

Newburyport Conservation Commission

February 7, 2012

City Council Chambers

Minutes

1. Call to Order

A meeting of the Newburyport Conservation Commission was called to order by Chairman Joe Teixeira at 6:30 p.m.

2. Roll Call

In attendance were members Joe Teixeira, Paul Healy, Mary Casey, Steve Moore, Dan Warchol, Jim O'Brien and Doug Muir, Planning Director Andy Port and Conservation Administrator Julia Godtfredsen.

3. Minutes

Paul Healy moved to approve the minutes of the January 17, 2012 meeting as amended. Mary Casey seconded the motion. The motion was unanimously approved.

4. General Business

Wetlands Ordinance

The City Council Planning and Development subcommittee will discuss the ordinance on February 9 at 7:00 p.m.

Storey Avenue Rezoning

Joe Teixeira asked if the Commission should take a position on the proposed rezoning on Storey Avenue. Andy Port said it would be beneficial for the Commission to speak in support of the rezoning because the City would like to acquire the open space. Mayor Holaday also spoke and encouraged the Commission to write a letter to the City Council in support of the zoning change. Steve Moore said the parcel the City might be able to acquire had been identified in a report as one that should be left open in order to create a contiguous ecosystem between Hale and Low Streets. Doug Muir said the open space is only a small part of the project. He said he would not want the Commission to take a position on the other issues surrounding the rezoning proposal. Paul Healy moved that Julia Godtfredsen draft a letter to be signed by Joe Teixeira and sent to the Planning and Development subcommittee stating the acquisition of the property for open space would be a valuable asset to the community. Steve Moore seconded the motion. The motion was unanimously approved.

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

Springwell Investments Conservation Restriction

Additional changes are being made to the draft conservation restriction based on comments made by the council for Springwell Investments and it is not ready to be signed at this time. Doug Muir recommended that the City not take title to the property until the Essex County Greenbelt Association is able to confirm that there are no existing violations of the restriction.

6. Public Hearings

Mary Casey moved to recess the meeting and open the public hearings. Steve Moore seconded the motion. The motion was unanimously approved.

Commonwealth of Massachusetts, Highway Division

Whittier Bridge

Notice of Intent

DEP File #051-0875

The sequence of work for the construction of the bridge was reviewed. The procurement process is scheduled to begin in April and the contractor will begin work in the spring of 2013. During the first year primarily land work will be done, with one of the first tasks being the removal of trees. The permanent outfall will be installed and the existing one removed in the summer of 2013, making the interim repair that had previously been mentioned unnecessary. Various planting zones based on light and water have been identified and a plant list will be developed for each of the zones. A coir log is planned for the front edge of the gap between the two existing saltmarsh areas. Cordgrass will be planted in the first year, allowing for three years of monitoring. Steve Moore said the area will be in the shade of the northbound bridge and he does not think the plant materials will survive. Sarah Allen responded that while the riverfront plantings are a part of a required mitigation plan, the work in the saltmarsh is simply an enhancement. She said that because no impact to the saltmarsh is anticipated, mitigation would not be required. Steve Moore said he does not believe the saltmarsh would not be impacted. Julia Godtfredsen said the plans call for one year of monitoring and she would like more information about the three-year monitoring period that was mentioned by Sarah Allen. She also said she would like to know how issues that arise during the monitoring would be addressed. If all the plants of a particular species were to die, they would be replaced by a different species. Paul Healy commented that if the need to replace plant materials were to be determined in the fall, the work might be better left until the spring. A planting window will be added to the contract. Steve Moore asked that the number of Spartina plants be counted in July or August and then at a later date in order to determine the impact of the project. Sarah Allen said it is known that the saltmarsh will be impacted by the shade, but the function of the saltmarsh is not expected to be adversely effected. Julia Godtfredsen asked if it would be sufficient to photograph the existing conditions for future comparison. She said DEP has not indicated that there would be a significant impact to the saltmarsh. Steve Moore said the applicant's literature indicated Spartina alterniflora is adversely impacted by shade.

Andy Port said the City Engineer is preparing his comments on the project and Commission members should be allowed time to review them. A new set of drawings that incorporates the changes must be submitted as the plan of record. FST will review the Orders of Conditions from the three communities and create a set of common conditions.

The applicant would like the three communities to close their public hearings as close to the same time as possible so that consultant might work on the Order of Conditions concurrently. Paul Healy moved to continue the public hearing to February 21. Mary Casey seconded the motion. The motion was unanimously approved.

Mary Casey moved to close public hearings. Joe Teixeira seconded the motion. The motion was unanimously approved.

7. Enforcement

Crow Lane Landfill

Joe Teixeira recused himself from the discussion. Steve Moore distributed photographs that were taken on January 28 and said the situation has not improved. The photographs show erosion around haybales. There continues to be a discharge with a sulfurous odor from the pipe and sediment continues to wash into the wetlands. Julia Godtfredsen said she informed Chip Nylan that more must be done than the installation of the haybales. The Enforcement Order required that a representative from New Ventures attend a Commission meeting to discuss the issues. This should take place at the next meeting.

8. Orders of Conditions

None

9. Other Business

MACC Annual Conference

The MACC annual conference will be held on March 3. The cost is \$110, which would be covered by the Commission's funds. Joe Teixeira plans to attend.

Woodman Property

A 40B project is proposed for the Woodman property. The wetlands must be crossed in order for the uplands to be accessed. The project would be a limited one, meaning it would be allowed despite the impacts, but a wetlands replication would be required. There may not be enough land in the uplands for a 2:1 replication. The property was a priority habitat in 2004, when an ANRAD was filed, but is no longer.

Waste Water Treatment Facility

Julia Godtfredsen said Pieter Harford notified her that a Request for Amendment would be filed. The applicant wishes to install a tower in the buffer zone. The item will be on the agenda for the next meeting.

9 Graf Road

At the September 21, 2010 meeting an informal discussion took place with the property owner, who wished to install a concrete pipe in the swale and fill the swale to meet the existing grade. A site visit took place at that time. The property owner has again inquired about the possibility of installing the pipe. Julia Godtfredsen will reiterate the Commission's objections to the plan, which were that the swale is jurisdictional and flood storage would be lost.

9. Adjournment

Paul Healy moved adjourn the meeting at 7:45 p.m. Doug Muir seconded the motion. The motion was unanimously approved.