

## **Newburyport Conservation Commission**

February 14, 2017

Mayor's Conference 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 January 17, 2017 meeting as submitted. Dan Bourdeau seconded the motion. The motion was unanimously approved.

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

#### **Plum Island Updates**

The first public meeting under the CZM grant for dune restoration and public access improvements will take place on Thursday, March 2 at PITA Hall. A public site visit will take place on Sunday, March 5.

A meeting of Merrimack River Beach Alliance took place on the February 3. The next meeting will take place on Friday, February 17.

#### **Gas Pipeline Letter**

The discussion was tabled from the January 17 meeting to the February 7 meeting, which was then cancelled due to the weather. The deadline for responses was February 10.

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

#### **Thomas Smolski, Department of Public Services**

7 Spring Lane

Request for Certificate of Compliance

DEP File #051-0935

A rip rap channel was created to protect the pond from being damaged if the clearwell were to again overflow. The bank was revegetated according to the plans. Paul Healy moved to issue a Certificate of Compliance. Dan Bourdeau seconded the motion. The motion was unanimously approved.

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**Alex Patterson, ESS Group**

Maudsley State Park, DCR Flowering Pond

Request for Minor Modification

DEP File #051-0931

During the course of construction, the applicant determined the configuration of the wetland shelf as approved would not be feasible. Rather than jutting into the pond, the shelf would instead be constructed along the shore. Steve Moore moved to approve the minor modification. Dan Bourdeau seconded the motion. The motion was unanimously approved.

**6. Public Hearings**

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

**Kathleen Barrett**

158 Old Point Road

Notice of Intent

DEP File #051-0965

The public hearing was closed and the Commission members discussed potential special conditions at the January 17 meeting. The Order of Conditions was not issued at that time because a DEP file number had not yet been received.

**Gary Litchfield, C&L Homes, LLC**

1 G Street

Notice of Intent

DEP File #051-0966

The applicant requested a continuance. Dan Bourdeau moved to continue the public hearing to the February 21 meeting. Doug Muir seconded the motion. The motion was unanimously approved.

**Nicole Young, Six Bayne Lane Revocable Trust**

6 Bayne Lane

Notice of Intent

Bill Decie, the applicant's representative, requested a continuance in order to revise the plans after visiting the site with Julia Godtfredsen. Dan Bourdeau moved to continue the public hearing to the February 21 meeting. Doug Muir seconded the motion. The motion was unanimously approved.

**Newburyport Wetlands Protection Regulations**

The Commission members discussed proposed amendments to Sections 2, 3, 5 and 6 of the regulations. In Section 2 a definition of critical area would be added. In Section 3 language would be added to provide protection for projects that are outside of the buffer zone but would affect critical jurisdictional resource areas. Language would be added to Section 5 about Orders of Conditions. Julia Godtfredsen will revise the proposed amendment to Section 6, which pertains to lattice and other enclosures, based on the comments made at the meeting and will circulate it to the members for review.

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Doug Muir moved to approve the proposed amendment to Section 2 of the Newburyport Wetlands Protection Regulations as amended. Dan Bourdeau seconded the motion. The motion was unanimously approved.

Dan Bourdeau moved to approve the proposed amendment to Section 3 of the Newburyport Wetlands Protection Regulations as amended. David Vine seconded the motion. The motion was unanimously approved.

Doug Muir moved to approve the proposed amendment to Section 5 of the Newburyport Wetlands Protection Regulations as amended. Dan Bourdeau seconded the motion. The motion was unanimously approved.

Dan Bourdeau moved to continue the discussion of the proposed amendment to Section 6 of the Newburyport Wetlands Protection Regulations to the March 7 meeting. Steve Moore seconded the motion. The motion was unanimously approved.

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

## **7. Orders of Conditions**

### **Kathleen Barrett**

158 Old Point Road

Notice of Intent

DEP File #051-0965

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

## **8. Enforcement**

### **7 Harbor Street**

The property owner has not responded to the notice he must remove the fence before March 1 or incur fines of \$100 per day. Julia Godtfredsen will send a second notice.

### **17 82<sup>nd</sup> Street**

David Vine recused himself from the discussion. Tom Lawrence has retained Lisa Mead and Tom Hughes. Attorney Mead requested in a letter dated February 6 that the fines be stayed pending the outcome of a public hearing on a Notice of Intent Mr. Hughes is in the process of preparing. Paul Healy moved to stay the collection of fines imposed on February 7 on the condition a permissible Notice of Intent is submitted by February 21 for consideration at the March 7 meeting and that the Commission will decide at that meeting if the fines are to be reinstated retroactively. Steve Moore seconded the motion. The motion was unanimously approved.

## **9. General Business**

Julia Godtfredsen will contact CZM about the way in which the presence of reindeer moss on a site should be handled. Reindeer moss is a lichen and not a plant material but is of value to the dune system because it holds sand in place.

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Dan Bourdeau will prepare a concept for a pamphlet and power point presentation on Plum Island guidelines.

**10. Adjournment**

Steve Moore moved to adjourn the meeting at 8:33 p.m. Doug Muir seconded the motion. The motion was unanimously approved.