

Newburyport Conservation Commission
July 2, 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 6:45 p.m.

2. Roll Call

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

3. Minutes

Paul Healy moved to approve the minutes of the June 18, 2019, meeting as submitted. Dan Bourdeau seconded the motion. The motion was approved.

4. Plum Island Updates

The nourishment of the dune on Reservation Terrace will take place in the fall.

5. Other Business

57 Low Street

The expansion of the garage and parking area at the National Guard property on Low Street for use by Youth Services would likely result in an intrusion into the 25-foot no-disturb zone. In an informal discussion at the previous meeting, the Commission members conceptually approved a proposal for replicating the wetlands at the rear of the site. It has subsequently been discovered that the upland portion of the site would not be large enough for the replication area. The members discussed the alternatives of obtaining additional National Guard property, replicating the wetlands off-site or restoring the vernal pool on Colby Farm Lane, which has the benefit of being a City-owned property. The Commission members requested that the City first approach the National Guard about using more of its property for the replication area. It might not be necessary for the City to own the property on which the work would be done.

1 G Street and 3 H Street

Information Discussion

The decks on two houses were not constructed according to the approved plans. The decks are larger and have regular stairs instead of spiral ones. The entire sites outside of the building footprints were to be vegetated. Tom Hughes said the stairs would be removed and reconstructed in such a way so as to keep them within the footprint of the decks. Beach grass would be planted under the decks to mitigate for the increased size of the decks. The Commission members asked for documentation of the sizes of the constructed decks so they might be compared to the approved dimensions. The area that was to be planted and is now under the deck must be taken into consideration in the calculations.

Amendments to the Regulations

Doug Muir distributed draft language for amending the section of the regulations pertaining to variances and overriding public interests. Julia Godfredsen will circulate draft language that states lattice is not allowed under decks.

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

Michael Arcidi, Port Associates Limited Partnership

4-6 Hale Street

Request for Certificate of Compliance

DEP File #051-0867

Tom Hughes represented the applicant and addressed the outstanding items from the Order of Conditions. One of these is the meadow management plan. Mr. Hughes proposed that the meadow be mowed to a height of six inches with low ground pressure equipment one time annually in the fall or early winter in order to keep out woody invasive species. The Commission members requested that the plan reference specific dates rather than seasons and asked that the plan include a description which clarifies the boundaries of the wetland. Second, monthly reports are to be submitted on the monitoring of the storm water system during the first few years of operation. These have now been provided, but are limited because the facility has not been in operation for long very. The third outstanding item is a facility environment policy that states that all wetlands on or adjacent to site shall not be disturbed and there shall be no dumping, vehicles or conversion to landscaped area. The policy has been provided to the Commission members. A letter from DCI was submitted that indicates the as-built conditions deviate in only minor ways from the approved plans. Mr. Hughes will request a partial Certificate of Compliance at the next meeting, by which time he will have provided the finalized meadow management plan and a confirmation that all activities referenced in the DCI letter have been completed.

Kevin Conway

11 61st Street

Request for Minor Amendment

DEP File #051-0989

The utility room is 5'9" x 7'0" rather than the 3'0" x 3'0" that was indicated on the approved plans. The regulations state that utility rooms are to be no larger than 3'6" x 3'6". The applicant said he made the change because he wanted a door that swings in. He also said was told by a plumber that the larger size would be needed to accommodate foam that would prevent pipes from freezing. Joe Teixeira pointed out that other homes on the island have utility rooms of the correct size and do not experience problems with freezing. He said the Commission would not be able to permit construction that violates the regulations. The applicant was advised to reconstruct the room to the approved dimensions. The Commission members did not vote on the issue because the applicant had not submitted a request for an amendment.

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7. Public Hearings

David Vine moved to open the public hearings. Paul Healy seconded the motion. The motion was unanimously approved.

Nicole Young Nadeau

6 Bayne Lane

Notice of Intent

DEP File #051-1011

The applicant requested a continuance. Paul Healy moved to continue the public hearing to the July 16 meeting. Doug Muir seconded the motion. The motion was unanimously approved.

8. Enforcement

None

9. Orders of Conditions

None

10. Adjournment

Paul Healy moved to adjourn the meeting at 8:42 p.m. Joe Teixeira seconded the motion.

The motion was unanimously approved. The next meeting of the Conservation Commission will take place on Tuesday, July 15. The meeting scheduled for August 6 will be cancelled.