

Newburyport Conservation Commission

July 10, 2012

Police Station Conference Room

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, Dan Warchol and Mary Casey. Conservation Administrator Julia Godtfredsen was also in attendance.

3. Minutes

Paul Healy moved to approve the minutes of the June 19, 2012 meeting as submitted. Steve Moore seconded the motion. The motion was unanimously approved.

4. General Business

Swale Maintenance

Julia Godtfredsen said Rachel Freed told her she is not able to meet with the applicants but she is not opposed to the maintenance of the swales. The applicant would be able to excavate to the native material but must first submit more detail on the planned activity, such as the location of the wetland edges, the means for protecting them and the method by which the material would be disposed.

Beach Management Plan

The Beach Management Plan currently lists the incorrect dates for the ban on dogs and mechanized work on the barrier beach for plover nesting season. The plan lists May 15 through September 15. The correct dates are April 1 through August 31. Julia Godtfredsen will prepare a request for an amendment and the Commission will vote to approve it at the next meeting.

Grant Street Erosion

Eddie Ziolkowski, 8 Grant Street, spoke about the area between Grant Street and 57th Street. He said that after sand was deposited in the summer of 2011 the wave action was redirected, resulting in erosion and the creation of a new access area. After the June 3, 2012 storm three to four feet were lost from the dune and by June 9 a walkway on his property has been eroded by six to eight feet. He said he witnessed the wave curling and washing away the dune. Additional sand was delivered on July 2 and he is concerned that the additional sand would lead to further erosion along his property. Julia Godtfredsen said it became necessary to add sand at 57th Street so that the gangway at 55th Street might be let down and the Mayor then made funds available to add sand to 53rd Street as well. She said the intention is to focus on the access at 55th and 61st Streets in the future. Joe Teixeira said the issue should be discussed at a meeting of the beach management committee.

Open Space Plan

Juliet Walker of Brown and Walker, the City's consultant on the Open Space Plan, said the State mandates that the open space plan be updated every seven years in order for the City to be eligible for grants. She provided an overview of the revised plan. The planning process highlighted three broad goals and five priority areas. The plan received preliminary approval from the State, which means the City may apply for grants but would not be able to receive funds until final approval has been received. Ms. Walker requested that the Commission submit a letter of support for the plan by the end of the month. Commission members will send their comments on the plan to Julia Godtfredsen and will vote on submitting a letter of support at the July 17 meeting.

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

Newburyport Parks Commission

Joppa Park Seawall Repair

Informal Discussion

Julia Godtfredsen said the Newburyport Parks Commission submitted a Request for Determination of Applicability for the repair of the seawall at Joppa Park and the item will be on the agenda for the August 7 meeting. She gave an overview of the work, which is to take place from the landside of the seawall, with no impact on its other side. The gaps and holes in landward side of the seawall would be filled with rocks and cement and a new sidewalk would be installed. The Parks Commission has applied for a grant for the work and a letter of support from Conservation Commission is required to be a part of the package. Steve Moore asked if the riprap is to be repaired, saying he thinks water flowing under the wall is causing the sinkholes in the sidewalk. Steve Sawyer said a layer of filter fabric would be added prior to the backfill to prevent the fines from washing out. Julia Godtfredsen will prepare a draft letter for approval at the July 17 meeting indicating that it appears there are no issues with the application and the Commission expects to be issue a Negative Determination.

Sunbug Solar

Molly Ettenborough said the City is authorized to offer solar panels to residents and businesses. She said most of the mountings would be on roofs and asked if this would create any issues for the Conservation Commission. The Commission would not have jurisdiction over properties not in a wetland or a buffer zone. The new ordinance requires that there be a 25-foot setback from a wetland or vernal pool. This would only be a concern for roof mounts if the ground were to be disrupted during installation. Dan Warchol said he does think ground-mounted panels would be allowed on the Plum Island.

Newburyport Conservation Commission
July 10, 2012

Ken Kozlik

8 62nd Street

Request for Certificate of Compliance

DEP File #051-0865

Julia Godtfredsen said the Order of Conditions was for the re-pointing of existing foundation and planting of beach grass. The beach grass is growing well and all appears to be in order. Paul Healy moved to issue a Certificate of Compliance. Mary Casey seconded the motion. The motion was unanimously approved.

Joe Teixeira and Kim Kudym

44 Hale Street

Request for Determination of Applicability

Joe Teixeira recused himself from the discussion. Tracy Peter appeared for the applicant, who is proposing to replace a concrete driveway and entrance walkway with pervious pavers. There would be a reduction of 100 square feet of material. The area to either side would be graded and loam and seed would be added. Ms. Peter said a silt sock would be used to protect the area and there would be no impact to the resource area. All work would take place in the buffer zone of the BVW. Mary Casey moved to approve a Negative Two Determination. Paul Healy seconded the motion. The motion was unanimously approved.

6. Public Hearings

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

Robert Germinara

2 and 8 Ashland Street

Notice of Intent

Steve Sawyer appeared for the applicant. He said the applicant intends to change the wetland line based on soils and has not done so yet. Dan Warchol moved to continue the public hearing to August 7. Steve Moore seconded the motion. The motion was unanimously approved.

Steve Moore moved to close the public hearings. Mary Casey seconded the motion. The motion was unanimously approved.

7. Orders of Conditions

None

8. Enforcement

Joan Danglemaier

2 Savory Street

Julia Godtfredsen said she sent a Violation Notice on June 20 for the cutting of vegetation in the wetland adjacent to the Merrimack River. The applicant said she had a permit that expired in March and the cutting was done in June. Julia Godtfredsen said the expired permit allowed for cutting in an area that was different from where it was done. The permit also required that the Conservation Agent be notified when the work began and stipulated that the work may not be

Newburyport Conservation Commission
July 10, 2012

done in the spring. Also, the phragmites were not burned, as was required by the permit. Julia Godtfredsen said if the applicant wishes to continue to cut the phragmites, she might request an extension of the permit and the Commission would place conditions on the work.

9. General Business Continued

Newburyport Wetlands Protection Regulations

The definition of a vernal pool in the regulations must be changed to be consistent with the ordinance. Paul Healy suggested Plum Island guidelines be added as a section to the regulations.

Fee Schedule

A fee of \$50 might be charged when a Violation Notice is issued, as it requires that the Conservation Agent make a site visit. If the recipient is not cooperative a fine might be issued. The penalty could be adjusted based on the severity of activity.

10. Adjournment

Paul Healy moved to adjourn the meeting at 8:30 p.m. Mary Casey seconded the motion. The motion was unanimously approved.