

Newburyport Conservation Commission

September 3, 2013

City Council Chambers

Minutes

1. Call to Order

A meeting of the Newburyport Conservation Commission was called to order by Chair Joe Teixeira at 7:45 p.m.

2. Roll Call

In attendance were members Joe Teixeira, Dan Warchol, Steve Moore, Paul Healy and Doug Muir. Also in attendance was Julia Godtfredsen.

3. Minutes

The approval of the minutes of the August 20 meeting was tabled.

4. General Business

Artichoke River Trail Maintenance

Informal Discussion

Gary Gorski said Boy and Cub Scouts would like to work together to restore the nature trail along the Artichoke River. The brush that has become overgrown and makes the trail difficult to follow would be removed. It would be difficult for the Scouts to pay the filing fee and project would be beneficial to the community. It was decided it would be adequate for work to be approved under a letter permit on the condition the level of detail that would be required for an RDA be provided. The applicant must submit information on what is to be done with the material that is removed, the type of equipment that would be used and the location of proposed signage. A letter must be received from the Water Department indicating the applicant has been given permission to undertake work on its land.

Bartlet Mall Frog Pond

Technology Update

Jon Higgins described an additional method for treating the water in the Frog Pond. He said that while the P-Pod has removed 75% of the phosphorus in the water, the device has been less effective in removing arsenic due to the amount of algae in the pond. Mr. Higgins proposed that floating flexible vessels be used for a supplementary treatment of the water. The pH level of the water would be adjusted before it is returned to the pond. The Commission members would like to receive more information on the process, its impact on water quality and the disposal of the material that would be removed. It would be necessary for the Parks Commission or Bartlet Mall Commission to request approval.

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

154 Old Point Road

Request for Re-issuance of Certificate of Compliance

The applicant filed a Notice of Intent in 2002 and requested a Certificate of Compliance before the landscaping was completed. A Partial Certificate of Compliance was issued for the structure

Newburyport Conservation Commission
September 3, 2013

alone. The Order of Conditions subsequently expired and a Notice of Intent was filed for the landscaping in 2006. A Certificate of Compliance was issued when that work was completed. The Partial Certificate of Compliance still exists for the original Notice of Intent. Paul Healy moved to issue a Certificate of Compliance for 154 Old Point Road that indicates the remainder of the work was completed under the Order of Conditions issued in 2006. 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.

Department of Public Services

570 Merrimac Street

Notice of Intent

DEP File #051-0898

Jon Eric White said the test pits have been dug. As no ledge was found the proposed horizontal position of the pipe does not need to be changed. Mr. White said the requests made by the Commission at the original hearing have been addressed. Steve Moore moved to close the public hearing. Doug Muir seconded the motion. The motion was unanimously approved.

Verne Ellis and Susan Stone

10 77th Street

Notice of Intent

Tom Hughes appeared for the applicant, who wishes to demolish an existing house on a solid foundation and replace it with one on pilings. The size of the structure would be reduced, the patio blocks would be removed and clamshells would replace the driveway pavement, resulting in a reduced area of impact. The amount of vegetation would be increased. The Commission members asked if an edge would be added to the patio. Because a DEP number has not yet been issued, Mr. Hughes requested a continuance. Steve Moore moved to continue the public hearing until the next meeting. Paul Healy seconded the motion. The motion was unanimously approved.

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

7. General Business (Continued)

0 K Street

Informal Discussion

Tom Hughes appeared for the applicant, George Haseltine, who attended the meeting with his attorney, Lisa Mead. The applicant intends to construct a single-family home on an open lot that has varying amounts of vegetation. A public road encroaches on a portion of the lot. Mr. Hughes said the center of the lot contains native materials, making it a good resource area. He outlined three possible courses of action: off-site mitigation, an action of which DEP does not approve,

Newburyport Conservation Commission
September 3, 2013

mitigation within the sparsely vegetated portion of the site or the removal of the roadway from the site, which would result in the loss of vegetation on a neighboring property. Paul Healy said off-site mitigation should be avoided. Julia Godtfredsen said the Commission would set a precedent if it allowed partial credit to be given for planting in the sparsely vegetated area. A site visit will be held on Thursday, September 5 at 6:00 p.m.

8. Enforcement

372 Merrimac Street

Julie Godtfredsen said the riprap has been removed down to the crushed stone at the bottom of the swale and the water is flowing freely. Rob Germinara, 2 Ashland Street, commented that he is pleased with the work.

9. Orders of Conditions

Department of Public Services

570 Merrimac Street

Notice of Intent

DEP File #051-0898

Paul Healy moved to issue an Order of Conditions with the special conditions that the new catch basins be inspected quarterly for the first two years after the completion of the project and cleaned if the sumps are more than half full and the Certificate of Compliance not be issued until the City has filed a report on the two years of quarterly inspections and provided a schedule for the on-going maintenance of the catch basins. Dan Warchol seconded the motion. The motion was unanimously approved.

10. Other Business

Discussion of Land Subject to Coastal Storm Flowage

The Commission members continued their discussion from past meetings about the pros and cons of creating a regulation for land subject to coastal storm flowage. Joe Teixeira forwarded materials on the subject to the Mayor, who intends to schedule a meeting of relevant City department heads to discuss sea level rise and its possible effects on Newburyport. The members discussed the level of preparation that would be necessary for the meeting and whether or not a draft regulation should be presented at that time.

11. Adjournment

Steve Moore moved to adjourn the meeting at 10:05 p.m. Dan Warchol seconded the motion. The motion was unanimously approved.