

Newburyport Conservation Commission
December 6, 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 Steve Moore, Paul Healy, David Vine, Dan Warchol, Doug Muir and Joe Teixeira. Dan Bourdeau was absent. Julia Godtfredsen was also in attendance.

3. Minutes

Paul Healy moved to approve the minutes of the November 15, 2016 meeting as amended. Steve Moore seconded the motion. The motion was unanimously approved.

4. Old and New Business

Whittier Bridge Saltmarsh Monitoring Update

Mary Rimmer said during the five years the saltmarsh under the bridge has been monitored, it has dwindled from 705 square feet to 63 square feet. The movement of water associated with the removal of the old bridge and the construction of the new one negatively impacted the saltmarsh and it is not likely to rebound. By contrast the benchmark saltmarsh grew in size, probably due to a favorable growing season. It is unlikely that mitigation in the same area would be beneficial and off-site mitigation was discussed. Ms. Rimmer will provide a final report in September 2017.

Little River Trail System

Jerry Mullins said Tropic Star Development and the Essex National Heritage Commission have committed to providing funds for signage for the Little River Natural Trail. He requested the Commission walk the site to review the location of the trail through the wetlands in order that it might be accurately depicted on the map that will be included on the signs. The trail will be rerouted around land owned by Jere Myette, which will require the installation of a bog bridge. The Commission members asked Mr. Mullins to submit a plan for the bog bridge. They will visit the site individually.

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

Dwight C. Brown and Donamarie Casey

216 Northern Boulevard

Request for Determination of Applicability

The applicant withdrew the request.

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6. Public Hearings

Steve Moore moved to open the public hearings. David Vine seconded the motion. The motion was unanimously approved.

Catherine Phelan □

231 Northern Boulevard

Notice of Intent

A DEP file number has not yet been received and the applicant has not yet provided the additional information the Commission requested at the November 15 meeting. Paul Healy moved to continue the public hearing to the December 20 meeting. Steve Moore seconded the motion. The motion was unanimously approved.

Anthony Furnari, Department of Public Services

157 Water Street

Notice of Intent

Bob Rafferty of Environmental Partners represented the applicant, who is proposing to install a new biofilter system at the wastewater treatment facility. The existing biofilter would be removed and a new one would be installed in the same location. The footprint of the new biofilter would be smaller than that of the existing one, reducing the impact to the buffer zone. A DEP file number has not yet been received. Steve Moore moved to continue the public hearing to the December 20 meeting. Doug Muir seconded the motion. The motion was unanimously approved.

Anthony Barbaris

6 Perkins Way

Amended Order of Conditions

DEP File #051-0933

The applicant requested a continuance. Steve Moore moved to continue the public hearing to the December 20 meeting. David Vine seconded the motion. The motion was unanimously approved.

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

7. Orders of Conditions

None

8. Enforcement

216 Northern Boulevard

The fence has been altered to be in compliance with the ordinance. Steve Moore moved to remove the Enforcement Order. Paul Healy seconded the motion. The motion was unanimously approved.

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17 82 street

David Vine recused himself from the discussion. At the October 6 meeting the Commission members informed Tom Lawrence he must file a Notice of Intent by December 6 for a deck that was constructed without a permit. Mr. Lawrence requested by email that the Commission grant him an extension for the filing due to the death of a family member. The Commission members decided not to grant an extension because the existing deck does not meet the standards of the ordinance and would not have been approved. Paul Healy moved to issue a response for non-compliance with the Enforcement Order that requires the deck to be removed by hand and with the materials being disposed of properly before February 7, 2017 and to issue a fine of \$100 per day if the deck is not removed by this date. Steve Moore seconded the motion. The motion was unanimously approved.

7 Harbor Street

A bulkhead was installed in front of the coir bags. Dan Warchol moved to require the property owner to submit a plan for the immediate removal of the bulkhead by the December 20 meeting and to issue a fine of \$100 per day if the property owner does not comply. Steve Moore seconded the motion. The motion was unanimously approved.

9. Adjournment

Steve Moore moved to adjourn the meeting at 7:55 p.m. Dan Warchol seconded the motion. The motion was unanimously approved.