

Newburyport Conservation Commission

June 7, 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 Warchol, Doug Muir and Joe Teixeira. Conservation Agent Julia Godtfredsen was also in attendance.

3. Minutes

The approval of the minutes of the May 17, 2016 meeting was deferred.

4. Old and New Business

Plum Island Updates

The proposal for a CZM grant to restore the dunes and improve public access to the beach has been submitted. Neighbors and students have planted grasses on the dunes near Reservation Terrace. DCR is conducting a study of dune erosion at Plum Island Point with the goal of implementing a solution before the winter storm season.

Dredging at Plum Island Point

Tom Hughes said Army Corp approval has been received and MEPA approval is pending. The time of year restrictions have been waived. Under the Emergency Certification the work is to be done within 30 days, but he expects to request an extension. A Notice of Intent will eventually be filed for a ten-year dredge program. The Notice will include an as-built plan for the work performed under the Emergency Certification, which will be the first phase of the program.

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

Bob Uhlig said the NRA now does not intend to construct a park in the east lot. In the west lot the temporary park would be created in the area between the parking lot and the berm. A permeable surface material would be used to define the boundary between vehicular and pedestrian traffic. One bocce court would be installed, along with picnic tables and Adirondack chairs. The Waterfront Trust wishes to install granite blocks on the east side of the lot, parallel to the embayment, fill the area to the height of the existing berm and loam and seed it. The work would take place in the fall.

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Steve Moore moved to issue a Negative 3 Determination for the work proposed for the west lot only with the condition that drainage is monitored throughout construction. Doug Muir seconded the motion. The motion was unanimously approved.

James Lagoulis, Deepwater, Inc.

300R Merrimac Street

Request for Determination of Applicability

Tom Hughes represented the applicant, who wishes to replace a boat rack storage building. The existing building would be removed and gravel would be spread in the area. A new building with the same height and footprint might be installed at a later date.

Steve Moore moved to issue a Negative 3 Determination with the conditions that no materials shall be stockpiled within the 100-foot buffer zone and the applicant must inform the Commission if there are to be any changes to the outer dimensions of the structure. Dan Warchol seconded the motion. The motion was unanimously approved.

39 Reservation Terrace

Informal Discussion

Tom Hughes described plans to reduce the width of stairs and a walkway. The changes would reduce the net amount of impact to the site.

Paul Healy moved to accept the amended plan as the plan of record and approve the minor modification. Dan Warchol seconded the motion. The motion was unanimously approved.

6. Public Hearings

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

Evergreen Development LLC

18 Boyd Drive

Abbreviated Notice of Resource Area Delineation

The Commission members agreed with the determination of ESS that Basins C and D were constructed as storm water facilities and are non jurisdictional. They also agreed that Basin A is jurisdictional as IVW because it serves additional purposes.

Lisa Mead said the applicant does not agree with the determination that Basin A is jurisdictional but would not contest it. The applicant would like to be allowed to improve the basin to make it a functional wetland. The members support the improvement of the Basin A but the Commission would not be able to place a condition on an ORAD.

Joe Teixeira opened the hearing to comments from the public. Peter Hatcher, 15 Boyd Drive, said in his opinion the boundaries of the ISLF are large enough and he does not think the soils are classified correctly. He said the soil on his property is not gravel but rather clay.

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

Doug Muir moved to issue an ORAD. Joe Teixeira seconded the motion. Julia Godtfredsen read the findings, which indicate the Commission has issued an ORAD with the modification of the ANRAD plans to label the A series wetland as jurisdictional IVW, the C and

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D series wetlands as not containing any jurisdictional IVW, the series B wetland as being too small to be jurisdictional and the boundaries of the ILSF as being accurate. The findings would also state the Commission would consider granting a variance for a future development proposal to improve and expand the wetland values and functions of Basin A should the application meet the variance criteria. The motion was unanimously approved.

UFP Technologies

100 Hale Street

Notice of Intent

At the May 15 meeting the applicant proposed the public benefit associated with the request for a variance for work within the 25-foot no-disturb zone be the construction of a 15' x 80' gravel parking area to provide improved access to the Cooper North Pasture trailhead. The Commission voted to accept the proposal for the public benefit. The members had no other concerns with the site design. A plan for the parking area was submitted.

Steve Moore moved to close the public hearing. David Vine seconded the motion. The motion was unanimously approved.

The Commission members reviewed the draft findings. They requested two sentences be deleted. One indicated, "The work in the 25-foot no-disturb zone is comparable to 0.02% of the entire site." The second stated, "The applicant's project will create additional commercial tax base for the City of Newburyport, an overriding public interest of all of its citizens and in addition create an additional 50 jobs over what previously existed at this location."

Doug Muir moved to accept the revised findings. Paul Healy seconded the motion. The motion was unanimously proposed.

Doug Muir moved to issue an Order of Conditions with the special conditions the findings shall be revised and the plans for signage at the Cooper North Pasture trailhead shall be submitted to the City for review and approval. Steve Moore seconded the motion. The motion was unanimously proposed.

James R. Baker

241-243 Water Street

Notice of Intent

At the May 17 meeting the Commission members voted to postpone the opening of the hearing to June 7 as requested by the applicant. There has been no further communication from the applicant since that time. A DEP file number has not been issued.

Doug Molin, Gem Realty

79 Parker Street

Abbreviated Notice of Resource Area Delineation

Patrick Seekamp described the undeveloped site in the industrial park with wetland systems on the western and eastern sides and a small isolated wetland on the south side. Some of the wetlands have been mowed and contain mainly herbaceous materials, including phragmites. He said a ditch on the property between two culverts may or may not contain a perennial stream for its entire length. Joe Teixeira pointed out the culvert is tidal. The Commission members wish to visit the site. A site visit was scheduled for Thursday, June 16 at 6:00 p.m. David Vine moved

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to continue the public hearing to June 21. Steve Moore seconded the motion. The motion was unanimously approved.

Mary and James Lucci

9 Wildwood Drive

Notice of Intent

Tom Hughes represented the applicant, who is proposing to remove an existing deck and replace it with a porch, deck and swimming pool on a property that is within the buffer zone of a BVW. A small retaining wall would be constructed along one edge of the pool. Most of the pool would intrude into the 25-foot no-disturb zone. The area of the proposed work is currently lawn. The work would be exempt under the regulations because the pool is an accessory structure to an existing single-family home and no alternatives outside the buffer zone would be possible. A DEP number has not yet been issued.

Steve Moore moved to close the public hearing. Doug Muir 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. Orders of Conditions

Mary and James Lucci

9 Wildwood Drive

Steve Moore moved to issue an Order of Conditions pending the receipt of a DEP file number with the special conditions native plant materials shall be installed in the buffer zone between markers A8 and A9 and a planting plan shall be received prior to the start of work. Paul Healy seconded the motion. The motion was unanimously approved.

8. Enforcement/Violations

216 Northern Blvd.

The property owner did not attend the meeting. She submitted a photograph of a small section of the fence where some of the slats have been removed. The bottom two feet of the fence does not appear to be 80% open. A plan with dimensions must be submitted.

8 Riverview Drive/1 Shandel Drive

Eldon Goodhue, attorney for Bruce and Maryanne DeSavio, requested in an email to Julia Godtfredsen that the hearing be postponed because the property owners require additional time to negotiate an agreement with their neighbors.

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 21, 2016.