

Newburyport Conservation Commission

January 17, 2017

Senior/Community Center Board Room

Minutes

1. Call to Order

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

2. Roll Call

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

3. Minutes

Paul Healy moved to approve the minutes of the December 20, 2016 meeting as submitted. Dan Bourdeau seconded the motion. The motion was unanimously approved.

4. Old and New Business

Proposed Dog Park for Low Street

Lisë Reid said the City has received grant money for the construction of a dog park at the Colby Farm property. The park would be accessible and would include shade structures, drinking water for dogs, seating, lighting and parking. Ms. Reid said natural materials would be used and the existing conditions would be maintained as much as possible to preserve the appearance of a farm field. A design engineer will be hired to develop the plans for the park. Joe Teixeira said he is concerned about the proximity of the proposed park to the wetlands, specifically with regards to dog waste. The soil in the area is dense and infiltration is poor. He recommended the consultant that is selected be qualified for wetland permitting. The type of permitting required will not be known until the plans have been more fully developed. The filing must include a delineation of the wetlands and a plan for the handling of dog waste, along with details on structures, fencing and surface materials.

Plum Island Updates

Julia Godtfredsen said that while consistent erosion has taken place along Plum Island Point, it has not been as severe as it was last year. She recently met with residents, Ward 1 City Councilor Sharif Zeid and a representative of DCR. The residents were displeased that fencing was used to close off some pathways in an effort to stabilize the dunes during the winter. The work was done as an emergency measure and was not intended to be permanent. A CZM grant will be used to evaluate which pathways should be closed and which should remain open. The public will be significantly involved in the process. The first public meeting will be held on a date in February that will be compatible with Senator Tarr's schedule.

The next meeting of the Merrimack River Beach Alliance is scheduled for February 3 at 10:30 a.m. at the Parker River National Wildlife Refuge.

Drone Photography

Bill Sargent recommended that drone photographs of the riverside of the island be taken in January, February, March and September and that 3D mapping be done one of those months. Ethan Cohen provided an estimate of \$1,200 for the mapping and \$800 for the photographs.

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David Vine said FEMA and MEMA have both indicated funding would not be available for the images and are of the opinion the potential of the site is not high. The Commission members will discuss whether or not they wish to continue with the photography at the February 7 meeting.

Gas Pipeline Letter

Dan Warchol was not able to attend the meeting and requested the discussion be tabled to the February 7 meeting.

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

Carr Island, LLC

384-386 Merrimac Street

Request for Minor Modification

DEP File #051-0956

Sarah Bellino represented the applicant. She said Army Corp. approval of the project was received after a requested change in the type of anchor to be used was made. Paul Healy moved to approve the minor amendment. Steve Moore seconded the motion. The motion was unanimously approved.

6. Public Hearings

Steve Moore moved to open the public hearings. Paul Healy seconded the motion. The motion was unanimously approved.

Kathleen Barrett

158 Old Point Road

Notice of Intent

Wayne Barrett spoke on behalf of the property owner, who is proposing to remove an existing structure and replace it with a two-story home on open pilings. The amount of lot coverage would be slightly reduced. There would be no changes to the grades on the property. Shells or river stone would be used for the driveway. The existing fence would be moved to the property line and a new split rail would be installed along the open side of the site. Four hundred and twenty square feet of beach grass would be planted along the back of the property. The Commission members were concerned about a pathway being created through the beach grass, but the applicant said it is unlikely the back door would be used and there is no beach access from the rear of the site. A DEP file number has not yet been received. Steve Moore moved to close the public hearing. David Vine seconded the motion. The motion was unanimously approved.

Massachusetts Electric Company

95 Water Street

Notice of Intent

DEP File #051-0964

Melissa Kaplan of the BSC Group represented the applicant. The BSC Group submitted a letter to the Commission that addressed the MEPA comments made by the City, CZM and Marine Fisheries. The plans were updated accordingly. A landscaping plan for the berm was also

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submitted. Native species of varying heights will be planted on the berm. An erosion control blanket will be placed on the berm if the plant materials are not immediately installed. The applicant has received a MEPA certificate. Ms. Kaplan confirmed National Grid will maintain the culvert through the revetment, but said the City will be responsible for maintaining the culvert under the Rail Trail. The City has a lease for the portion of the Rail Trail that runs through National Grid property. The applicant is working with Geordie Vining develop a plan for rerouting Rail Trail users if the pathway must be closed during construction.

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

Gary Litchfield, C&L Homes, LLC

1 G Street

Notice of Intent

Tom Hughes represented the applicant, who is proposing to construct a house on pilings on a vacant lot. The corner of the lot at Old Point Road and G Street is vegetated with shrubs. The remainder of the site is comprised of reindeer moss, gravel and sand. The construction of the house would result in the coverage of 390 square feet of vegetation. The applicant is proposing to plant 1,500 square feet of beach grass as mitigation, for a net gain of vegetation on the site. Mr. Hughes intends to submit a list of native shrubs for possible supplemental planting in the future. The house and siding would be three feet above grade and the siding 50% open. The applicant must provide a detail of the siding and must clarify the limit of work on the plan. Because of the reindeer moss, the amount of vegetation on the site is questionable, and the Commission members wish to visit the site. The applicant will stake the building footprint and the driveway for the site visit, which is scheduled for Wednesday, January 25 at 3:30 p.m.

Joe Teixeira opened the hearing to comments from the public. Jack VanLoan, 4 F Street, said the reindeer moss covers a great deal of the property. He said in December he observed a man on the site raking the reindeer moss and disposing of it in trash bags. He will submit photographs of the site to the Commission members. Patricia Moore, 119 Old Point Road, said the reindeer moss covers less of the site now than it did previously.

Dan Bourdeau moved to continue the public hearing to the February 7 meeting. Doug Muir seconded the motion. The motion was unanimously approved.

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

7. Orders of Conditions

Massachusetts Electric Company

95 Water Street

DEP File #051-0964

Steve Moore moved to issue an Order of Conditions with the following special conditions:

1) the revetment shall be constructed using natural stone and mortar shall not be used to stabilize the revetment except in the area of the granite block wall; 2) all work shall be conducted from the land side during low tide; 3) any in-water work necessary in the transition area due to deeper water depths shall not be conducted between March 15 and June 30, with all equipment being placed on the land side and not used in open water; 4) the applicant shall return all disturbed areas of the site to pre-construction conditions or better; 5) soil and materials shall not be

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stockpiled in areas that would cause an impact existing trees and the existing apple tree shall be protected during construction; 6) prior to the start of construction a staging plan shall be submitted that includes any proposed temporary rerouting of the Rail Trail; 7) the applicant shall ensure the existing drain pipe is clear throughout the construction in order that it continue to provide drainage and the applicant shall maintain it after construction; and 8) the berm shall immediately be planted upon its completion or it shall be stabilized with an erosion control blanket. David Vine seconded the motion. The motion was unanimously approved.

8. General Business

The Commission members noticed a possible inconsistency in the regulations. The lowest structural member of a house must be at least two feet above grade or base flood elevation. The regulations require siding around pilings to be at least three feet above grade and 50% open. The item will be placed on the agenda for discussion at the February 7 meeting.

9. Enforcement

7 Harbor Street

A Notice of Violation was issued for the construction of a fence. The property owner responded that the fence was installed to protect the sand-filled coir envelopes and beach grass that were a part of a permitted project and requested he be allowed to retain the fence through the winter months. A fence, even if temporary, would not have been approved if it had been a part of the original filing. Steve Moore moved to ratify the Notice of Violation and issue a fine of \$100 per day if the fence is not removed by the end of February. Doug Muir seconded the motion. The motion was unanimously approved.

10. Adjournment

Steve Moore moved to adjourn the meeting at 9:02 p.m. Dan Bourdeau seconded the motion. The motion was unanimously approved.