

Newburyport Conservation Commission
January 19, 2016
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 Joe Teixeira, Paul Healy, Dan Bourdeau, Doug Muir and David Vine. Dan Warchol and Steve Moore were absent. Julia Godtfredsen was also in attendance.

3. Minutes

David Vine moved to approve the minutes of the January 5, 2016 meeting as submitted. Dan Bourdeau seconded the motion. The motion was approved with Doug Muir abstaining.

4. Old and New Business

Revisions to Newburyport Wetlands Regulations

The sections of the local ordinance pertaining to utilities and stormwater were copied verbatim into the regulations. A discussion of the revision was tabled until the February 2 meeting.

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

None

6. Public Hearings

Doug Muir moved to open the public hearings. Paul Healy seconded the motion. The motion was unanimously approved.

Craig Pessina, Chart House Development, LLC

23, 23R, and a portion of 25 Hale Street

Notice of Intent

DEP File #051-0948

The applicant requested a continuance. Doug Muir moved to continue the public hearing to the February 2, 2016 meeting. Joe Teixeira seconded the motion. The motion was unanimously approved.

MassDOT Highway Division

Whittier Bridge

Amend Order of Conditions

DEP File #051-0875

The applicant is proposing to remove the underwater section of the old bridge foundation through a controlled blast at slack high tide. Holes would be drilled in the concrete and the charges would be set at low tide. The removal of the debris would also take place at low tide. Silt curtains would be used to capture the debris. The riverbed would be dragged and a dive team

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would determine all debris has been completely removed. The applicant had originally proposed to use excavators with hydrologic hammers to remove the piers. This method would create noise that could be heard for a greater distance and would continue over a long period of time. The blasting would result in a time saving of three to four months.

The plans are being reviewed concurrently by a number of agencies, including MassDOT itself. The contractor is working to have all approvals in place in order the work be completed by the middle of March, when fish migration would begin. The applicant has been working with Tony Furnari regarding the City's concerns over the water plant and water lines. The footings are being removed to a level of two feet below the mud line. The blasting will not involve rock, which would transport shockwaves, so little energy would be transmitted to the waterlines or the newly constructed bridge piers.

The Commission members are concerned about the impact of the demolition on aquatic life. A small charge or vibrators would create noise to scare the fish away. The season and the duration of the blast help to minimize the impacts to the fish. The Division of National Marine Fisheries must approve the proposal.

The applicant will submit a supplemental package that includes a link to a video of the demolition of a bridge in the Parker River; a link to studies involving demolition in areas with the same fish species and patterns; copies of engineer reports and approvals from the consultants and MassDOT; and communications with the abutters and the Mayor's office.

Paul Healy moved to continue the public hearing to the February 2 meeting. Doug Muir seconded the motion. The motion was unanimously approved.

Doug Muir moved to close the public hearings. Paul Healy seconded the motion. The motion was unanimously approved.

7. Enforcement/Violations

216 Northern Boulevard

After receiving the Enforcement Order, the homeowner requested information on the types of fences that would be acceptable. Plans for the revised fence must be received by February 6.

8. Adjournment

Paul Healy moved to adjourn the meeting at 8:07 p.m. David Vine seconded the motion. The motion was unanimously approved. The next meeting will be scheduled for Tuesday, February 2, 2016.