

Newburyport Conservation Commission

March 6, 2012

City Hall Conference Room

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, Jim O'Brien and Doug Muir and Conservation Administrator Julia Godtfredsen.

3. Minutes

Paul Healy moved to approve the minutes of the February 21, 2012, meeting as submitted. Steve Moore seconded the motion. The motion was unanimously approved.

4. General Business

Wetlands Ordinance

The City Council Planning and Development subcommittee spent the entirety of its last meeting on the proposed tree ordinance and did not discuss the wetlands ordinance. The next meeting of the subcommittee is scheduled for Tuesday, March 13 at 7:00 p.m.

Beach Management Plan

Commission members discussed the conditions that would pertain to the placement of sand on Plum Island between 53rd and 57th Streets. The City and the Department of Recreation may add sand of the same color and particle size as the existing between August 31 and April 1. The Conservation Agent will inspect the sand and may reject it if it is not in compliance with the standards. No large rocks or debris may be added regardless of the sieve analysis. Only 53rd and 57th Streets may be used for access, as the slope at 55th Street is too steep. The Agent must approve of the method of placing the sand. The Agent must be notified 72 hours in advance of the time of the work, the amount of sand to be added, the method of placement and the results of the sieve analysis. The conditions will apply only to work that is done to maintain the public access in this area. The Commission must approve the addition of sand for any other purposes, such as the repair of storm damage. Julia Godtfredsen will draft the conditions for review at the next meeting.

Springwell Investments Conservation Restriction

Doug Muir said an agreement has been reached on the final language of the conservation restriction. Julia Godtfredsen will walk the property before the agreement is signed and the land is conveyed to the City. Andy Port, Emily Wentworth and representatives of the Essex County Greenbelt Association and Springwell Investments should also attend the site visit, which has not yet been scheduled. Doug Muir said the City should receive an estoppel certificate from Greenbelt that states that at the time the land is conveyed there are no violations. He circulated a

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municipal certification, through which the Commission indicates the property is worthy of the restriction. Paul Healy moved to approve the municipal certification. Mary Casey seconded the motion. The motion was unanimously approved.

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

Eva-Maria Pietrzyk

47 Harbor Street

Request for Determination of Applicability

Bill Decie appeared for the applicant, who is proposing to hand repair a sea wall by removing individual planks and adding new ones. There will be no work in the uplands and no heavy equipment will be used. Mr. Decie said that no resource area would be adversely impacted by the work. Mary Casey moved to issued a Negative 3 Determination with the conditions that 1) the applicant must notify the Commission if any change is required in the method used to repair the seawall from what has been proposed, or if there is any change in the scope of the work or the severity of the damage; 2) there is to be no motorized equipment on the tidal flat; 3) all rocks and sand that have been removed by the construction must be replaced; 4) no CCA be used and 5) as-built photos be submitted. Steve Moore seconded the motion. The motion was unanimously approved.

City of Newburyport, Parks Commission

Joppa Park, Water Street

Request for Determination of Applicability

Lisë Reed described the plan to install granite bollards and roses along the perimeter of Joppa Park. The bollards are to be ten feet apart and a chain is to extend between them. Five pedestrian openings are planned. The work is the first part of a project that is to take part in several phases. Subsequent phases will involve the installation of benches and interpretive panels. Paul Healy moved to issue a Negative 2 Determination. 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. The summary of the actions that are to, be taken and the timetable for the work that were promised by Chip Nylan at the February 21 meeting have not been received. He will be given a deadline of March 27, which is seven days prior to the April 3 meeting, because the work is scheduled to take place in the spring. Steve Moore noted that an email supported his assertion that no water should be flowing from the pipe at the current time.

8. Orders of Conditions

Commonwealth of Massachusetts, Highway Division

Whittier Bridge

Notice of Intent

DEP File #051-0875

Steve Moore said he would like to receive a plan detailing the existing saltmarsh plants and their condition in both shaded and non-shaded areas. If their condition changes due to a factor other than shading, both areas would be impacted equally. The information could be used as a baseline for comparison over two to three years of monitoring. Julia Godtfredsen said the area has been monitored due to the fuel spill. The plant materials that are to be installed will carry a two-year post-planting warranty. The replacement plants would not be reinstalled if they were to decline past the initial two-year mark. Members discussed the desirability of installing the plant materials after the construction has been completed. They decided they would like the saltmarsh plants to be installed concurrently with the riverfront planting. The Mass Dot representative said the contractor would decide how the planting would be phased. The loam and seed might be installed when the work has been completed on the northbound slope in order to stabilize it. Cofferdams will be installed which might increase the velocity of the water, making it best to install the saltmarsh plants after the demolition of the first pier has occurred and the cofferdams have been removed. Instead of specifying planting times, the conditions will include a requirement for the contractor to meet with the Commission to determine the best schedule for planting. Paul Healy moved to issue the Order of Conditions. Jim O'Brien seconded the motion. The motion was approved with Steve Moore voting in opposition. The Commission might wish to hire someone to monitor the saltmarsh one time per year and compare its condition against the baseline.

9. Adjournment

Steve Moore moved adjourn the meeting at 8:15 p.m. Mary Casey seconded the motion. The motion was unanimously approved.