

Newburyport Conservation Commission

May 16, 2017

Senior/Community Center Board Room

Minutes

1. Call to Order

Chair Joe Teixeira called a meeting of the Newburyport Conservation Commission to order at 6:48 p.m.

2. Roll Call

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

3. Minutes

Dan Warchol moved to approve the minutes of the May 2, 2017 meeting as amended. David Vine seconded the motion. The motion was approved with Paul Healy abstaining.

4. Old and New Business

Plum Island Updates

Julia Godtfredsen reported that a final plan for the beach accessways is being prepared. The CZM grant was used to purchase 30 50-foot rolls of Mobi mat at a cost of \$53,000. An additional \$6,000 was received from the estate of a Plum Island resident, but more mats are needed than funds are available. A uniform signage system has been designed but the amount of the grant is not adequate to cover the purchase the signs. Additional funding will be sought for the signage, more Mobi mats and post and rope fencing to delineate the pathways.

The next meeting of the Merrimack River Beach Alliance will take place on June 30.

Hope Church Parking Lot

John Paulson of Atlantic Engineering said the Hope Church congregation has grown and additional parking is needed. The current flow of traffic is unsafe. He is proposing to construct a parking lot in an area that is now a grass field. The area is concave, allowing the water to flow to its center. Storage for a 100-year flood would be handled underground. A portion of the proposed parking lot would intrude into the 25-foot no-disturb zone. As mitigation, the invasive species would be removed from the wetland area and native species would be planted in their place. Dan Warchol said he would prefer the amount of parking to be reduced to eliminate the intrusion into the 25-foot no-disturb zone. Steve Moore recommended that additional trees be planted. Julia Godtfredsen commented that it might be difficult to control the phragmites because of their presence on the surrounding properties. She suggested Mr. Paulson contact DEP about its new regulation that allows ecological restoration projects to be streamlined. She said the project might meet the criteria for a variance because the public uses the building for activities such as voting and the lack of parking makes conditions unsafe for pedestrians. The applicant must present alternative solutions and propose additional mitigation as a part of a filing.

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

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Wojcicki Holdings, LLC

143A State Street

Request for Certificate of Compliance

DEP File #051-0926

Paul Healy recused himself from the discussion because he was not present at the May 2 meeting. John Paulson of Atlantic Engineering represented the applicant. He said stone was used on a large area of the adjacent property to stabilize the slope. The stone was placed within the 100-foot buffer zone. The property on which the work took place was not covered by the Order of Conditions and is owned by a different party. The work was done without a permit and could be considered a violation. Mr. Paulson did not know what would have caused the slope to become unstable and why the decision to install the riprap was made. He also did not know if an impervious barrier was installed on the project site, as was required by the Order of Conditions. The Commission members wish for the property owner and contractor to attend the next meeting. Steve Moore moved to continue the request to the June 6 meeting. Dan Warchol seconded the motion. The motion was approved with Paul Healy abstaining.

Castagna Construction

16A Perry Way

Request for Certificate of Compliance

DEP File #051-0913

Scott Mandeville represented the applicant and reviewed the deviations from the approved plans. City Engineer Jon Eric White provided a written statement indicating the changes would not cause any adverse impacts to the stormwater management system. Julia Godtfredsen will determine if an adequate number of trees were planted on the hill. The applicant agreed to plant more trees if needed. Steve Moore moved to issue a Certificate of Compliance. David Vine seconded the motion. The motion was unanimously approved.

Newburyport Little River Realty, LLC

175 Storey Avenue

Request for Determination of Applicability

Curt Young represented the applicant, who is proposing to remove a small cottage within the 100-foot buffer zone to a bordering vegetated wetland. When the cottage and foundation have been removed, the area will be filled with clean fill and seeded. A new home is to be constructed outside of the buffer zone. Steve Moore moved to issue a Negative 2 Determination. Dan Warchol seconded the motion. The motion was unanimously approved.

Ron Guertin

386 Merrimac Street

Request for Certificate of Compliance

DEP File #051-0605

Bill Decie represented the applicant. The work to convert a building to a residence was completed according to the approved plans. The Order of Conditions was issued in 2003 and has expired. The Commission members wished to know if a Chapter 91 license was in place to permit the work but decided this would be outside of their jurisdiction. Steve Moore moved to issue a Certificate of Compliance. Dan Warchol seconded the motion. The motion was unanimously approved.

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Ron Guertin

386 Merrimac Street

Request for Certificate of Compliance

DEP File #051-0848

The Order of Conditions has lapsed and is now invalid. The work that had been approved was not done. A new Notice of Intent would be required for any future work. Dan Warchol moved to issue a Certificate of Compliance in order to close the recorded permit. Paul Healy seconded the motion. The motion was unanimously approved.

6. Public Hearings

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

Thomas Lawrence

17 82nd Street

Notice of Intent

DEP File #051-0971

David Vine and Paul Healy recused themselves from the discussion, which resulted in a quorum not being present. Dan Warchol moved to continue the public hearing to June 6 meeting. Steve Moore seconded the motion. The motion was unanimously approved.

Paige Baumann

21 Shore Street

Amended Notice of Intent

DEP File #051-0917

The applicant requested a continuance because a DEP response has not yet been received. Dan Warchol moved to continue the public hearing to the June 6 meeting. Steve Moore seconded the motion. The motion was unanimously approved.

Dan Warchol moved to close the public hearing portion of the meeting. Steve Moore seconded the motion. The motion was unanimously approved.

7. Orders of Conditions

None

8. Other Business

Cooper North Pasture Vernal Pool

Julia Godtfredsen will issue a letter permit for the construction of a bog bridge. The bridge is on Conservation Commission property and replaces one that had existed in the same location. Steve Moore moved to reimburse the Parker River Clean Water Association for materials in an amount not to exceed \$250. Paul Healy seconded the motion. The motion was unanimously approved.

9. Adjournment

Steve Moore moved to adjourn the meeting at 8:45 p.m. Dan Warchol seconded the motion. The motion was unanimously approved.