

Newburyport Conservation Commission

June 2, 2015

City Council Chambers

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 Joe Teixeira, Dan Warchol, Steve Moore, David Vine and Paul Healy. Julia Godtfredsen was also in attendance.

3. Minutes

Steve Moore moved to approve the minutes of the May 19, 2015 meeting as submitted. David Vine seconded the motion. The motion was unanimously approved.

4. Old and New Business

City of Newburyport, Department of Public Services

New Pasture Road Pump Station

Informal Presentation

Andy Port said the pump station at the corner of Graf Road and New Pasture Road is at capacity. Because it would not be capable of handling the sewerage from the planned development at the traffic circle, the City intends to construct a new pump station sometime in the next year. The existing station must be kept operational while the new facility is being constructed. The City holds an easement to the property on the opposite corner of the intersection. A drainage swale runs along the edge of the proposed location. It is estimated that 3,000 square feet of wetlands would be altered for the project. The City is proposing to replicate the wetland on the site of the existing pump station after it has been removed. The action would require a variance because it would involve the change of an upland resource area to a wetland.

Julia Godtfredsen said the wetland near the existing pump station is a large, healthy one with few phragmites and the site would be a good one for the replication. The wetland on the proposed site of the new pump station is of poorer quality. Steve Moore commented that the project should be located to the greatest extent possible in the upland to minimize the disturbance of the wetland. Paul Healy said he does not yet have enough information to comment on the proposal. He recommended that a second informal discussion take place after the wetland has been delineated.

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

Lou Lessard, Newburyport Pioneer League

388 High Street

Request for Determination of Applicability

Tom Hughes said the applicant wishes to install additional gravel in an existing parking lot. The lot would not be re-graded but the gravel would be added in such a way so as to make the lot

more level. The work would better define the parking area, which would help keep cars away from the resource area. A letter about the project was received from an abutter. It was determined the comments were made with regards to past work done in the wetland without a permit rather than the proposed project. Mr. Hughes additionally said that fill near an inlet is blocking the flow of water to a swale. He would like to obtain an opinion from an engineer on the best way to solve the problem. This work would require a separate filing.

Paul Healey moved to issue a Negative 3 Determination with the condition the applicant shall evaluate the impediment to drainage and shall provide a plan for approval before the work on this portion of the project begins. Steve Moore seconded the motion. The motion was unanimously approved.

Matthew Tibbetts

14 58th Street

Request for Determination of Applicability

The applicant wishes to modify existing decks on the front and rear of a single-family home. The front first-floor deck would be raised 8" to be level with the bottom of the door, but would not be two feet above grade. New posts would be added to the existing footings and the floorboards would be replaced. The footprint of the deck would not change. The second-floor deck on the front of the structure would be extended through the use of a cantilever. The stairway to the rear second-floor deck would be reconfigured. This work would be located entirely over an existing concrete pad.

The applicant also wishes to add a fence along the boundary of the property. The fence would be comprised of three horizontal rails, the lowest of which would be two feet above grade.

Paul Healy moved to issue a Negative 2 Determination. Steve Moore seconded the motion. The motion was unanimously approved.

6. Public Hearings

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

Peter Chetsas

7 Moulton Street

Notice of Intent

Matt Schweisberg of Wetland Strategies and Solutions said the applicant is proposing to remove a dead tree from the boundary of the BVW. The stump would remain in place. The applicant also wishes to place 4" x 4" granite markers at each of the four corners of the property and to delineate property boundary with a chain-link fence. Half of the fence would be within buffer zone and half would be within the BVW. Mr. Schweisberg said the work would be done by hand and no vegetation would be disturbed.

Fencing is not allowed within the BVW under the ordinance. The ordinance requires the applicant to submit a written request for a variance that demonstrates the way in which the project would meet the criteria and would provide an overwhelming public benefit. The fence would be allowable within the buffer zone. The granite markers would also be in the BVW. The Commission would permit the removal of the tree, the placement of the granite markers and the

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installation of the fence within the buffer zone, but not within the BVW. The applicant must provide a revised plan showing the change to the configuration of the fence.

Steve Moore moved to continue the public hearing to the June 16 meeting. Paul Healy seconded the motion. The motion was unanimously approved.

John Van Loan

4 F Street

Notice of Intent

Tracy Peter represented the applicant, who is proposing to demolish an existing a single-family house and replace it with a new structure on pilings. The proposed structure would be 11 feet above grade and would be on the same location on the site as the existing one, but would be oriented differently. Snow fencing would be installed to mark the limit of work. Paneling on the side of the pilings would be three feet above grade. The applicant is proposing a 1:1 replacement of vegetation. A DEP number has not yet been issued.

Paul Healy moved to continue the public hearing to the June 16 meeting. Steve Moore seconded the motion. The motion was unanimously approved.

Steve Moore moved to close the public hearings. Joe Teixeira seconded the motion. The motion was unanimously approved.

7. Orders of Conditions

None

8. Enforcement

Opportunity Way Swale Cleaning

A swale on Opportunity Way was cleaned without permission. Steve Moore moved to send a Notice of Violation to the property owner. Joe Teixeira seconded the motion. The motion was unanimously approved.

9. Adjournment

Paul Healy moved to adjourn the meeting at 8:32 p.m. Steve Moore seconded the motion. The motion was unanimously approved. The next meeting of the Conservation Commission will be held on June 16, 2015.