

## **Newburyport Conservation Commission**

December 20, 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 6:49 p.m.

### **2. Roll Call**

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

### **3. Minutes**

Paul Healy moved to approve the minutes of the December 6, 2016 meeting as submitted. Steve Moore seconded the motion. The motion was unanimously approved.

### **4. Old and New Business**

#### **Plum Island Updates**

The State project has largely been completed. Forty thousand beach grass culms have been planted to date and some planting remains to be done in the spring. The CZM grant was increased by \$50,000 to include the installation of Mobi mats. Funds remaining from the CPA grant were used to purchase standardized public information signs. These signs have been received and will be installed in the spring at 55<sup>th</sup>, 57<sup>th</sup> and 61<sup>st</sup> Streets, as well as at the boardwalk and the parking lot. A MEPA representative discussed emergency planning at the December 9 meeting of the Merrimack River Beach Alliance.

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

None

### **6. Public Hearings**

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

#### **Catherine Phelan** ☐

231 Northern Boulevard

Notice of Intent

DEP File # 051-0962

The applicant submitted a revised Notice of Intent and added the information to the plans the Commission requested at the previous meeting. The proposed work will improve the site. No special conditions will be required. Steve Moore moved to close the public hearing. Dan Bourdeau seconded the motion. The motion was unanimously approved.

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**Anthony Furnari, Department of Public Services**

157 Water Street

Notice of Intent

DEP File # 051-0963

The plans to install a new biofilter system at the wastewater treatment facility were presented at the December 6 meeting. The public hearing was continued at that time because a DEP file number had not yet been issued. Steve Moore moved to close the public hearing. Dan Bourdeau seconded the motion. The motion was unanimously approved.

**Anthony Barbaris**

6 Perkins Way

Amended Order of Conditions

DEP File #051-0933

A plan to construct two buildings on a vacant lot in the industrial park had previously been permitted. The applicant subsequently learned the construction costs for two buildings would be prohibitive. He has redesigned the project and plans to construct one building with a footprint larger than that of the two buildings combined. The result would be an increase of 2,700 square feet of roof cover in the buffer zone. There would be no further encroachment on the wetland boundaries. The plans for the mitigation area and the plantings around the retention area would not be changed. The drainage system would also not be changed and the size of the retention ponds would not be increased. The ponds were adequately sized to be able to absorb the increased runoff from the additional impervious area. A portion of the sewer line would run through the buffer zone but under a paved area. The enlargement of the building would result in a reduction in the size of the landscaped area adjacent to it. The Commission requested that native trees be added to compensate for this. The applicant will also replace some invasive species on the site, such as glossy buckthorn, with native species, such as dogwood.

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

A timber bulkhead behind the substation has been breached, allowing flooding to occur on the site. The applicant is proposing to replace the bulkhead with a stone revetment. The project would result in the loss of 20 square feet of land under ocean, but a net gain in the intertidal area would be realized. The project includes a gently sloped berm to make use of the material that would be removed for the construction of the seawall and to provide additional flood protection. The soil would be tested and if it proves to be contaminated, it would be disposed of off site and clean fill would be brought in for the berm. Low-maintenance plants materials would be planted on the berm but a planting plan has not yet been developed. The project is adjacent to the Rail Tail and the applicant has met with Geordie Vining on the site. The applicant has agreed to protect trees growing in the area during construction. The berm is also being installed to reduce wave set up and run up. The applicant intends to file with FEMA for a reduction in the flood

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zone in the area of the substation. If successful the previously approved wall around the substation might be reduced or eliminated.

The Commission members asked for the plans be revised and for the comments made by the CZM and Marine Fisheries and from City to the MEPA to be addressed before an Order of Conditions is issued. They also want to receive information on the size of the drainpipe and its maintenance. Marine Fisheries has indicated a turbidity curtain should be used.

Joe Teixeira opened the hearing to comments from the public. Paul Warren said the American Yacht Club is in full support of the project.

Dan Bourdeau moved to continue the public hearing to January 17. Steve Moore seconded the motion. The motion was unanimously approved.

Steve Moore moved to close the public hearings. Dan Bourdeau seconded the motion. The motion was unanimously approved.

**7. Orders of Conditions**

**Catherine Phelan** □

231 Northern Boulevard

DEP File # 051-0962

Paul Healy moved to issue an Order of Conditions. Dan Bourdeau seconded the motion. The motion was unanimously approved.

**Anthony Furnari, Department of Public Services**

157 Water Street

DEP File # 051-0963

Steve Moore moved to issue an Order of Conditions. David Vine seconded the motion. The motion was unanimously approved.

**Anthony Barbaris**

6 Perkins Way

DEP File #051-0933

Steve Moore moved that an Order of Conditions be issued after a revised planting plan that includes the installation of nine additional canopy trees within the 25-foot no-disturb zone has been received. Dan Bourdeau seconded the motion. The motion was unanimously approved.

**8. Enforcement**

None

**9. Adjournment**

Steve Moore moved to adjourn the meeting at 8:46 p.m. Dan Warchol seconded the motion. The motion was unanimously approved.