

Newburyport Conservation Commission
May 17, 2016
Senior/Community Center Board Room
Minutes

1. Call to Order

Chair Joe Teixeira called a meeting of the Newburyport Conservation Commission to order at 6:45 p.m.

2. Roll Call

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

3. Minutes

Steve Moore moved to approve the minutes of the May 3, 2016 meeting. Paul Healy seconded the motion. The motion was unanimously approved.

4. Old and New Business

Plum Island Updates

Julia Godtfredsen reported work is still being done to prepare the CZM coastal resiliency grant application. Students will again plant grasses on the dunes at Reservation Terrace. At the recent MRBA meeting, DCR was instructed to address the erosion at Reservation Terrace.

Chapter 91 and Natural Heritage approval has been received for the dredging at Plum Island Point. The Army Corp. and NOAA are not in agreement, which has resulted in a delay. The City wishes to receive samples of the sand before it would be accepted for use in beach nourishment.

11 Pheasant Run Drive

Informal Discussion

Tom Hughes said the property is entirely within the buffer zone. The homeowner wishes to install a swimming pool with a patio and landscaping. The regulations place a 20% limit on the amount of work allowed in the no-disturb zone for sites located entirely within the buffer zone. Julia Godtfredsen said the exemption for accessory structures in the buffer zone would override the 20% limit.

Nest Boxes in Common Pasture

The Commission members discussed with Richard Lombard the best location for two boxes for blue birds and tree swallows in the Cooper North Pasture. He and Joe Teixeira will walk the site.

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

**Newburyport Redevelopment Authority
24 Merrimac Street and Ferry Wharf**

Request for Determination of Applicability

The applicant requested to continue to June 7. Dan Warchol moved to continue to the June 7 meeting. Dan Bourdeau seconded the motion. The motion was unanimously approved.

6. Public Hearings

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

Evergreen Development LLC

18 Boyd Drive

Abbreviated Notice of Resource Area Delineation

Alexander Patterson of ESS Group presented the conclusions of the peer review of the ANRAD. He said Basin A does not hold water year round. Basins C and D do hold water year round but have clay liners, indicating they were constructed for the purpose of managing stormwater. The basins would not qualify as ponds under the WPA or local ordinance. The peer review concluded the boundaries of the ILSF and the IVW as presented in the ANRAD are accurate, as was requested in the scope of work. Basins C and D would not be jurisdictional under the local ordinance, while Basin A would be jurisdictional as an IVW. No other resource areas exist on the site.

Lisa Mead said she does not agree with the finding that Basin A would be jurisdictional. However, the applicant would be willing to accept a condition that the basin would be preserved as a wetland. It would be made larger to increase the amount of flood storage. The applicant would oppose it being identified as an IVW because it would require a 25-foot no disturb zone.

The Commission members have not yet had time to review the report. Julia Godtfredsen will contact DEP, MACC and/or Kopelman and Page about placing conditions on an ANRAD. She will draft any conditions to be imposed and circulate them to the Commission members for review before the next meeting.

Dan Warchol moved to continue the public hearing to the June 7 meeting. Dan Bourdeau seconded the motion. The motion was unanimously approved.

UFP Technologies

100 Hale Street

Notice of Intent

Lisa Mead reviewed the mitigation for the intrusion of the driveway into the no-disturb zone and the public benefit that would be required as a part of the variance request. The applicant had proposed at the previous meeting that a 600 square foot green roof be installed to satisfy this requirement. The alternative of improving access to the Cooper North Pasture trailhead was proposed at the site visit. A 15' x 80' gravel parking area would be constructed on Hale Street and signage would be installed. A sketch showing the location and dimensions of the parking area would be attached to Notice of Intent.

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Ms. Mead will prepare the draft findings. She said the site plan review requirements for the Planning Board have been satisfied. She asked the Commission to indicate it would require no major changes to the site plan in order that the Planning Board might close the site plan review at its next meeting.

Steve Moore moved that the Commission is satisfied with the public benefit associated with the request for a variance and has no other concerns with the site design.

Steve Moore moved to continue the public hearing to the June 7 meeting. David Vine seconded the motion. The motion was unanimously approved.

James R. Baker
241-243 Water Street
Notice of Intent

Applicant requested the opening of the hearing be postponed to June 7.

Dan Warchol moved to close the public hearings. Doug Muir seconded the motion. The motion was unanimously approved.

7. Enforcement/Violations
216 Northern Boulevard

The attorney for Donamarie Casey contacted Julia Godtfredsen and said she would be able to attend the June 7 meeting. If she does not the Commission will exercise its right issue a daily fine.

8 Riverview Drive, 1 Shandel Drive

At least two large trees, several saplings and many understory plantings were removed from a 100-foot stretch along the buffer zone at 8 Riverview Drive and 1 Shandel Drive. In addition the tops were cut from the white pines that were planted as mitigation at 1 Shandel Drive. It appears the owner of 8 Riverview Drive performed the work. He would be required to provide a mitigation plan to replace the vegetation. Because it would not be possible to replace the larger trees, more trees and shrubs than were removed must be planted in compensation. Eldon Goodhue, the attorney for the property owner, Bruce Delsavio, questioned the location of the property line, the amount of vegetation that was removed and time period in which the work was done. He will review the material and provide a report at the June 7 meeting.

8. Orders of Conditions

None

9. Adjournment

Steve Moore moved to adjourn the meeting at 10:00 p.m. Doug Muir seconded the motion. The motion was unanimously approved. The next meeting will be scheduled for Tuesday, June 7, 2016.