

Newburyport Conservation Commission
March 5, 2019
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 6:45 p.m.

2. Roll Call

In attendance were members Joe Teixeira, Steve Moore, Paul Healy and Dan Bourdeau. Dan Warchol, Doug Muir and David Vine were absent. Conservation Administrator Julia Godtfredsen was also in attendance.

3. Minutes

Paul Healy moved to approve the minutes of the January 15, 2019, meeting as submitted. Steve Moore seconded the motion. The motion was approved.

4. Old and New Business

Plum Island Updates

The Plum Island Homeowners Guide is at the printer and a proof is being prepared for review.

MRBA Meetings

The topic of discussion at recent MRBA meetings has been the acquisition of a shared regional dredge. Funding is available for a study to determine if it would be more feasible to own or lease a dredge.

MACC Conference

Joe Teixeira attended a recent MACC conference. A planned discussion on land subject to coastal storm flowage was postponed.

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

Parker River Clean Water Association

Gloria Braunhardt Bike/Pedestrian Trail (95 Storey Avenue and 102 Hale Street)

Request for Determination of Applicability

Jerry Mullins described the plans to upgrade the bike and pedestrian path. He is in the process of interviewing consultants that would develop the details of the project. He expects that the two outer lanes of the former roadbed would be ground up and the land returned to its natural state. A grass berm would border the path to protect the wetlands from contaminants. Birch trees that overhang the path would be cut and their stumps left in place. The work would be within the 25-foot no-disturb zone. The Commission members would not be able to comment on any wetland impacts until a plan has been developed. The wetlands must be delineated and an NOI must be filed.

March 5, 2019

Steve Moore moved to open the public hearings. Dan Bourdeau seconded the motion. The motion was unanimously approved.

6. Public Hearings

Michael Kane, Ganton, LLC c/o The Kane Company

341 Merrimac Street

Notice of Intent

The applicant is proposing to make improvements to an existing paved parking lot. The work would reduce the amount of impervious surface in the buffer zone by 13,200 square feet. Dan Bourdeau said the project provides an opportunity to increase the amount of storm water treatment and he would like the applicant to do more than place six catch basins in a line. He said the applicant should demonstrate that the pipe has sufficient capacity and asked for cross sections to determine if additional treatments would be possible. Joe Teixeira asked for the elevations of the swale and for the applicant to determine if it is functioning properly.

Several raised islands would be located in the parking lot. The Commission members asked if these islands could be placed at grade to allow them to catch runoff or if openings could be made in the curbs. They asked that trees be planted in some of the islands and if some of the islands along the road could be joined together to reduce the amount of impervious pavement and provide an extended green space.

The hearing was opened to comments from the public. Ron Doescher, 22 Parker Ridge Way, asked if the stream on the association's property would be impacted. He was told it would not be. Jane Snow, 9 Coffin Street, commented that water flows from High Street to Merrimac Street through a pipe and the area is becoming more flooded. Charlie Tontar, 29 Jefferson Street, said that the appearance of the parking lot is not one that would accompany a Class A office building. Rob Germinara, 2 Ashland Street, said the swale has never functioned properly and he would be opposed to more water being directed to it.

Steve Moore moved to continue the public hearing to March 19. Paul Healy seconded the motion. The motion was unanimously approved.

Ben Legere, Downeast Building and Development, LLC

3-7 Colby Farm Lane and 181-183 Low Street

Abbreviated Notice of Resource Area Delineation

DEP File #051-1003

Patrick Seekamp represented the applicant and said he put in new wetland line in the fall of 2018. He said the line is in keeping with the delineation the Conservation Commission approved in 2013 and he reviewed the minor discrepancies. The Commission members agreed a new delineation would not be necessary. Steve Moore moved to issue an Order of Resource Area Delineation. Paul Healy seconded the motion. The motion was unanimously approved.

David Cowie, Plum Island, LLC

77, 79, and 79A Parker Street

Notice of Intent

Lisa Mead, Eric Botterman and Patrick Seekamp represented the applicant, who filed a separate Notice of Intent for each of the three parcels. The public hearing will be continued to allow for

Newburyport Conservation Commission

March 5, 2019

an amended application to be filed so that only one DEP file number and one Order of Conditions might be issued.

A historic farmhouse is located on the upland portion of the site, which the applicant intends to preserve and convert to office space. The construction of a brewery would result in a disturbance to the buffer zone of greater than 20% and a variance would be needed. The preservation of the farmhouse is being presented as the overriding public benefit and the proposed mitigation for the filling of the IVW is the creation of a pollinator meadow. Signage to educate the public on the value of the meadow would be installed. The applicant intends to plant 60 trees in compensation for the removal of 20.

The hearing was opened to comments from the public. Rob Germinara, 2 Ashland Street, said while he is not opposed to the construction of the brewery, he believes the project is too large for the site. He said it will result in more flooding in the area and there is already standing water in the swale in front of 79A Parker Street at all times. He does not want parking to be allowed on either 79A or 77 Parker Street.

Steve Moore moved to continue the public hearing to March 19. Dan Bourdeau seconded the motion. The motion was unanimously approved.

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

7. Orders of Conditions

None

8. Enforcement

Julia Godtfredsen will contact Tom Hughes regarding 5 Basin Street.

9. Adjournment

Dan Boudreau moved to adjourn the meeting at 9:54 p.m. Joe Teixeira seconded the motion. The motion was unanimously approved.