

## **Newburyport Conservation Commission**

March 20, 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, Dan Warchol, Steve Moore, Jim O'Brien and Doug Muir and Conservation Administrator Julia Godtfredsen.

### **3. Minutes**

Paul Healy moved to approve the minutes of the March 6, 2012, meeting as amended. Steve Moore seconded the motion. The motion was unanimously approved.

### **4. General Business**

#### **City-wide Wetlands Ordinance**

The City Council Planning and Development subcommittee voted to take the ordinance out of committee. The first reading before the Council will take place on Tuesday, March 27. Joe Teixeira said he would be unable to attend the meeting and invited other members who are available to speak on behalf of the ordinance.

#### **7 Mulliken Way**

##### **DEP Appeal**

Julia Godtfredsen said a letter from DEP concerning the appeal of the Order of Conditions for 7 Mulligan Way contained very little information. She will contact Rachel Freed for clarification.

#### **Plum Island South Jetty Repair Project**

Julia Godtfredsen said she walked the route from the parking to the jetty with representatives from DCR and CZM. She said the path is a long one and would have to be widened. Because of the height of the water at high tide, the route would have closely follow the dunes, cutting into them and resulting in a great deal of impact. The Army Corp. plans to conduct all of the work from land rather than from a barge as had been originally intended. CZM must approve of this change. There is a concern that the weight of the trucks carrying the stone will damage both the dunes and the roads.

#### **Beach Management Plan Amendment**

Julia Godtfredsen said the amendment would be on the agenda for the next meeting.

#### **Newburyport Business Park Flooding**

Business park representatives would like to increase the amount of flood storage by dredging the swales. Joe Teixeira said he is meeting with a group in the industrial park on March 21 to discuss

the plan. He said he has told them the water backs up at three choke points downstream. Dredging the swales would increase the velocity of the water and might increase the amount of flooding. Without a hydrology study the impacts of the action would not be able to be determined. The addition of detention ponds and the planting of trees would help reduce the amount of flooding. A Notice of Intent would be needed for any work.

#### **Springwell Investments Conservation Restriction**

Julia Godtfredsen said there has been no further communication about the conservation restriction or deed. She said she and Emily Wentworth visited the site and it appears the work is being done well.

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

##### **City of Newburyport Harbormaster**

##### **Joppa Park Boat Access**

Douglas Cameron, Department of Fish and Game, Fishing and Boating Access, discussed plans to repair the Joppa Park access ramp to make it safer for boaters. The area will be power washed with fresh water. Concrete will be used to patch the areas of broken and missing bituminous and ready-mix concrete. All work will be performed from the boat ramp surface and will take place over a two-day period. The broken material will be taken off of the site by truck. Mr. Cameron said the work is a temporary repair and a Notice of Intent for a more permanent solution would be filed a later date. Paul Healy moved to issue a Negative 2 Determination. Mary Casey seconded the motion. The motion was unanimously approved.

##### **Patrick and Karen Friel**

##### **238 Northern Boulevard**

John Sava appeared for applicant, who wishes to increase the size of a deck by eight feet. The plans call for one existing sonotube to be moved to support the addition and no new sonotubes are to be added. Commission members recalled that DEP has changed its policy and now requires that piles be used in place of sonotubes. Mr. Sava said that while he would be willing to use steel piles if necessary, this would be more disruptive to the site. The hole for the relocated sonotube would be dug by hand. Commission members decided the use of sonotube would be allowable as no new ones are being added. Work planned for the windows and siding will be done from staging placed on the walkway that runs around the house. The staging is not to be placed on the beach grass. The applicant also wishes to remove the bituminous paving in the front of the house and replace it with crushed stone. The area of the stone will not be greater than that of the existing paving. Doug Muir moved to issue a Negative 3 Determination with the conditions that the number of sonotubes is not increased, hand dug wooden piles must replace any sonotubes that cannot be reused and no construction debris is to be stored on the beach grass. Steve Moore seconded the motion. The motion was unanimously approved.

#### **6. Public Hearings**

None

## **7. Enforcement**

### **Crow Lane Landfill**

Joe Teixeira recused himself from the discussion. Chip Nylan was to submit a summary of the actions that are to be taken and the timetable for the work. He instead provided only a broad description of the wetland erosion control and restoration sequence plan. Item #6 of the list he provided is the part of the plan about which the Commission requested more information. Julia Godtfredsen will inform him that the Commission must receive more detail and a time line for item #6, clarification on item #7 and the planned action for the pipe from which water is continuously flowing.

### **Tree Removal on Shandel Drive**

Julia Godtfredsen said a neighbor called to report that trees were being cut in the wetland and trees had been cut last summer as well. At the site she found fresh sawdust where one small tree was cut and where the stumps of the trees that were cut last summer were made smaller. She also found that debris had been dumped in the wetland. The goal of the work, which was done without a permit, was apparently to improve the view from the house at 1 Shandel Drive. The Planning Board had previously allowed the removal of trees in the conservation area. The work exceeded that which had been allowed and extended into the wetland. Julia Godtfredsen will notify the homeowners that no further work is to take place within 100 feet of the wetland and they must attend the next meeting. Steve Moore moved to issue an Enforcement Order. Doug Muir seconded the motion. The motion was unanimously approved.

## **8. Orders of Conditions**

None

## **9. Adjournment**

Steve Moore moved adjourn the meeting at 7:30 p.m. Mary Casey seconded the motion. The motion was unanimously approved.