

## **Newburyport Conservation Commission**

January 7, 2014

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, Dan Warchol and Jim O'Brien. Also in attendance was Julia Godtfredsen.

### **3. Minutes**

Paul Healy moved to approve of the minutes of the December 3, 2013 meeting as submitted. Steve Moore seconded the motion. The motion was unanimously approved.

### **4. General Business**

#### **Newburyport Waterfront Trust**

Riverfront Park Improvements

Informal Discussion

Doug Locy, chair of the Waterfront Trust, presented schematic plans for changes to the landscaping and parking at Riverside Park. The goal of the work, which is to be done concurrently with the construction of the Merrimac Ale House, is to visually enhance the park and to improve traffic flow. A walkway that would connect Merrimac Street to the Rail Trail would run alongside the Ale House. The Commission members were supportive of the conceptual plans, saying an increase in the amount of landscaped area would be beneficial. Julia Godtfredsen said because the land is subject to coast storm flowage and is in the buffer zone to the riverfront area, a Notice of Intent would be required for the work. Joe Teixeira advised Mr. Locy to obtain information about the soil under the park, saying if it were contaminated, a rain garden would not be desirable.

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

#### **Lake Realty Trust**

6 Opportunity Way

Request for Certificate of Compliance

DEP File #051-0885

Scott Cameron appeared for the applicant and reviewed the ways in which the as-built plans deviated from the approved plans. An earthen mound was placed around the parking area rather than an asphalt berm. Drip edges were not placed along the back and rear of the building. Instead the area behind the structure was graded so that water flows in a sheet into the wetland. The bioretention basin was widened and deepened, which did not result in any change to the stormwater management plan. Finally the property owner decided not to mow the area at the rear of the property. As a result the red pines planned for the area were not installed. Mr. Cameron said there was a concern they would not survive due to the high water table. He was

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told that the trees in the industrial park are an important mitigation measure because of the low permeability of the soils. The trees were a part of the approved application due to the benefits they provide. The applicant must either install the trees or submit an explanation of the reason the trees should not be required. It would be preferable for a species that is likely to survive be installed. It was suggested the applicant table the request for a Certificate of Compliance and submit a letter that indicates a change in the tree species. Julia Godtfredsen also requested that additional contours be indicated on the as-built plan because it does not have the same level of detail as the original plan. Steve Moore moved to continue the request to March 18 in order that the applicant may install an appropriate species of tree. Joe Teixeira seconded the motion. The motion was unanimously approved.

**Newburyport Manager, LLC**

McKay's Wharf a/k/a 58R Merrimac Street  
Request for Certificate of Compliance  
DEP File #051-0892

The minor deviations from the approved plans for the repair of a travel lift did not impact the resource area. Steve Moore moved to issue a Certificate of Compliance. Dan Warchol seconded the motion. The motion was unanimously approved.

**Roseann Bonatakis**

5 51<sup>st</sup> Street

Request for Determination of Applicability

The applicant is proposing to replace an existing landing and stairs with a deck that runs the length of the house with a five-foot stairway. Two existing shrubs would be relocated to another portion of the property. The deck would be elevated two feet above grade and would be located over an area that is only sparsely vegetated. The Commission members had no concerns about the proposal that would prevent them from issuing a Negative Determination. The applicant was instructed to notify the Newbury Conservation Agent about the project as a courtesy because the front of the deck would extend over the town line. Steve Moore moved to continue the request until the January 21 meeting to allow time for the Newbury Conservation Agent to review the proposal. Jim O'Brien seconded the motion. The motion was unanimously approved.

**David Dragonas, American Yacht Club**

115R Water Street

Request for Certificate of Compliance (051-0859)

Dan Streeter appeared for the applicant and circulated before and after photographs of the work to repair a failing bulkhead. Julia Godtfredsen visited the site and said the project was completed according to the approved plans. She commented that the job was well done. Steve Moore moved to issue a Certificate of Compliance. Mary Casey seconded the motion. The motion was unanimously approved.

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

**6. Public Hearings**

**Chris Skiba, Newburyport Development LLC**

**Michael's Harborside**

1 Tournament Wharf

Request for Amendment an Order of Conditions

DEP File #051-0899

Paul Avery appeared for the applicant, who had intended to install epoxy casings around existing piles. It was found that obstacles beneath the surface would make it difficult to install the casings and the applicant wishes instead to install 15 new greenheart piles. The existing piles would be removed when possible. The size of the deck would not be changed. Paul Healy moved to approve the amendment. Steve Moore seconded the motion. The motion was unanimously approved.

**7. Orders of Condition**

None

**8. Enforcement**

None

**9. Adjournment**

Steve Moore moved to adjourn the meeting at 7:45 p.m. Dan Warchol seconded the motion. The motion was unanimously approved. The next meeting of the Conservation Commission will be held on January 21, 2014.