

## **Newburyport Conservation Commission**

October 7, 2014

City Hall Conference Room

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, Paul Healy, Doug Muir, Dan Warchol, Jim O'Brien and Steve Moore. Julia Godtfredsen was also in attendance.

### **3. Minutes**

Paul Healy moved to approve the minutes of the September 16, 2014 meeting as submitted. Steve Moore seconded the motion. The motion was unanimously approved.

### **4. General Business**

#### **CZM Coastal Community Resilience Grant**

Julia Godtfredsen said the City did not obtain funding from the CZM program last year but did receive feedback on the application. The grant is being offered again and the City plans to submit a revised proposal. The grant would include a vulnerability assessment and public education and outreach. Joe Teixeira distributed a draft letter of support, which will be revised based on comments from Commission members. Doug Muir moved to authorize Joe Teixeira to sign the letter of support. Steve Moore seconded the motion. The motion was unanimously approved.

#### **Commission Vacancy**

Julia Godtfredsen will draft an advertisement for the vacancy on the Commission for approval by Andy Port and Mayor Holaday.

#### **Meeting Schedule**

The meeting that would have been scheduled for the first Tuesday of November will be cancelled due to the election. Because the second Tuesday of the month is Veterans' Day, the only meeting in November will take place on the third Tuesday.

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

#### **George Atkinson**

4 G Street

Request for Certificate of Compliance

DEP File #051-0745

The plans approved with the Order of Conditions indicated a crushed stone walkway was to be installed. A brick walkway was instead constructed. The walkway has now been removed and beach grass was installed in its place. Paul Healy moved to issue a Certificate of Compliance. Steve Moore seconded the motion. The motion was unanimously approved.

**Richard A. Mugavero**

8 77<sup>th</sup> Street

Request for Determination of Applicability

The applicant wishes to change the roofline on the second story of a structure in order to add living space. The footprint of the structure would not be changed. A second means of egress from the first floor would be added and a second-story deck would be constructed. The size of the existing first floor deck would be significantly reduced. The applicant wishes to install sonotubes for the new deck, which DEP has allowed for accessory structures. The applicant also wishes to install a concrete pad for propane tanks in an unvegetated area adjacent to the rear of the structure. Doug Muir moved to issue a Negative 3 Determination with the condition that any beach grass or native vegetation damaged during construction shall be replaced. Steve Moore 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.

**Gregg and Lynne Holmes**

166 Northern Boulevard

Notice of Intent

Tom Hughes appeared for the applicants, who are proposing to construct a new single-family home. He said the survey was updated and the errors corrected. He said that even without taking credit for any vegetation that might grow under the deck, the mitigation measures would outweigh the impacts. All of the trees are to be retained and any that are damaged would be replaced. The material to be used for the parking area has not yet been specified, but it will be either of clamshells or gravel.

Doug Muir moved to issue an Order of Conditions with the special conditions that a landscape plan shall be submitted before construction may begin and all trees currently on site shall be retained with the exception of one small cedar tree. Steve Moore seconded the motion. The motion was unanimously approved.

**Geordie Vining, Newburyport Planning Department**

Clipper City Rail Trail Phase 2

Notice of Intent

Geordie Vining said the second phase of the Clipper City Rail Trail would extend 1.5 miles from Parker Street to the central waterfront. The design is nearing 75% completion and should be advertised for construction in FY2105. A variance from the local ordinance would be needed because the trail would be constructed within the 25-foot no disturb zone.

Ron Hedrick of Stantec described the route the trail would follow. The corridor would vary from 15 feet to 200 feet in width. Of the 19.4 acres involved in the project, 2.64 would be altered. The path would be ten feet wide in most areas and eight feet in constrained areas. The

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total of the area covered by asphalt could be 1.7 acres. Mass DOT would not approve the use of porous pavement.

Mr. Hedrick also discussed the impacts to the resource areas. The March's Hill area includes isolated land subject to flooding. No other resource areas exist in south end further than 200 feet from the river. Resources along the river include coastal bank, coastal beach, riverfront area, land subject to coastal storm flowage and the buffer zone to a BVW. The applicant is proposing to employ bioengineering solutions to control erosion in areas where scour is occurring. Coir logs with beach grass plugs would be added. Julia Godtfredsen requested that a wetland scientist recommend a species more appropriate for a saltmarsh environment for the coir logs.

The trail extends through a priority habitat. Comments from Natural Heritage have not yet been received.

Frank Holmes from Stantec said because the project is a linear one, the impacts of storm water would be disbursed. He said DEP storm water management standards would be met in full. The path would be pitched towards a perforated pipe in a crushed stone trench. He described the way in which water would be collected and discharged in four locations along the Newburyport portion of the trail. The best management practices for water quality would be provided. Storm water would be treated for TSS removal near the paved areas adjacent to National Grid and the Coast Guard Station.

The Notice of Intent includes an operation and maintenance plan and an erosion and sediment control plan. Hay bales will be placed along the length of the trail during construction to prevent the discharge of sediment. Julia Godtfredsen suggested the City Engineer, Jon-Eric White, be asked to provide a letter stating he approves of the design of the stormwater management plan and its maintenance plan.

The Commission members would like more information about the plans for an existing 24" pipe that discharges onto rip rap at the edge of the resource area near Water Street. A new 12" pipe might be installed within the existing pipe if it is found to be in poor condition.

Mr. Hedrick reviewed the project in terms of the performance standards. He said all of the permanent impacts would occur within an existing degraded riverfront. The project attempts to restore the degraded riverfront area by addressing invasive species, removing trash and adding plantings were possible.

Julia Godtfredsen reviewed the draft language for the variance that is needed for the paving within 25-foot no disturb zone and the work in the isolated wetland. The Commission will vote on the variance after the public hearing has been closed.

The Mayor signed a letter to Mass DOT stating the trail would be maintained. Geordie Vining will forward a copy of the letter to the Commission.

Dan Warchol moved to continue the public hearing to October 21. Steve Moore seconded the motion. The motion was unanimously approved.

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

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**7. Enforcement**

9 Malcolm Hoyt Drive

Julia Godfredsen said she received an email stating wooden markers have been installed at the wetland line. She will reply that the markers should be more permanent than wooden stakes, which could be easily removed, and they should be placed at the edge of the 25-foot no disturb zone rather than the edge of the wetland.

**8. Adjournment**

Steve Moore moved to adjourn the meeting at 10:15 p.m. Dan Warchol seconded the motion. The motion was unanimously approved. The next meeting of the Conservation Commission will be held on October 21, 2014.