation area shall not be use for storage.
- prior to the issuance of the final Certificate of Compliance that applicant shall demonstrate 8,623 square feet or more of healthy vegetation exists on the site.

Steve Moore seconded the motion. The motion was unanimously approved.

Christopher Schillaci, Commonwealth of MA

84 82nd Street (Shellfish Depuration Plant)

Paul Healy moved to issue an Order of Conditions with the special conditions that any impact to vegetation from construction activities shall be mitigated by a 1:1 replacement of the lost vegetation and an updated site plan and notification letter shall be submitted if the pipe becomes covered in the new location and the application wishes to move or extend it. Steve Moore seconded the motion. The motion was unanimously approved.

8. Adjournment

Steve Moore moved to adjourn the meeting at 9:30 p.m. Paul Healy seconded the motion. The motion was unanimously approved. The next meeting of the Conservation Commission will be held on December 3, 2013 at 6:45 p.m.