

Newburyport Conservation Commission

October 15, 2013

City Hall Auditorium

Minutes

1. Call to Order

A meeting of the Newburyport Conservation Commission was called to order by Chair Joe Teixeira at 6:45 p.m.

2. Roll Call

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

3. Minutes

Paul Healy moved to approve of the minutes of the October 1 meeting as submitted. Steve Moore seconded the motion. The motion was unanimously approved.

4. General Business

Sea Level Rise and Land Subject to Coastal Storm Flowage Regulations Update

Julia Godtfredsen organized a meeting on sea level rise at which CZM made a presentation. Joe Teixeira has made the power point presentation available on his website. CZM demonstrated the NOAA shoreline change modeling program, which can be used to show the impact of varying levels of sea rise on communities. The City officials attending the meeting agreed the information should be considered in the upcoming review of zoning regulations.

Conservation Easement for 249 High Street

James Van Bokkelen contacted Joe Teixeira about his late mother's property at 249 High Street. She had expressed a desire to have the rear portion of the property protected from development. Mr. Van Bokkelen approached Essex Country Greenbelt Association, which is not interested in holding a conservation easement on the property. An agreement might be possible under which the Commission would hold the easement and Greenbelt would monitor it. Doug Muir asked if the property has conservation value and suggested Greenbelt be asked its reason for not wishing to hold the easement.

Whittier Bridge

Julia Godtfredsen will send Commission members possible dates for a site visit.

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

National Grid

270-270½ Water Street, 32 Union Street, and Perkins Park

Request for Certificate of Compliance

DEP File #051-0856

Mary Casey recused herself from the discussion. Jim Ash of GEI said the project included the plugging of a subsurface pipe that had once been installed to maintain the level of the water in

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the pond but was broken. The work would not change the maximum water level but would increase the rate at which the pond fills. Mr. Ash suggested there is an obstruction in the stream channel that would act as a dam and raise the elevation of the pond. The Commission members considered various scenarios but could not determine that the work caused the increase in the level of the pond. Paul Healy moved to issue a Certificate of Compliance. Steve Moore seconded the motion. The motion was approved with Mary Casey abstaining.

Brian and Eleise Colcord

10 55th Street

Request for Determination of Applicability

Everett Chandler appeared for the applicant, who is proposing to add a second story to an existing structure. The footprint of the structure would remain the same and no natural vegetation would be disturbed. The lot is comprised of bituminous pavement and mowed lawn. Paul Healy moved to issue a Negative 2 Determination. Jim O'Brien seconded the motion. The motion was unanimously approved.

Marc Emmons

9 Doe Run Drive

Request for Certificate of Compliance

Julia Godtfredsen said the applicant has yet to submit the request form.

John Shortsleeve

1 Neptune Street

Request for Determination of Applicability

Tom Hughes appeared for the applicant. He said many of the planned changes would be considered minor activities and would be exempt under the local ordinance and the WPA. A roofline would be changed, a sunroom would be reframed with wood and a brick wall would be refaced. The mortared brick walkways would be replaced with pervious pavement. A portion of the lawn area would be converted to a patio and the driveway would be resurfaced. The property is in the riverfront area. Water Street and two walls separate it from the river. Only a portion of the property is within the 100-foot buffer zone. Paul Healy moved to issue a Negative 2 Determination. Mary Casey seconded the motion. The motion was unanimously approved.

6. Public Hearings

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

Mallow Realty Trust

183-185 Low Street and 13 Crow Lane

ANRAD

Fred Ford appeared for the applicant. The Commission members had visited the site since the last meeting. Julia Godtfredsen commented that the delineation was very well done. Joe Teixeira asked to receive a digital version of the delineation. Paul Healy moved to issue an ORAD. Steve Moore seconded the motion. The motion was unanimously approved.

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John DiFilippo, Newburyport Yacht Club, Inc.

2R Woodland Street and 300-302R Merrimac Street

Notice of Intent

DEP File #051-0902

Tom Hughes appeared for the applicant and presented a plan to control the phragmites. The applicant would cut the phragmites in July or August, remove the material and cut the phragmites again when they reach the height of two feet. No spring cutting would take place. The area near the clubhouse is to be brought under control first. The phragmites might be removed from a broader area if the applicant determines it is feasible.

Mr. Hughes also presented changes to the plans for the walkway system. The proposed platform would be reconfigured and reduced in size. ThruFlow decking would be used. Mr. Hughes said the cost of the project would drastically increase if materials other than pressure-treated wood were used for the pilings. He said Marine Fisheries is concerned about the leaching of copper from the pressure-treated wood. He proposed curing the wood for ten days. He said a less desirable alternative would be the use of greenheart wood for the piles without a change to the decking. Joe Teixeira commented that the ThruFlow decking would allow other species to become established after the phragmites have been removed. More information on the construction phase is needed. Steve Moore moved to close the public hearing. Mary Casey seconded the motion. The motion was unanimously approved.

William Ring

9 78th Street

Notice of Intent

DEP File #051-0903

Julia Godtfredsen said the applicant submitted a revised plan for the garage and driveway. The driveway will be narrower and shorter than originally proposed. The brick at the end of the driveway that was to be removed will now be left in place. Due to these changes it would no longer be necessary for the applicant to drive across the beach grass to access the garage. The applicant must correct the plan to indicate that beach grass, and not sea grass, is to be installed. Steve Moore moved to close the public hearing. Mary Casey seconded the motion. The motion was unanimously approved.

7. Orders of Conditions

John DiFilippo, Newburyport Yacht Club, Inc.

2R Woodland Street and 300-302R Merrimac Street

Paul Healy moved to issue an Order of Conditions with the conditions that ThruFlow decking shall be used, any pressure-treated wood used shall be CCA, the pressure-treated wood shall be cured for 10-14 days, there shall be no cutting of any marsh vegetation, construction-phase details shall be submitted to the Conservation Agent for approval before work begins and photographs showing the area from which the phragmites have been removed shall be submitted each year by November 1. Steve Moore seconded the motion. The motion was unanimously approved.

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William Ring

9 78th Street

DEP File #051-0903

Steve Moore moved to issue an Order of Conditions with the conditions that the Certificate of Compliance would not be issued until the plant materials have survived two growing seasons and the ramp may remain in place provided it is elevated and not a solid structure. Jim O'Brien seconded the motion. The motion was unanimously approved.

8. Enforcement

Stephen Richards

1 Shandel Drive

The Commission members might seek a legal opinion if Mr. Richards does not respond to the Enforcement Order by November 1.

9. Adjournment

Paul Healy moved to adjourn the meeting at 8:30 p.m. Steve Moore seconded the motion. The motion was unanimously approved. The next meeting of the Conservation Commission will be held on November 12.