

Newburyport Conservation Commission
February 20, 2018
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 6:52 p.m.

2. Roll Call

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

3. Minutes

David Vine moved to approve the minutes of the January 16, 2018 meeting as submitted. Doug Muir seconded the motion. The motion was approved with Steve Moore abstaining.

4. Old and New Business

Plum Island Updates

None

Evergreen Commons Declaration of Restriction

Doug Muir moved to approve the Evergreen Commons Declaration of Restriction. Steve Moore seconded the motion. The motion was unanimously approved.

Conservation Restrictions

Doug Muir provided information on Mass Audubon's Ecological Extension Service, which prepares baseline documentation and monitors conservation restrictions on a fee-for-service basis. Amber Carr will be asked to attend an upcoming meeting to discuss the service.

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

Donald T. Flahardy

6 Overlook Street

Request for Certificate of Compliance

DEP File #051-0977

Matt Steinel of Millennium Engineering represented the applicant and said the deck and stairs were constructed according to the plans with the exception of a small landing at the base of each set of stairs that was not shown on the drawings. Steve Moore moved to issue a Certificate of Compliance for 6 Overlook Street. David Vine seconded the motion. The motion was unanimously approved.

Steve Moore moved to open the public hearings. Doug Muir seconded the motion. The motion was unanimously approved.

6. Public Hearings

Bernie Christopher, Low Street Redevelopment, LLC

255R Low Street

Notice of Intent

Steve Sawyer represented the applicant and presented the plans for an expanded parking lot developed from the conceptual design discussed at the December 5, 2017, meeting. As was requested at this meeting, the trees to be removed were indicated on the plans and a retaining wall was added near the parking space closest to the wetland. The size and orientation of the proposed parking area had been revised to reduce the amount of impact to the buffer zone. The result is an intrusion into the no-disturb zone that is allowable because the site is entirely within the buffer zone. Joe Teixeira asked that a silt fence be used in addition to the proposed silt sock to protect the resource area from erosion during construction. The applicant has not yet resolved the stormwater comments made by Christensen and Sergi. Steve Moore moved to continue the public hearing to the March 6 meeting. Doug Muir seconded the motion. The motion was unanimously approved.

Lisa Cosimano Gallagher, Port City Realty, LLC

75 Parker Street

Notice of Intent

DEP File #: 051-0988

Rick Barthelmes of Cornerstone Construction Services presented plans for an 8,600 square foot expansion of an existing one-story office/warehouse building in the industrial park. The entrance would be situated on the east side of the building, with loading docks on the west side and an access road running behind it. Located on the southern-most portion of the site is a wet meadow and freshwater marsh associated with a tributary to the Little River. The proposed project would result in a permanent impact to the buffer zone of 7,800 square feet, with 15,000 square feet of temporary impact. No work is being proposed for the 25-foot no-disturb zone. The building and pavement would occupy 47,400 square feet, an increase of 29,158 square feet over the existing 18,242.

Kenneth Knowles of Eaglebook Engineering described the proposed stormwater management system. Currently stormwater flows over the pavement to a swale in the southwest corner of the site that discharges directly into the BVW with no TSS removal. The applicant is proposing to construct a rain garden on the north side of the building from which water would flow to the existing swale along Parker Street. Water from catch basins and a second rain garden on the east side of the building would flow to an underground infiltration system and then into the existing swale at the rear of the site.

Joe Teixeira said he is concerned with the amount of grading that would take place near the 25-foot no-disturb zone. He said the Commission is interested in reducing the amount of runoff in the area through the use of green roofs and the planting of trees. He also commented about the location of the dumpster pads and said he is concerned trash will blow into the wetlands.

The Commission members have not yet received the stormwater report or a narrative. They commented the plan as presented is difficult to understand because it contains too much information. They requested the details be separated into two plans. They were concerned about

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the amount of pavement associated with the expansion. They also requested the snow storage area be formalized. Steve Moore moved to continue the public hearing to the March 6 meeting. Doug Muir seconded the motion. The motion was unanimously approved.

Ron Barrett, American Yacht Club

115-119R Water Street

Notice of Intent

DEP File #051-0981

Tom Hughes represented the applicant and presented a revised plan to repair the seawall. The whalers would be removed one section at a time and a vinyl or steel sheet would be driven directly in front of the existing wall. A new whaler would then be placed in front of the sheet and welded onto the existing tiebacks. In one corner the existing wall is bowed. The sheet in this section would be placed against the existing whaler and tieback would be extended. The applicant must obtain Commission approval if the gap between the new sheet and the existing wall will be greater than six inches. Steve Moore moved to close the public hearing. Doug Muir seconded the motion. The motion was unanimously approved.

Lauren Palmero

245 Northern Boulevard

Notice of Intent

Sarah Bellino and Tom Hughes represented the applicant, who purchased a vacant lot in the AO zone that had been the site of the Oliver House. The Building Commissioner had informed the prior owner he intended to issue a demolition order for the structure due to its poor condition. The owner removed the structure prior to the issuance of an order. The Commission issued an Order of Conditions for the reconstruction of the Oliver House and the construction of a guest cottage at its rear. When requesting an Order of Conditions in 2014, the owner said the lot had been divided into two parcels. He did not intend to complete the plans for the parcel on which the Oliver House had stood and the lot was for sale. The current owner believed the lot was a buildable one when she purchased it. However, under the local ordinance, no development or redevelopment is allowed in the AO zone and a variance would be required to construct a new home in this location.

The applicant is proposing to add sand to the lot to make its elevation consistent with that of Northern Boulevard and construct a dwelling that would be smaller than the former Oliver House. Mr. Hughes argued the project would not constitute development or redevelopment because the replacement structure would not be 20% greater than the Oliver House had been and the dwelling would otherwise meet the performance standards. If a variance were to be required the applicant would argue the public benefit would be to not dis-incentivize the public from removing unsafe buildings.

The Commission is seeking an opinion from the Kopelman and Paige about the property. Steve Moore moved to continue the public hearing to the March 6 meeting. David Vine seconded the motion. The motion was unanimously approved.

Steve Moore moved to close the public hearings. Joe Teixeira seconded the motion. The motion was unanimously approved.

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7. Enforcement

25 Basin Street

Tom Hughes has made a list of the outstanding items and said the work should be completed within a month or two of the time the weather becomes warm.

8. Order of Conditions

Ron Barrett, American Yacht Club

115-119R Water Street

DEP File #051-0981

Steve Moore moved to approve the Order of Conditions with the special conditions the Order shall not be issued until an updated site plan has been received, all work must be done from landward side and approval of the Conservation Administrator shall be required if a tolerance greater than six inches is necessary in the section where the existing wall is bowed. Doug Muir seconded the motion. The motion was unanimously approved.

9. Adjournment

Doug Muir moved to adjourn the meeting at 8:50 p.m. Steve Moore seconded the motion. The motion was unanimously approved. The next meeting of the Conservation Commission will take place on Tuesday, March 6, 2018.