

Newburyport Conservation Commission
February 18, 2020
Senior Community Center, 331 High Street
Minutes

1. Call to Order

Chair Joe Teixeira called a meeting of the Newburyport Conservation Commission to order at 6:47 p.m.

2. Roll Call

In attendance were members Paul Healy, Steve Moore, Joe Teixeira, Doug Warchol and Doug Muir. David Vine was absent.

3. Minutes

Paul Healy moved to approve the minutes of the January 21, 2020, meeting as amended. Steve Moore seconded the motion. The motion was unanimously approved.

4. Old and New Business

Plum Island Updates

None

The Reserve at Bashaw Farm

181-183 Low Street and 3-9 Colby Farm Lane

Approval of Homeowner's Association Document

The comments the Commission members made about the document have been addressed. Doug Muir moved to approve the homeowner's association document for the Reserve at Bashaw Farm. Steve Moore seconded the motion. The motion was unanimously approved.

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

Japonica, LLC c/o Dorothy and Howard Fairweather

3-5 Collins Farm Road

Request for Certificate of Compliance

DEP File #051-0968

The work was completed according to the approved plans. Paul Healy moved to issue a Certificate of Compliance for 3-5 Collins Farm Road. Doug Muir seconded the motion. The motion was unanimously approved.

National Grid

95 Water Street

Request for Minor Modification

DEP File #051-0964

At the January 7, 2020, meeting, the applicant presented plans to repair the area behind the revetment at the substation and prevent damage from erosion. Steve Moore moved to approve

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the minor modification for 95 Water Street. Doug Muir seconded the motion. The motion was unanimously approved.

6. Public Hearings

Dan Warchol moved to open the public hearings. Paul Healy seconded the motion. The motion was unanimously approved.

Nicole Young Nadeau

6 Bayne Lane

Notice of Intent

DEP File #051-1011

At the January 21, 2020, meeting, Ann McMenemy presented the plans for the addition of two floats with conservation moorings to an existing dock. The applicant provided the information on the storage of the floats the Commission members requested at that meeting. Steve Moore moved to close the public hearing. Doug Muir seconded the motion. The motion was unanimously approved.

Lisë Reid, Newburyport Parks Department

40 Low Street

Notice of Intent

DEP File #051-1025

Chris Huntress of Huntress Associates described the plans to expand the parking area at the track. He said the reorganization of the arrival area would make the parking at the track safer and more efficient. The plans have been revised as requested by the City Engineer. No significant comments were made by the peer reviewer. The drainage swale on Low Street is not jurisdictional. The Commission members requested that the applicant add a fence to keep vehicles out of the no-disturb zone. They also asked if the proposed rain garden could be enlarged. Mr. Huntress responded that it is sized appropriately for the wetland but additional plantings could be added.

A request for a variance was submitted because the work would intrude into the 25-foot no-disturb zone. Mr. Huntress said the improvement in safety would provide the overriding public benefit required for the variance. The applicant had not yet provided the required findings for the variance. Steve Moore moved to continue the public hearing to the March 3 meeting. Doug Muir seconded the motion. The motion was unanimously approved.

Harold and Kathryn Hansen

1 Bayne Lane

Notice of Intent

DEP File #051-1027

Tom Hughes and David Keery represented the applicant, who is proposing to expand an existing single-family home and construct a new deck. The addition and deck would be located in an area that is currently landscaped. The work is not within the 25-foot no-disturb zone but this area would be impacted by vehicles and equipment during the construction process. The Commission members requested that applicant replace the two mature deciduous trees near the

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addition that are to be removed. Steve Moore moved to close the public hearing. Doug Muir seconded the motion. The motion was unanimously approved.

Paul Hogg, Harbormaster

Northern Boulevard, Plum Island Point

Notice of Intent

DEP File #051-1026

The applicant was not able to attend the meeting. Dan Warchol moved to continue the public hearing to the March 3 meeting. Doug Muir seconded the motion. The motion was unanimously approved.

Graham Sharp

9 K Street

Notice of Intent

DEP File #051-1024

The applicant is proposing to expand a first-floor deck. He has not yet submitted a plan for the replacement of the beach grass that would be impacted. The grass could be moved to sparsely vegetated areas on the site. The Commission members will visit the site to assess the situation. They requested that the applicant submit a written opinion on the suitability of the diamond piers that are proposed for the two new deck posts. The applicant was reminded that the deck must be two feet above grade at a minimum. Doug Muir moved to continue the public hearing to the March 3 meeting. Dan Warchol seconded the motion. The motion was unanimously approved.

Three Boston Way, LLC

3 Boston Way

DEP File #051-1023

Mike Laham of the Morin-Cameron Group represented the applicant. He reviewed the changes that were made to the plans in response to the peer review. The storage volume of the enhanced wetland was increased and an erosion and sediment control plan was devised. Phil Christensen submitted a letter stating he is satisfied with the plans. Doug Muir moved to close the public hearing. Steve Moore seconded the motion. The motion was unanimously approved.

Frederick Habeeb

5 75th Street

Notice of Intent

The applicant intends to appeal the ZBA decision to not approve a dimensional variance for the lot and has requested a continuance. Doug Muir moved to continue the public hearing to the June 2 meeting. Dan Warchol seconded the motion. The motion was unanimously approved.

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

7. Order of Conditions

Nicole Young Nadeau

6 Bayne Lane

DEP File #051-1011

Doug Muir moved to issue an Order of Condition with the special conditions that: 1) during the winter the proposed floats shall be stored at a distance greater than 25 feet from any bordering vegetated wetland areas on the site and shall be stored within an existing developed or landscaped area; 2) any additional modification to the work proposed shall be reviewed and approved by the Commission prior to start of work and 3) the following conditions requested by the Division of Marine Fisheries shall also be included: a) this authorization is for the dock system shown on the plans as using a flexible, low-impact mooring system, specifically, the use of a 1 ¼" diameter galvanized steel eye bolt (12" long), driven into the river bottom bedrock with a rode system that will ensure that the mooring ropes or chains do not contact the bottom of the river during all water elevations and replacement of these systems with a conventional anchorage is not permitted without written authorization from the Division of Fisheries and Wildlife regarding impacts to Resource Area habitat of state-listed wildlife and the MA Endangered Species Act; b) the drilling equipment used to install the eye-bolts into the bedrock shall not utilize a hammering action and c) when filing for any renewal, extension or amendment to this OOC, the applicant shall contact the Division of Fisheries and Wildlife for written response regarding impacts to Resource Area habitat of state-listed species. Paul Healy seconded the motion. The motion was unanimously approved.

Harold and Kathryn Hansen

1 Bayne Lane

DEP File #051-1027

Doug Muir moved to issue an Order of Conditions with the special conditions that: 1) two trees with a minimum 2-inch caliper shall be planted to replace the two mature deciduous trees near the addition that are to be removed and the Conservation Administrator shall approve the location and species of these trees; 2) construction fencing shall be installed behind the silt sock and 3) the 25-foot no-disturb zone shall be restored after construction. Paul Healy seconded the motion. The motion was unanimously approved.

Three Boston Way, LLC

3 Boston Way

Dan Warchol moved to issue an Order of Conditions for 3 Boston Way. Steve Moore seconded the motion. The motion was unanimously approved.

8. Enforcement

None

9. Adjournment

Steve Moore moved to adjourn the meeting at 8:37 p.m. Dan Warchol seconded the motion. The motion was unanimously approved.