

Newburyport Conservation Commission

August 7, 2012

City Hall Conference Room

Minutes

1. Call to Order

A meeting of the Newburyport Conservation Commission was called to order by Chairman Joe Teixeira at 6:35 p.m.

2. Roll Call

In attendance were members Joe Teixeira, Paul Healy, Steve Moore, Jim O'Brien, Dan Warchol, Doug Muir and Mary Casey. Conservation Administrator Julia Godtfredsen was also in attendance.

3. Minutes

Paul Healy moved to approve the minutes of the July 10, 2012 meeting as submitted. Steve Moore seconded the motion. The motion was unanimously approved.

4. General Business

Whittier Bridge Salt Marsh Monitoring

Julia Godtfredsen said several consultants were approached about the monitoring of the salt marsh but most were not interested due to existing or potential conflicts of interest. Mary Rimmer alone submitted a proposal for the work. One of her associates would perform the monitoring in order that she would be able to appear before the Commission on other applications. Her proposal is for \$5,500. The scope of work includes a review of the shading study provided by the applicant, base line monitoring of the existing salt marsh, annual monitoring in September for three years after the completion of construction and a written report.

The goal of the monitoring would be the potential determination of the cause of any changes to the saltmarsh area. The monitoring might make it possible for the Commission to rule out other impacts to the saltmarsh and make a case for mitigation or enforcement due to shading. It would not include the new plant materials that are being installed as a part of the project. The applicant's environmental consultant would monitor for construction impacts only, not shading, and would not monitor the existing saltmarsh, which is the area of concern. It was decided that the annual monitoring should begin one year after the baseline monitoring so that any changes to the saltmarsh might be detected and continue for three years after the completion of construction. The proposal by Mary Rimmer is reasonable and the Commission would be able to pay for the work from its fund. Steve Moore moved to approve the proposal for \$5,500. Doug Muir seconded the motion. The motion was unanimously approved. Mary Rimmer will be asked to provide a proposal for the additional monitoring.

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

Geordie Vining, Office of Planning and Development

Bartlet Mall, 149 High Street

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Amendment to Certificate of Compliance

Julia Godtfredsen said an Order of Conditions had been issued several years ago for the control of phragmites and algal blooms at the Bartlet Mall. The work was completed and a Certificate of Compliance was issued. A management plan for the control of phragmites and algae was incorporated into the Certificate of Compliance, but the Certificate itself refers only to the perpetual control of the algae. The applicant wishes to amend the Certificate of Compliance to include the perpetual control of the phragmites. Paul Healy moved to amend the Certificate of Compliance to include the perpetual control of all invasive species as indicated in the management plan. Mary Casey seconded the motion. The motion was unanimously approved.

Newburyport Parks Commission

Joppa Park Seawall Repair

Request for Determination of Applicability

During an informal discussion at the July 10 meeting the Commission members requested that the volume of the area to be filled with concrete be included in the Request for Determination of Applicability and the location of the filter fabric be shown on the plans. City Engineer Jon-Eric White said he hopes to use less concrete than estimated, but it is not yet known how deep the holes are that must be filled. Paul Healy moved to issue a Negative 2 Determination. Steve Moore seconded the motion. The motion was unanimously approved.

William Byrnes

11 66th Street

Request for Certificate of Compliance

Julia Godtfredsen said she visited the site and the work has been completed according to the plans, although no photographs accompanied the as-built plans, as was required by the Order of Conditions. The applicant must wait until the fall planting season to install the beach grass that is to be located along the neighbor's fence. The Certificate of Compliance is necessary for the applicant to obtain an occupancy permit. The Commission will issue a Partial Certificate of Compliance and the applicant will seek a full certificate after the beach grass has been planted and the photographs submitted. Steve Moore moved to issue a Partial Certificate of Compliance. Mary Casey seconded the motion. The motion was unanimously approved.

6. Public Hearings

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

Barbara Jean Magnani

160 Old Point Road (Pauline Street)

Notice of Intent

Bob Watt appeared for the applicant, who is proposing to reconstruct a two-story structure with a concrete block foundation. A letter from an engineer was submitted stating that no additional support to the foundation would be needed. The existing three-season porch and deck would be demolished. A two-story addition on driven wooden pilings would be constructed in the area of three-season porch. A porch would be added to the front of the structure, a second-story deck would be added to the rear and a deck with stairs would be added off the master bedroom,

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resulting in a net gain of 266 square feet of impact. The newly constructed sections of the structure would be on driven wooden pilings and would be three feet above grade. The construction, with the exception of the demolition, would be done from the existing driveway. No lattice would be installed. There would be no removal or addition of beach sand and any areas disturbed by construction would be replanted with beach grass. Beach grass would be added to stabilize a low point near the front of the property. Steve Moore moved to close the public hearing. Mary Casey seconded the motion. The motion was unanimously approved.

Newburyport Business Park Association

Swale Maintenance

Notice of Intent

DEP File #051-0882

The applicant requested a continuance. Dan Warchol moved to continue the public hearing to the August 21 meeting. Doug Muir 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

Barbara Jean Magnani

160 Old Point Road (Pauline Street)

Steve Moore moved to issue an Order of Conditions with the special condition that beach grass be planted in any area disturbed during construction. Mary Casey seconded the motion. The motion was unanimously approved.

8. General Business Continued

Newburyport Wetlands Protection Regulations

Julia Godtfredsen said she added the language of the standard Plum Island guidelines to section 6 of the regulations, with the exception of the definitions, which were added to section 2. The guidelines will now be labeled as requirements and procedures and will have the force of regulations. A section will be added for exemptions. Paul Healy pointed out the Commission recently permitted a shed to be installed one foot above grade, setting a precedent. The regulation of sheds has more to with flooding than the migration of sand; in the event of a flood, a shed might wash away and damage other property. It was decided that sheds must be anchored and they must be located at least two feet above grade unless otherwise permitted by the Commission. The permitted height of the shed above grade might be influenced by the location of the shed in relation to the flood zone. Julia Godtfredsen will amend the draft regulations as discussed and will submit the revisions to the members, along with the proposed fee schedule. A fee of \$50 should be required for Enforcement Orders, extensions and amendments.

9. Adjournment

Paul Healy moved to adjourn the meeting at 8:00 p.m. Steve Moore seconded the motion. The motion was unanimously approved.