

## **Newburyport Conservation Commission**

December 16, 2014

City Council Chambers

Minutes

### **1. Call to Order**

Chair Joe Teixeira called a meeting of the Newburyport Conservation Commission to order at 7:00 p.m.

### **2. Roll Call**

In attendance were members Joe Teixeira, Doug Muir, Dan Warchol, Jim O'Brien, David Vine and Steve Moore. Julia Godtfredsen was also in attendance.

### **3. Minutes**

Steve Moore moved to approve the minutes of the November 18, 2014 meeting as submitted. Dan Warchol seconded the motion. The motion was unanimously approved.

Steve Moore moved to approve the minutes of the December 2, 2014 meeting as submitted. Jim O'Brien seconded the motion. The motion was unanimously approved.

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

#### **Mark Batchelder**

5-11 Plum Island Turnpike

Request for Certificate of Compliance

DEP File #051-0765

Mark Batchelder said the work to enlarge four cottages has been completed. The knotweed control program has been fairly successful and will be continued. The trees that were removed to accommodate the renovation of the structures have been replaced. The footprints of the structures were smaller than had been approved, resulting in a reduced impact. The letter submitted by the engineer stated the work meets the intent of the plan. It should instead indicate the work was done in compliance with the approved plan. The applicant had submitted amended plans and the Commission had approved the deviations from the approved plans. The applicant will provide a revised letter from the engineer. Doug Muir moved to continue the request to the January 6, 2015 meeting. Steve Moore seconded the motion. The motion was unanimously approved.

### **5. Public Hearings**

Dan Warchol moved to open the public hearings. Steve Moore seconded the motion. The motion was unanimously approved.

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**Geordie Vining, Newburyport Planning Department**

Parker Street to Custom House Way Rail Corridor

Notice of Intent

DEP File #051-0920

David Vine recused himself from the discussion. Ron Headrick of Stantec said the variance request has been submitted, along with a letter from the City Engineer supporting the stormwater management plan. He said it was found that an old outfall near Joppa Park was plugged 45' up from Water Street. The plans have been changed to instead tie into the Harrison Street line. The inverts must be identified in order to confirm that this is a viable solution.

Mr. Headrick also spoke about the area of erosion and scour along water's edge. The plans call for the addition of fill to replace the lost material and the installation of coil logs with jute netting. Plugs of a variety of native species would be placed along the logs and woody perennials would be installed at the stop of the slope. Steve Moore questioned the use of beach grass in this area and suggested *Spartina alterniflora* be added along with *Spartina patens*. Mr. Headrick replied that the beach grass would help other species become established and if it fails, it would be replaced with a different plant material.

The Commission members had been concerned about water being trapped on the inland side of the trail in the section where it is to be raised 12" above grade. A trench with a perforated pipe and gravel will be added in this area. City Engineer Jon-Eric White wrote a letter supporting this system.

A variance would be required from two sections of the ordinance. At High Street the Rail Trail would infringe upon an isolated land subject to flooding. The variance request will be revised to include the second reference.

Doug Muir moved to grant the variance. Steve Moore seconded. The motion was unanimously approved.

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

**Gary Swerling, Packaging Realty Trust**

3 Opportunity Way

Notice of Intent

Taylor Turbide described the plans to construct two additions to an existing building in the industrial park. The expansion would result in the addition of 3,100 square feet of impervious surface. The parking area would be made more efficient so that while additional spaces would be added, the amount of pavement would be reduced. As a part of the site plan review process for the Planning Board, the firm of Christiansen and Sergi has indicated the project meets all stormwater management standards.

Mr. Turbide said the project would result in an improvement in stormwater treatment. Two underground storage systems would be installed to receive runoff from the building and control the rate of flow off of the site. A water quality unit would be installed in the parking lot.

Mark West said red maple and box elder would be planted along the front and sides of the building and additional shrubs would be installed at its rear. As many of the existing shrubs as possible would be retained.

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

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**Joshua Holden, Massachusetts Electric Company**

95 Water Street

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David Vine recused himself from the discussion. Melissa Kaplan said Mass Electric wishes to take a proactive stance in terms of sea level rise by installing Hesco bags around the substation equipment area. The geotextile material would be filled with sand and would provide a four-foot barrier to flood waters. The bags would be in place for three to four years while a long-term solution is being developed.

The seawall on the property is in poor condition. Its repair could impact the need for the currently proposed project. Joe Teixeira said he would not wish to issue a permit for the use of the bags until an application for the seawall has been submitted. He also said the use of the bags would direct water to neighboring properties, where it could cause damage. The Commission members wish to receive additional information on the staging area.

Jane Batchelder, 7 Federal Street; Evan Ward, 1 Federal Street; and Lee Walker, 78 Water Street, all expressed concern about the project. They said National Grid is not a good neighbor and does not maintain its property. They asked that plant materials be installed to hide the view of the bags from the road. David Hewey of the American Yacht Club said members are concerned the deteriorating seawall will negatively impact the club's new bulkhead.

A site visit will take place on January 5, 2015 at 3:30 p.m. The area in which the bags would be installed is to be staked. If the stakes have not been installed the site visit will not take place and the public hearing will be continued to January 20.

Dan Warchol moved to continue the public hearing to January 6, 2015. Steve Moore seconded the motion. The motion was unanimously approved.

Doug Muir moved to close the public hearing. Dan Warchol seconded the motion. The motion was unanimously approved.

**Elizabeth Baumann**

21 Shore Street

Notice of Intent

DEP File #051-0917

The applicant requested an extension. Tom Hughes electronically submitted plans for three alternatives and requested comments from the Commissioners. Julia Godtfredsen will notify him that before the December 23 deadline for the submittal of materials to be considered at the January 6 meeting, he must provide a preferred plan, a revised Form 3 and a revised narrative. Steve Moore moved to continue the public hearing to January 6, 2015. Dan Warchol 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.

## **6. Orders of Conditions**

### **Geordie Vining, Newburyport Planning Department**

Parker Street to Custom House Way Rail Corridor

DEP File #051-0920

Dan Warchol moved to issue an Order of Conditions with the special conditions that Jon-Eric White's letter shall be referred to for conditions regarding the deep sump catch basin; each of the planting schedules shall be monitored annually for two years for a minimum of 75% cover of the plant materials; any replacement plans shall be installed prior to the end of the two-year monitoring period; the monitoring shall be done by a wetland scientist or landscape architect, who shall also determine the species of the replacement plants; and the structural stability of the bioengineered banks shall be monitored for a two-year period. Steve Moore seconded the motion. The motion was approved by a 5 to 0 vote with David Vine abstaining.

### **Gary Swerling, Packaging Realty Trust**

3 Opportunity Way

Doug Muir moved to issue an Order of Conditions with the special conditions that a dewatering plan shall be submitted to the Commission prior to the issuance of a building permit; the silt fence shall constitute the limit of work during construction and no equipment or stockpiled materials shall be stored outside the limit of work; and resource area flags shall remain in place until the Certificate of Compliance has been issued. Steve Moore seconded the motion. The motion was unanimously approved.

## **7. Other Business**

Joe Teixeira said mud slid into a clear well on Water Department land and the area must be stabilized. Julia Godtfredsen sent photographs to Tony Funari, Peter Lombardi, Paul Grimaldi and Dan Lynch and is waiting for a response. A Notice of Violation could be issued for a siltation impact to the resource area due to a lack of maintenance at the project site.

## **8. Adjournment**

Steve Moore moved to adjourn the meeting at 10:03 p.m. Dan Warchol seconded the motion. The motion was unanimously approved. The next meeting of the Conservation Commission will be held on January 6, 2015.