

Newburyport Conservation Commission

February 2, 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 Joe Teixeira, Paul Healy, Dan Bourdeau, Doug Muir, Steve Moore and Dan Warchol. David Vine was absent. Julia Godtfredsen was also in attendance.

3. Minutes

Paul Healy moved to approve the minutes of the January 19, 2016 meeting as submitted. Dan Bourdeau seconded the motion. The motion was approved with Doug Muir abstaining.

4. Old and New Business

The contract to monitor the salt marsh under the Whittier Bridge had expired. Mary Rimmer was asked to provide a proposal for continuing the monitoring until 2017.

Doug Muir moved to use one of the two additional flights in the drone contract for images of the recent storm. Steve Moore seconded the motion. The motion was unanimously approved.

Revisions to Newburyport Wetlands Regulations

The sections in the local ordinance pertaining to utilities and stormwater were copied verbatim into the regulations. Doug Muir suggested that in Article 5, Section 5 it be added the Commission reserves the right to not accept a new permit application for a property for which there is a violation of an existing permit.

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

Jocelyn C. Gaffny

17 55th Street

Request for Certificate of Compliance

DEP File #051-0640

Paul Healy moved to issue a Certificate of Compliance. Steve Moore seconded the motion. The motion was unanimously approved.

Charles Palmisano

10 Jefferson Court

DEP File #051-0805

Request for Extension

The applicant requested an extension of a permit to construct an attached two-car garage. The Order of Conditions was issued on February 5, 2013 and would expire February 5, 2016. Dan

Newburyport Conservation Commission
February 2, 2016

Warchol moved to issue a three-year extension. Steve Moore seconded the motion. The motion was unanimously approved.

6. Public Hearings

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

Craig Pessina, Chart House Development, LLC

23, 23R, and a portion of 25 Hale Street

Notice of Intent

DEP File #051-0948

The applicant requested a continuance. Paul Healy moved to continue the public hearing to the February 16, 2016 meeting. Steve Moore seconded the motion. The motion was unanimously approved.

MassDOT Highway Division

Whittier Bridge

Amend Order of Conditions

DEP File #051-0875

The applicant requested a continuance. Steve Moore moved to continue the public hearing to the February 16, 2016 meeting. Dan Bourdeau seconded the motion. The motion was unanimously approved.

Chris Skiba, Newburyport Manager, LLC

54R Merrimac Street □

Notice of Intent

Paul Avery represented the applicant, who is proposing to repair the paved boat ramp at Black Cow Restaurant that has eroded. The pavement would be clean cut and repaired with concrete. A turbidity curtain would be used during the construction. The Massachusetts Division of Fisheries and Wildlife has approved the work. Steve Moore moved to close the public hearing. Dan Bourdeau seconded the motion. The motion was unanimously approved.

Evergreen Development LLC

18 Boyd Drive □

Abbreviated Notice of Resource Area Delineation

Tom Hughes represented the application along with Lisa Mead and Steve Sawyer and distributed background information on the site. He said the retention basins on the golf course were created to handle stormwater from Boyd Drive and were used for irrigation. He said because the basins would not be continuously wet if water from wells were not pumped into them, they are not ponds as defined by the WPA. They would only be jurisdictional as isolated lands subject to flooding.

Because of the complicated nature of the site, the Commission members would like a peer review to be conducted. They wish to review the materials provided and visit the site before considering the scope of the peer review. A site visit will be scheduled for Friday, February 5 at 3:15 p.m.

Newburyport Conservation Commission
February 2, 2016

Mr. Hughes will provide a copy of the original Notice of Intent and the data from 13 test pits that were dug at the perimeter of the site. Joe Teixeira said a delineation should not be done in the winter.

The public hearing was opened to comments from the public.

Peter Hatcher, 15 Boyd Drive, said the site is poorly drained and he does not believe that relying on calculations accurately records the hydrology of the site.

Dan McCarthy, 13 Laurel Road, said according to the 2012 Open Space Plan the site is in a water supply protection area and the course floods when there is a heavy rain.

Stephanie Stroud, 7 Boyd Drive, said someone in the Planning Office told her when she purchased her house in 1990 the land was not developable, which is why the golf course was created.

Robert Zirpolo, 14 Laurel Road, said it might be possible that the water from the catch basin at the bottom of a road flows into the course.

Kenneth Growder, 4 Brown Avenue, said the wetlands on the course are man made. In the 1960s, before the gravel pit was created, the land was level and there was no water on the site.

Ann Marie Vega, 21 Boyd Drive, has seen water running beneath the road and the calculations should include the higher level of the ground water that exists in the spring. She also asked why the B series was not depicted and was told by Mr. Hughes this was too small to be considered in relation to the entire site.

Michele Rogers, 11 Boyd Drive, asked if there are wetlands within the isolated land subject to flooding. Julia Godtfredsen responded the Commission must determine if they are vegetated wetlands or simply retention basins as the applicant contends. If they were found to be vegetation wetlands, they would be protected under the local ordinance.

Bob, Mazzotti, 8 Brown Ave, asked to review the material provided to the Commission.

Karen Geary, 9 Boyd Drive, was concerned that the peer review not be biased in favor of the applicant. The Commission members answered this, along with other procedural questions.

Steve Moore moved to continue the public hearing to February 16, 2016 meeting. Doug Muir seconded the motion.

Doug Muir moved to close the public hearings. Paul Healy seconded the motion. The motion was unanimously approved.

7. Order of Conditions

Chris Skiba, Newburyport Manager, LLC

54R Merrimac Street□

Notice of Intent

Paul Healy moved to approve an Order of Condition to be issued upon the receipt of a DEP file number with the special conditions that all asphalt and other construction-related debris shall immediately be removed from the site and disposed of properly, all work shall be done in dry conditions (low tide), there shall be no washout of the concrete truck on site or within any resource area or buffer zone. Doug Muir seconded the motion. The motion was unanimously approved.

Newburyport Conservation Commission
February 2, 2016

8. General Business

Michael Morse made a presentation titled *Unlocking the Mystery of Beach Erosion at Plum Island*.

9. Adjournment

Steve Moore moved to adjourn the meeting at 10:07 p.m. Dan Bourdeau seconded the motion. The motion was unanimously approved. The next meeting will be scheduled for Tuesday, February 16, 2016.