

Newburyport Conservation Commission
July 16, 2019
Senior Community Center, 331 High Street
Minutes

1. Call to Order

Chair Joe Teixeira called a meeting of the Newburyport Conservation Commission to order at 6:46 p.m.

2. Roll Call

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

3. Minutes

Paul Healy moved to approve the minutes of the July 2, 2019, meeting as submitted. David Vine seconded the motion. The motion was approved.

4. Plum Island Updates

The topic of discussion at the recent MRBA meeting was the feasibility of acquiring a regional dredge.

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

Joe Teixeira and Kim Kudym

44 Hale Street

Request for Determination of Applicability

Joe Teixeira recused himself from the discussion. The applicants are proposing to remove an existing shed located in the 25-foot no-disturb zone and install a slight smaller shed outside of the no-disturb zone. Wetland vegetation would be planted in the area from which the existing shed is to be removed. The new shed would be placed on a bed of crushed stone. Paul Healy moved to issue a Negative 2 Determination. Doug Muir seconded the motion. The motion was approved with Joe Teixeira abstaining.

Michael Arcidi, Port Associates Limited Partnership

4-6 Hale Street

Request for Certificate of Compliance

DEP File #051-0867

Tom Hughes represented the applicant. He submitted a revised meadow management plan, a facility environment policy and a confirmation that all of the activities referenced in the DCI letter have been completed. The meadow management plan includes a map of the wetland boundaries. A written description of the wetland boundaries should be added for use by maintenance workers. The vegetation is to be monitored for three growing seasons. Steve Moore moved to issue a partial Certificate of Compliance with the condition the Partial Certificate of Compliance shall apply to all of the work except the wetland monitoring and shall

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not be issued until a revised meadow management plan has been received that includes a map with a title and description of the area to be mowed. Dan Warchol seconded the motion. The motion was unanimously approved.

6. Public Hearings

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

Nicole Young Nadeau

6 Bayne Lane

Notice of Intent

DEP File #051-1011

No new information has been received from the applicant. Dan Bourdeau moved to continue the public hearing to the August 20 meeting. David Vine seconded the motion. The motion was unanimously approved.

3 Stanley Tucker Drive, LLC c/o Zampell Refractories, Inc.

3 Stanley Tucker Drive

Notice of Intent

DEP File #051-1014

Peter Ogren of Hayes Engineering represented the applicant, who filed separate Notices of Intent for three related parcels in the industrial park. Building expansions are planned for 3 Stanley Tucker Drive and 17 Malcolm Hoyt Road. The plans were revised based on comments made at a site visit. A small wetland replication area was added and the location of the bridge that crosses the wetlands was changed to allow for the retention of two large trees. Silt socks will be used instead of haybales.

A DEP file number has not yet been received for 5 Stanley Tucker Drive and a variance request has not been received. The applicant wishes to begin the expansion of the buildings and might choose to not seek approval for the wetland crossing at 5 Stanley Tucker Drive at this time. The Planning Board process has not yet begun. The public hearing will remain open until the peer review has been completed but the plans as currently proposed are acceptable to the Conservation Commission. Dan Bourdeau moved to continue the public hearing for 3 Stanley Tucker Drive to the August 20 meeting. Steve Moore seconded the motion. The motion was unanimously approved.

K & B Zampell Realty, Inc.

17 Malcolm Hoyt Road

Notice of Intent

DEP File #051-1012

Dan Bourdeau moved to continue the public hearing to the August 20 meeting. Steve Moore seconded the motion. The motion was unanimously approved.

5 Stanley Tucker Drive, LLC

5 Stanley Tucker Drive

Notice of Intent

Dan Bourdeau moved to continue the public hearing to the August 20 meeting. Steve Moore seconded the motion. The motion was unanimously approved.

Ben Legere, Downeast Building and Development, LLC

3-7 Colby Farm Lane and 181-183 Low Street

Notice of Intent

DEP File #051-1055

Patrick Seekamp, Nick Cracknell and Dennis Hamel represented the applicant, who is proposing to construct a residential development with 15 homes that would be partially located in the 100-foot buffer zone. There would be no encroachment on 25-foot no-disturb zone. Silt socks and plastic fencing would be installed to protect the no-disturb zone during construction. A portion of the site would be deeded to the City to be preserved as open space and would be maintained as meadow to provide habitat. Restrictions would be placed on the deeds for the units near the stormwater management system. The applicant has addressed the comments of the peer reviewer for the Planning Board.

The Commission members pointed out that lot #15 is situated very close to the 25-foot no-disturb zone. The applicant would be willing to make the lot smaller and dedicate a portion of it as open space. The boundary of lot #13 would be moved to within 10 feet of the foundation and some of that lot would also be donated as open space. Both changes would result in a small amount of encroachment but this would be off-set by the additional amount of open space. Some type of open fencing would be installed to mark the conservation area.

The Commission members asked about screening at the rear of the development. The slope could be planted with herbaceous material but woody species could not be planted because the area is to be mowed annually. The snow storage area should be specified on the plans and could be located on an upland portion of the open space.

The applicant will revise the narrative and plans to reflect the items discussed. Dan Bourdeau moved to continue the public hearing to the August 20 meeting. Steve Moore seconded the motion. The motion was unanimously approved.

Steve Moore moved to close the public hearings. Dan Bourdeau seconded the motion. The motion was unanimously approved.

7. Enforcement

9 Doe Run Drive

Joe Teixeira recused himself from the discussion. In 2018, an above-ground swimming pool and deck was installed in a wetland restoration area that had been created as a result of an Enforcement Order. The owner refused to accept a certified letter that was mailed about the matter but the pool was removed at the end of the season. The pool was reinstalled in wetland replication area in 2019. Dan Bourdeau moved to send an Enforcement Order requiring the property owner to schedule a site visit with the Conversation Administrator to confirm the location of the pool in relation to the wetland area and to remove the pool immediately if it is found to be in the wetland area or to attend the August 20 meeting to discuss plans to restore the

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wetland and to institute a fine of \$100 per day beginning on August 20 if the property owner does not comply with the Enforcement Order. Dan Warchol seconded the motion. The motion was approved with Joe Teixeira abstaining.

227 Northern Blvd.

A shed, deck and pool were installed without review and approval. Dan Warchol moved to send a Notice of Violation. Steve Moore seconded the motion. The motion was unanimously approved.

8. Orders of Conditions

None

9. Adjournment

Paul Healy moved to adjourn the meeting at 9:49 p.m. Steve Moore seconded the motion. The motion was unanimously approved.