Newburyport Conservation Commission
April 19, 2011
City Hall Auditorium
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, Steve Moore, Mary Casey, Doug Muir and Mary Casey and Conservation Agent Mary Reilly. Dan Warchol was absent.

3. Minutes

Steve Moore moved to approve the minutes of the April 5, 2011 meeting. Doug Muir seconded the motion. The motion was unanimously approved.

4. General Business

Crow Lane Landfill

Joe Teixeira recused himself from the discussion. Mary Reilly said a public meeting about the closure of the landfill was held on April 14. It appears the plantings will not be installed until the fall. It is anticipated the sand will be put down in August and the loam in September. Mary Reilly will ask John Goldrosen about the status of the Commission's appeal. The issue of the vernal pool is important to the Commission's legal position. The Planning and Development subcommittee is meeting tonight and the issue will be before the full Council on April 25. The Councilors should be made aware that the use of the land for the replication/restoration area is a benefit to the City and not a favor for New Ventures.

NRA Parking Lot

Joe Teixeira reported that Andy Port is preparing a Request for Determination for putting down stone dust (linpac) in the NRA Parking lots. The intent is to smooth out the lots since both will soon be paid parking. Mary Reilly noted that some of the work had already taken place. During a rainstorm, a member of the public called to report that stone dust was going down the storm drain and that a plume was seen in the Merrimack River. The Commission asked who was responsible--the work is being directed by the Planning Department and the DPS. Mary Reilly notified them that haybales and silt socks must be installed which was done shortly after they were asked to do this.

The City will be submitting an after-the-fact RDA for the next meeting. Work on the second lot is scheduled to take place later this week. Commission members were very unhappy that the permitting had not been sought. Steve Moore said the Commission has communicated previously with the City about the need to receive permission before work takes place. Joe Teixeira will draft a letter to the Mayor, the Planning Director and the DPS about the need for proper permitting. The Commission had previously determined that Weston and Sampson might perform test borings in the NRA lot and that an RDA would not be required for the work. This was only after Weston and Sampson notified Mary Reilly with details of the borings and the

Commission approved the work without filing an RDA because this is considered minor work under the WPA Regulations.

New Ordinance and Regulations Status
Mary Reilly said there is nothing new to report. Mayor Holaday and Andy Port have not yet submitted comments on the documents. Andy Port said he would review them over the upcoming week. The item will be placed on the agenda for the next meeting.

Paul Healy asked if the work at 270 Water Street has been delayed because the tent has been up longer than expected. Mary Reilly will look into this.

5. Certificates of Compliance, Requests for Determinations, Requests for Minor Modifications
Hooks Johnston
16 Gloria Street
Request for Determination of Applicability
Tom Hughes appeared for the applicant. He said storm water from Gloria Street had washed out sand and rocks from the revetment from the area where the revetment meets the retaining wall. The applicants had rocks delivered to their property in order to repair the revetment and Mary Reilly asked them to stop the work as it was being done without a permit. Mr. Hughes said the applicants intend to file a Notice of Intent when a long-term solution to the problem has been determined. They are proposing a short-term solution to prevent the situation from worsening. The proposed work involves installing filter fabric and filling the area behind it with clean sand. The filter fabric would prevent the sand from flowing through the rocks. Rocks will then be placed on top of the filter fabric to return the revetment to its original condition. The work is to be done by hand. Mr. Hughes said a Notice of Intent for further work would be filed within a year. He suspects the permitting process could be lengthy and he wishes to protect the property in the meantime. Photographs of the work will be submitted after it has been completed and Mr. Hughes will notify the Commission if any further degradation of the area is noticed. Jack Van Loan, 4 F Street, said the work is in the salt marsh and there is to be no armoring of coastal dunes. He said various owners began adding material to the area. He thinks the existing material is fill and should be subject to a Chapter 91 license. He said in his opinion a Notice of Intent should be filed for the work rather than an RDA and he would prefer a soft engineering solution to be used instead of rock. Tom Hughes said there is no vegetation in the area and it is therefore not a salt marsh. The revetment appears on images he has from 2002 and the Commission may only look back three years. He said the revetment also appeared on the as-built plans used for a Certificate of Compliance for a previous permit. He said he looked into the need for a Chapter 91 license and found one would not be required. Steve Moore moved to issue a Negative Two Determination. Mary Casey seconded the motion. The motion was approved. (Teixeira: yes, Healy: yes, Moore: yes, Casey: yes, Muir: no, Warchol: absent)

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

6. Public Hearings

Chris Skiba, Newburyport Development
Browns Wharf
Notice of Intent
DEP File #051-0863
The applicant requested a continuance. Paul Healy moved to continue the public hearing to May 3. Steve Moore seconded the motion. The motion was unanimously approved.

Bud Jerrett
17 Graf Road
Notice of Intent
DEP File #051-0864
Michael Seekamp appeared for the applicant, who is proposing to construct a light industrial building on a site where there are wetlands. The wetlands are connected to other resources areas by an intermittent stream that enters a catch basin on Graf Road. The Commission issued on ORAD for the site last September. A replication area is being planned as the construction of the building will result in the filling of 2,400 square feet of a bordering vegetative wetland and a driveway is to cross the BVW. Steve Moore said Mary Reilly had forwarded his concerns about the amount of impervious surface and he does not see that this issue has been addressed. He suggested the driveway might run through the existing parking lot rather than through the wetland. Mr. Seekamp said the driveway was located at the edge of the site to allow for a larger contiguous wetland. The area will no longer be mowed. Mr. Seekamp asked that permission be granted for maintenance of the swale. He would like organic material to be removed with a shovel in order that water might run freely through the swale. Mary Reilly asked that more detail be provided on the maintenance plan. Steve Moore said he thinks the amount of impervious surface is too great. If the applicant does not wish to move the driveway, he should consider adding a green roof. Mr. Seekamp said Mr. Jerrett is looking into the installation of a green roof, but a decision has not yet been made. He said another solution might be to install linpac at the rear of the structure. Christiansen and Sergi is currently reviewing the proposal for the Planning Board and further revisions must be made to the plans. The Commission would like the snow storage area and the 100-foot buffer zone to the added to the plans, along with information about the trees that are to be removed. The storm water must be recalculated using the Cornell rainfall numbers. A site visit will take place on Thursday, April 28. Jack Van Loan, 4 F Street, asked about the number of auger holes and their distance from the wetland flags. He said re-use of the soils would be beneficial in establishing the replicated wetlands. Michael Seekamp requested a continuance to the next meeting. Steve Moore moved to issue a continuance to the May 3 meeting. Doug Muir seconded the motion. The motion was unanimously approved.

Springwell Investments
Russell Terrace Extension/Crow Lane
Amend Order of Conditions
DEP File #051-0739
The applicant requested a continuance. Paul Healy moved to continue the public hearing to May 3. Mary Casey seconded the motion. The motion was unanimously approved.

Antoinette Gentile
8 62nd Street
Notice of Intent
DEP File #051-0865
The applicant did not appear. Paul Healy moved to continue the public hearing to May 3. Steve Moore seconded the motion. The motion was unanimously approved.

Steve Moore moved to close the public hearings. Doug Muir seconded the motion. The motion was unanimously approved.

7. Enforcement
None

8. Orders of Conditions
None

9. Other Business
NRA Parking Lots
Andy Port appeared at the meeting to discuss the resurfacing of the NRA lots with linpac in order to eliminate ruts. He distributed copies of the RDA that will be on the agenda for the next meeting. He said the City recently reached an agreement with the NRA to operate and maintain the lots and said the DPS should have notified the Commission about the work. He said the Mayor did not want the work to stop because of the goal to have the paid parking plan in effect by May 9. In addition to the resurfacing, signs, meters and bollards are to be installed. The signs will simply be installed on posts driven into the ground, but the meters will be placed on 2' by 2' pads that extend between two to four feet below grade. Digging will also be required for the installation of the bollards. The installation of the meters and bollards was not included in the RDA for the resurfacing. The work must either be added to the RDA or handled under a separate RDA. Areas being dug and all drains must be protected with erosion control. Run off at the perimeter of the site must be considered, along with the edges of the linpac. Mary Casey expressed her concern that linpac is erodible for its life so will need to be monitored. Commission members will visit the site before the next meeting. The RDA will be resubmitted to include a map showing the locations of the meters and bollards, erosion control and a profile of the meter installation. Steve Moore said the work could easily have been placed on the agenda for the previous meeting. Doug Muir said the City should adhere to the same requirements as private citizens. Andy Port said the Mayor might wish to send a directive indicating that all DPS employees must be aware that work in certain areas must be brought to the attention of the planning staff. Permitting might be added to a checklist for DPS projects.

10. Adjournment
Steve Moore moved to adjourn the meeting at 9:30 p.m. Doug Muir seconded the motion. The motion was unanimously approved