

Newburyport Conservation Commission

December 20, 2011

City Council Chambers

Minutes

1. Call to Order

A meeting of the Newburyport Conservation Commission was called to order by Chairman Joe Teixeira at 6:30 p.m.

2. Roll Call

In attendance were members Joe Teixeira, Steve Moore, Paul Healy, Mary Casey and Doug Muir and Planning Director Andy Port.

3. Minutes

Paul Healy moved to approve the minutes of the December 6, 2011 meeting as submitted. Steve Moore seconded the motion. The motion was unanimously approved.

4. General Business

Wetlands Ordinance

Andy Port said the City Council voted to carry over the item to the next session and the ordinance might be discussed at the January 18 meeting.

Beach Access Walkover

Andy Port said three residents have committed to signing the agreement but have not yet done so.

17 Graf Road Appeal

Andy Port said DEP sent the applicant a letter requesting the submission of additional information and some revisions to the plans. The applicant must respond within 70 days.

Industrial Park Improvements

Andy Port provided an update on an article that had appeared in the *Daily News* about the expansion of the industrial park. There have been discussions about the replacement of the culvert at Parker Street and the maintenance of the swales, some of which have become filled with silt or are overgrown. Joe Teixeira said he would want an engineer to report on the downstream impacts that would be caused by the work on the culvert. Steve Moore said he would like to see a map showing the swales and property owners.

Oleo Woods Conservation Restriction

David Santomenna submitted a revised draft conservation restriction. Doug Muir said the changes adequately addressed his concerns. Commission members will vote to accept the document at the January 3 meeting.

Wet Meadows Agricultural Agreement

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Joe Teixeira said Geordie Vining is drafting the agricultural agreement for the mowing of the Wet Meadows and will be adding the back field at Cooper North to the agreement.

Open Space Plan

Andy Port said a firm has been hired to update the open space plan. Commission members will be asked for feedback early next year.

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

Thomas G. Lawrence

12 L Street

Request for Minor Modification

DEP File #051-0837

The applicant has requested additional time to provide the amended plans. Paul Healy moved to continue to January 3. Mary Casey seconded the motion. The motion was unanimously approved.

Union Specialties

3 Malcolm Hoyt Drive

Request for Certificate of Compliance

DEP File #051-0792

Bill Decie appeared for the applicant and said the plans that had been submitted were in error. The berm had been removed under a 2003 Notice of Intent and should not have been shown on the plan as extending to Malcolm Hoyt Drive. An updated plan must be submitted. Doug Muir moved to continue the request to January 3. Steve Moore seconded the motion. The motion was unanimously approved.

Michael Bielby

237 Northern Boulevard

Request for Determination of Applicability

The applicant received an opinion from a structural engineer, who said he would recommend the house be put on pilings, as the existing foundation would not be able to support the addition.

The applicant argued that the house is already on pilings. Andy Port said the structure is supported by pieces of wood and concrete that could not be considered pilings. Commission members agreed that the project is not a minor one and should be handled as a Notice of Intent. Paul Healy moved to issue a Positive Determination on the grounds that the Wetlands Protection Act would apply to the project. Doug Muir seconded the motion. The motion was unanimously approved.

Paul Healy moved to recess the meeting and open the public hearings. Mary Casey seconded the motion. The motion was unanimously approved.

6. Public Hearings

Cynthia and John Palladino

23 Phillips Drive

Notice of Intent

Tom Hughes appeared for the applicant, who is seeking after the fact approval for work that done in the buffer zone to a BVW. A retaining wall was installed, fill was added to the driveway and lawn and some trees were cut. Commission members visited the site in the spring and decided at that time the work was done in the buffer zone and not the BVW. The applicant is proposing to add native plants above and below the retaining wall. Additional wetland will be created adjacent to the existing isolated wetland. A man-made ditch carries water from the isolated wetland to an intermittent stream. The ditch will be restored to grade and native plants will be added in the wetland restoration area. The number of trees and shrubs given in the narrative is incorrect and Mr. Hughes will provide an updated version. Steve Moore moved to close the public hearing. Paul Healy seconded the motion. The motion was unanimously approved.

Commonwealth of Massachusetts, Highway Division

Whittier Bridge

Notice of Intent

DEP File #051-0875

Representatives from Parsons Brinckerhoff presented the plans for the reconstruction of the Whittier Bridge. FST and the City Engineer are in the process of reviewing the stormwater plans. The project will result in the addition of five acres of pavement. The infiltration basin will be enlarged and moved to avoid the existing saltmarsh. The planting plan for the slope, which will be stabilized with stones, loam and shrubs, will be submitted in January. A detailed presentation was made on the impacts of shading and included the following points: 1) there is little upland vegetation due to shading and drought conditions, 2) there is a 46' gap between the two bridge structures, resulting in a cone of sunlight and no deep shade under the bridge, 3) indirect sunlight is of value and 4) the piers are smaller and the abutments are pulled back, opening up the source of light. Steve Moore said the study is not pertinent to the Newburyport side of the river due to the lack of vegetation but 2,500 square feet of saltmarsh would be impacted by the shade as opposed to the 240 square feet that are currently being impacted. He would like the increased impact to be mitigated. He asked about how invertebrates living under the bridge would be impacted. He also said the studies did not contain reference material and he would like to receive this information before the next meeting. Joe Teixeira said he does not think the outfall as it is currently planned would avoid the saltmarsh. The outfall will either be moved further to the west or a taller wall might be installed on one side. Andy Port asked about the maintenance schedule for the stormwater structures. They will be inspected annually and cleaned as needed. The applicant will provide the Natural Heritage letter and the peer review report. Steve Moore moved to continue the public hearing to January 3. Mary Casey 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. Enforcement

None

8. Orders of Conditions

Cynthia and John Palladino

23 Phillips Drive

Paul Healy moved to issue an Order of Conditions with no special conditions. Joe Teixeira seconded the motion. The motion was unanimously approved.

9. Adjournment

Mary Casey moved to adjourn the meeting at 8:55 p.m. Steve Moore seconded the motion. The motion was unanimously approved.