

Newburyport Conservation Commission

May 1, 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, Steve Moore, Jim O'Brien and Dan Warchol. Conservation Administrator Julia Godtfredsen and Planning Director Andy Port were also in attendance.

3. Minutes

Paul Healy moved to approve the minutes of the April 17, 2012 meeting as amended. Steve Moore seconded the motion. The motion was unanimously approved.

4. General Business

Crow Lane Landfill

Joe Teixeira recused himself from the discussion. Mayor Holaday updated Commission members on the actions that are being taken at the landfill. She said New Ventures has been addressing the Commission's concerns about erosion, especially in the southwest corner. New Ventures is planning to conduct a flyover in the next week to determine the way in which the pack must be reshaped in order to prevent further erosion. This should also help address the storm water issues. She attended a site walk that was held after residents complained about the hydrogen sulfide odor being emitted by the landfill. DEP has required that the berm be built up on the west side and the access road be closed. The storm water basin on the Crow Lane side of the landfill must be completed and the culvert that feeds the vernal pool must be installed under the road. Piping must be added before the new headers that have been required by DEP are installed. The water from the outflow pipe has been tested and nothing substantial was found. It appears the color is caused by oxidization. The gaskets on the wells are being checked after well #7 was vandalized. The amount of gas coming from the OS system has increased but this should be resolved when the new header system is in place. Mary Rimmer has been working to flag the areas from which sediment is to be removed by hand. New Ventures will be providing weekly updates.

Citywide Wetland Ordinance

Andy Port attended the meeting in to order to assist in finalizing the language of the draft ordinance. Julia Godtfredsen said she discussed with him the comments the Commission members made at the last meeting about his revisions. He agreed to remove some of the exemptions he had added, including those concerning the removal and pruning of trees and shrubs.

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

None

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

6. Public Hearings

Mark Batchelder

5-11 Plum Island Turnpike

Amend Order of Conditions

DEP File #051-0765

Mark Batchelder said he would like to modify the plans for unit #9 that were approved in 2007. The size of the proposed addition would be reduced from 736 square feet to 252 square feet and a second floor would be added. He would also like to add an 8' x 10' deck that would be supported by the foundation of an existing bulkhead. Dan Warchol moved to close the public hearing. Steve Moore seconded the motion. The motion was unanimously approved. Commission members agreed that there would be no need to place conditions on the amended plans. Dan Warchol moved to approve the amended plans. Steve Moore seconded the motion. The motion was unanimously approved.

David Janko c/o Construction Advisors

18 55th Street

Notice of Intent

DEP File #051-0877

Bob Watt appeared for the applicant, who is proposing to demolish an existing two-bedroom house on a foundation and replace it with a three-bedroom house on pilings. A concrete pad would be installed to support gas cylinders and the water and sewer pipes would be housed in a clay pipe attached to one of the pilings. The plans show a set of stairs under the structure that is supported by a concrete pad. Mr. Watt agreed to change this to a wooden deck. He said that because the lot coverage would be reduced 184 square feet, the addition of vegetation would not be required but the application intends to install beach grass to stabilize a portion of the site. Steve Moore commented that other plant materials native to a barrier beach would be acceptable. The applicant will submit a letter for the files if a change in the plant materials is made. Steve Moore moved to close the public hearing. Jim O'Brien seconded the motion. The motion was unanimously approved.

Timberline Enterprises, LLC

23 Low Street

Notice of Intent

Adam Costa introduced the project for the applicant, who is planning to develop a wholesale lumber operation on the site of an existing boatyard. The applicant intends to use as much of the existing drainage as possible. The center drainage system will not be altered, as it is in the

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BVW. The direction of flow will not be changed. One of the outlets will be redesigned to control the runoff leaving the site and the existing detention basin will be rehabbed. The gravel will be removed and replaced with loam and seed and the length of the existing driveway will be reduced, resulting in an additional 64,000 square feet of grass. The area in front of the existing building, which is now covered by gravel, will be paved. Five oak trees are planned for the area from which the driveway is being removed. The trees will be located closer to the edge of the property than is shown on the current plan. Joe Teixeira said he is concerned about erosion being caused by sheet flow from the pitched roofs. A gap will be left between the buildings and the grass for the drip line. The applicant is willing to add trees on the east and west sides of the site. The trees would both slow the flow of water off the site and screen the operation from the Rail Trail. Joe Teixeira said the area is a sensitive one and the Commission prefers to receive the Cornell numbers, as storms are larger than those considered by the TP40 numbers.

Joe Teixeira opened the hearing for public comment. Anthony Mario said he received notification as an abutter, but he is instead the owner of a condo on the property. He said the proposal would result in the loss of habitat and would create run off problems. Daniel Harding said water backs up into the properties owned by his parents at 19 and 21 Low Street. He was also concerned that the narrow width of the entranceway would cause vehicles to drive on the grass.

Dan Warchol moved to close the public hearing. Paul Healy seconded the motion. The motion was unanimously approved.

Patricia and Michael Deflumere

2 Harbor Street

Notice of Intent

DEP File # 051-0876

Bill Decie appeared for the applicants, who are proposing to remove a ramp and install a porch on the front of the structure. A new staircase and second-story deck would be added to the rear of the structure. The work on the ground only involves the installation of five tubes. The coverage on the site would be decreased 12 square feet. Most of the site is covered by gravel and there is little vegetation. The plans call for spread footings but DEP has indicated that pilings are preferable. Mr. Decie said the applicant would be willing to install pilings providing they do not have to be driven, which would be cost prohibitive. Paul Healy moved to close the public hearings. Steve Moore seconded the motion. The motion was unanimously approved.

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

7. Enforcement

Crow Lane Landfill

Joe Teixeira recused himself from the discussion. Chip Nylan described the work that is taking place at the landfill. He said some of the grass has germinated. The washout areas have been addressed and the landfill is more stable. Two letdown channels have been installed to slow the water. The water is being collected and directed towards the erosion control devices. The work in the replication area is to begin in the upcoming week. The restoration of the vernal pool will be done in June, after the breeding season.

8. Orders of Conditions

David Janko c/o Construction Advisors

18 55th Street

DEP File #051-0877

Steve Moore moved to issue an Order of Conditions with the special conditions that the stair landing is changed from a concrete pad to wood or wood composite and its location is more clearly shown on the plan, the dimension of the clay pipe housing the utilities, which is not shown on the plan, is not increased and the labels on the plan are changed from sea grass to beach grass. Paul Healy seconded the motion. The motion was unanimously approved.

Timberline Enterprises, LLC

23 Low Street

Paul Healy moved to issue an Order of Conditions with the special conditions that a final plan is submitted that shows 1) the revised location of the five oak trees, 2) the addition of plantings on the east and west sides of the site and 3) the addition of a drip edge adjacent to buildings. Dan Warchol seconded the motion. The motion was unanimously approved.

Patricia and Michael Deflumere

2 Harbor Street

DEP File # 051-0876

Dan Warchol moved to issue an Order of Conditions with the special condition that the footings be changed to wood pilings. Paul Healy seconded the motion. The motion was unanimously approved.

9. General Business Continued

Citywide Wetlands Ordinance

Julia Godtfredsen, Andy Port and the Commission members continued their discussion on the draft ordinance. The proposed ordinance might be considered by the City Council at its next meeting, which is scheduled for May 14.

FEMA Flood Zones

A meeting focusing on insurance issues related to the new FEMA flood zones is scheduled for May 8.

Strem Chemicals

DEP appealed a permit the Commission issued at the December 6, 2012 meeting for Strem Chemicals. Andy Port said he spoke with Rachel Freed at DEP, who said a part of the project might not be allowed as it might be in the BVW.

Whittier Salt Marsh Monitoring

Julia Godtfredsen will contact either Mary Rimmer or Marc Jacobs about monitoring the salt marsh.

10. Adjournment

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Paul Healy moved adjourn the meeting at 9:50 p.m. Steve Moore seconded the motion. The motion was unanimously approved.