

Newburyport Conservation Commission
August 15, 2017
Board Room, Senior Community Center, 331 High Street
Minutes

1. Call to Order

Vice Chair Steve Moore called a meeting of the Newburyport Conservation Commission to order at 6:45 p.m.

2. Roll Call

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

3. Minutes

Doug Muir moved to approve the minutes of the August 1, 2017 meeting as submitted. Dan Warchol seconded the motion. The motion was unanimously approved.

4. Old and New Business

Plum Island Updates

New signs have been installed along the trails on which Mobi mats had been placed.

Bartlet Mall

Walt Thompson spoke in opposition to the Parks Department's plan to resume the mowing of the hillside around the Frog Pond at the Bartlet Mall. He said the Bartlet Mall Commission had worked to stop the mowing due to concerns about non-source point pollution. Julia Godtfredsen said she had spoken with Lisë Reid about the plan but did not believe it would be an issue for the Conservation Commission because the banks have historically been mowed and the area is not an undisturbed or unmaintained one. The Commission members agreed the first step would be to determine if a Bartlet Mall management plan exists and if it would permit or prohibit mowing.

Evergreen Commons Peer Review

At the August 1 meeting, Lisa Mead, the applicant's representative, expressed her concern about the peer review duplicating the work Christensen and Sergi is performing for the Planning Board. She asked the Commission to accept the less expensive proposal from ESS. Julia Godtfredsen said information about the tasks being undertaken by Christensen and Sergi was included in the scope of work. The proposal from Horsley Whitten stated it would review the comments provided to the Planning Board and would limit its comments on the stormwater management elements of the proposed project to those issues that are pertinent to the jurisdiction of the Conservation Commission that have not already been addressed in the Planning Board review, but the professional responsibility of the group would not allow it to defer entirely to stormwater management comments made by others. Dan Bourdeau said in his opinion it would not be possible to conduct a peer review for the amount ESS has proposed due to the number of documents that must be reviewed and he does not believe the work would overlap with that Christensen and Sergi is undertaking. David Vine commented the 37 hours proposed by ESS

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would not be adequate to perform the task. Steve Moore agreed the Horsley Whitten proposal is not duplicative and would better suit the needs of the Commission. He would also like a peer review to be conducted on the risk assessment. The work being done by AECOM will be reviewed before it will be determined if this would be necessary. Dan Bourdeau moved to accept the proposal from Horsley Whitten. Doug Muir seconded the motion. The motion was unanimously approved.

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

William Barrett

158 Old Point Road

Request for Certificate of Compliance

DEP File #051-0965

The plant materials were only recently installed. The Order of Conditions requires them to be monitored for two growing seasons. David Vine moved to issue a Partial Certificate of Compliance. Paul Healy seconded the motion. The motion was unanimously approved.

6. Public Hearings

Dan Bourdeau moved to open the public hearings. Doug Muir seconded the motion. The motion was unanimously approved.

Hooks Johnston

15 and 16 Gloria Street

Notice of Intent

DEP File #051-0974

The applicant requested an extension. Dan Bourdeau moved to continue the public hearing to the September 5 meeting. Doug Muir seconded the motion. The motion was unanimously approved.

Donald T. Flahardy

6 Overlook Street

Notice of Intent

Michael Seekamp represented the applicant, who is proposing to reconstruct and raise an existing deck on one side of the structure and construct a new deck on the opposite side. The project does not meet the requirements of the local ordinance and a variance would be needed. The standards for a variance have not been met. The applicant has not provided an alternatives analysis and has not demonstrated an overriding public interest. A planting plan has been proposed, but it does not exceed the level of mitigation required for every project. DEP commented that the within the V zone the lowest horizontal member must be two feet above flood elevation. It is unlikely the project would be allowed under the State building code. The applicant was asked to consider installing an at-grade patio. The Commission would consider a proposal for two sets of stairs with a reasonably sized landing that would be approvable under the building code. The proposed plant materials should be native to Plum Island. Doug Muir moved to continue the public hearing to the September 5 meeting. Dan Bourdeau seconded the motion. The motion was unanimously approved.

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Stacy L. Fleisher, Trs., Stacy L. Maeurer Trust

19 Daniel Lucy Way

Notice of Intent

Michael Seekamp represented the applicant, who is proposing to terrace the back yard and add a retaining wall. DEP issued a file number and did not comment on the project. Some of the proposed elements of the plan are within 50 feet of the wetland but are allowable under the ordinance as accessory structures to a single-family home. Doug Muir moved to close the public hearing. Dan Bourdeau seconded the motion. The motion was unanimously approved.

Evergreen Commons, LLC

18 Boyd Drive and 5 Brown Avenue

Notice of Intent

DEP File #051-0973

Dan Warchol moved to continue the public hearing to the September 5 meeting. Dan Bourdeau seconded the motion. The motion was unanimously approved.

Dan Warchol moved to close the public hearing portion of the meeting. Dan Bourdeau seconded the motion. The motion was unanimously approved.

7. Enforcement

7 67th Street

The property owners attended the meeting. They said they are new to the island and did not realize the work would be prohibited by the local ordinance. They installed a retaining wall to remedy a failed driveway. The large pavers that were installed by the front steps have been removed. An Order of Conditions for a driveway had previously been issued, which DEP appealed. Julia Godtfredsen will attempt to receive more information from DEP. The property owners will attend the September 5 meeting.

25 Basin Street

The property owners have ceased work. They were unaware it would not be allowed under the local ordinance. They have retained Lisa Mead and Tom Hughes to develop a plan to remedy the situation. A plan must be submitted for consideration at the September 19 meeting and a progress report must be given at the September 5 meeting.

8. Orders of Conditions

Stacy L. Fleisher, Trs., Stacy L. Maeurer Trust

19 Daniel Lucy Way

Doug Muir moved to issue an Order of Condition with the special conditions that the 24" pine tree shall not be removed until a certified arborist has provided a written report that it is hazardous or dying and no other trees shall be removed. Dan Bourdeau seconded the motion. The motion was unanimously approved.

9. Adjournment

Dan Bourdeau moved to adjourn the meeting at 8:45 p.m. Doug Muir seconded the motion. The motion was unanimously approved.