

Newburyport Conservation Commission
March 19, 2019
Senior Community Center, 331 High Street
Minutes

1. Call to Order

Chair Joe Teixeira called a meeting of the Newburyport Conservation Commission to order at 6:49 p.m.

2. Roll Call

In attendance were members Joe Teixeira, Steve Moore, Paul Healy, Dan Bourdeau, Dan Warchol and David Vine. Doug Muir was absent. Conservation Administrator Julia Godtfredsen was also in attendance.

3. Minutes

Paul Healy moved to approve the minutes of the March 5, 2019, meeting as submitted. Steve Moore seconded the motion. The motion was approved.

4. Old and New Business

Land Subject to Coastal Storm Flowage

Julia Godtfredsen will circulate the most recent version of the draft regulations and put the item on the agenda for a public hearing at an upcoming meeting.

Plum Island Updates

The City, DCR and DEP are working together on an emergency nourishment plan for Reservation Terrace. GZA is developing a plan for the placement of the sand, which will be taken from the area near the Charos property where it has accumulated. The neighbors will pay for more sand if it is necessary. The Commission members signed an emergency certification for the work.

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

None

6. Public Hearings

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

Michael Kane, Ganton, LLC c/o The Kane Company

341 Merrimac Street

Notice of Intent

Patrick Crimmons represented the applicant and reviewed the changes made to the plan for parking lot improvements based on comments from the Conservation Commission and the Planning Board. One long island would be created along Merrimac Street, with curb cuts at either end, eliminating four curb cuts. Ten shade trees would be planted along the street. The islands within the lot would be eliminated in order to retain the existing number of parking

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spaces. The change to the islands would result in a slight increase in the amount of impervious surface over the previous proposal, but would still be a decrease over the existing conditions. The drainage system would be improved by the addition of a water quality unit that would be maintained at least four times a year. The swale would be re-graded and would be maintained twice a year. The lot would be graded to direct water from melting snow to the catch basin and away from the swale. Spot elevations and the snow storage area must be added to the plan. Dan Bourdeau asked about the rate of flow to the culvert. He said the change in hydrology should not result in a rate of flow that the culvert would not be able to handle. The flow was modeled in the drainage analysis and was shown to be below the peak rate. The culvert does not appear to be functioning properly. The peer reviewer for the Planning Board also indicated this is an area of concern. The City engineer should evaluate the condition of the culvert. The City is responsible for the maintenance of the culvert and should replace the flapper valve at the end of the pipe near the river as well.

The hearing was opened to comments from the public. Jane Snow, 9 Coffin Street, said she is concerned that backyards would flood due to melting snow in the storage area. She said the culvert should be addressed before the work to the lot is done. Ward Councilor Charlie Tontar said the residents at Parker Ridge are concerned about the amount of water that would be added to the wetlands. He was also concerned that the replacement of the flapper valve would result in more flooding for the houses along the river. He was told there would be a reduction in the amount of water entering the wetlands and the replacement of the flapper valve would not result in any increased flooding from the river. Rob Germinara, 2 Ashland Street, said his concerns about the drainage swale have been addressed. He would like more trees to be added for screening along the Ashland Street side of the property. The applicant would be willing to cut down a willow that Mr. Germinara said is failing, but the tree is in the no-disturb zone and a statement from an arborist would be needed before it could be removed.

A DEP file number has not yet been received. Dan Warchol moved to continue the public hearing to April 2. Dan Bourdeau seconded the motion. The motion was unanimously approved.

David Cowie, Plum Island, LLC

77, 79, and 79A Parker Street

Notice of Intent

DEP File #051-1004

Lisa Mead, Eric Botterman and Patrick Seekamp represented the applicant and reviewed the changes that had been made to the plans for a brewery since the last meeting. These changes include the identification of the pollinator meadow and the addition of signage that prohibits parking along Parker Street, educational signage and a fence to demarcate the license area, as was requested by the Planning Board. The location of the driveway has been shifted in order to retain the large oak trees at the front of the property and the applicant is now proposing to remove 13 trees rather than 20. The applicant suggested the use of Mobi mats for the pathways, but the Commission members indicated they would prefer gravel. They also requested the shape of the wetland be altered to be more rounded, with softer edges. The plan for the maintenance of the pollinator meadow was reviewed.

The hearing was opened to comments from the public. Rob Germinara, 2 Ashland Street, said he has witnessed two 100-year floods, during which the entire industrial park was flooded.

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He said a dozen trees were removed from the site in 2017, four of which were on City property. He said the applicant has not identified the drainage swale along Parker Street as a wetland, as he was required to do on a plan in 2003. He said the project is too large for the site and includes work in the 25-foot no-disturb zone. Julia Godtfredsen responded the applicant has shown on the plans all of the wetlands that would be impacted and has proposed mitigation for these impacts. She said an Enforcement Order was issued in 2018, at which time mowing on the site was stopped. The applicant is proposing to plant many more trees than would be removed, which adequately compensates for the trees that were taken down at that time. Joe Teixeira added that drainage swales in the industrial park are no longer considered to be jurisdictional wetlands.

Steve Moore moved to close the public hearing. Paul Healy seconded the motion. The motion was approved with Dan Warchol and Dan Bourdeau abstaining.

The applicant is seeking a variance for the impacts to the isolated vegetated wetlands on lots 79 and 79A, the disturbance of greater than 20% of the buffer zone and the work within the 25-foot no-disturb zone. The applicant provided an alternatives analysis for each disturbance. The proposed mitigation for over 2,000 square feet of IVW filling is the construction of a 4,800-square foot replicated wetland connected to the existing BVW on lot 79. Other public benefits include the pollinator meadow, public pathways, the preservation of the historic farmhouse, educational kiosks and an easement to the City for a water line. Paul Healy moved to issue a variance. Steve Moore seconded the motion. The motion was approved with Dan Warchol and Dan Bourdeau abstaining.

Steve Moore moved to close the public hearings. Dan Bourdeau seconded the motion. The motion was unanimously approved.

7. Orders of Conditions

David Cowie, Plum Island, LLC

77, 79, and 79A Parker Street

DEP File #051-1004

Steve Moore moved to issue an Order of Conditions with the special conditions that: 1) prior to the start of work on the site the applicant shall provide for review and approval the specifications for the proposed bridge over the perennial stream and any additional filling of the floodplain that results from the bridge design shall be compensated for with additional flood storage, 2) prior to the start of the construction of the industrial building, the applicant shall provide for review and approval the design of the educational kiosks, including an additional sign relating to the farmhouse; 3) the pollinator meadow management plan shall be implemented by the applicant in perpetuity and the Conservation Commission shall review and approve any modification to the plan that might be necessary, 4) the rotational mowing cycle shall be provided prior to the issuance of the Order of Conditions and the mowing plan shall include the requirement that the Commission shall be given notice prior to the commencement of mowing, 5) the wetland replication area shall be constructed prior to the issuance of an occupancy permit for the brewery, 6) the wetland replication area shall be monitored for a minimum of three growing seasons to insure a survival rate of at least 75% of native, non-invasive plant materials, 7) invasive species identified in the pollinator meadow shall be removed by hand on an annual basis and 8) no additional disturbance to the buffer zone on the site shall be allowed. Paul Healy

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seconded the motion. The motion was approved with Dan Warchol and Dan Bourdeau abstaining.

8. Enforcement

25 Basin Street

All of the work the Commission requested has been completed. The property owner was allowed to retain the granite curbing along road. Steve Moore moved to lift the enforcement order. David Vine seconded the motion. The motion was unanimously approved.

9. Adjournment

Steve Moore moved to adjourn the meeting at 9:37 p.m. Dan Warchol seconded the motion. The motion was unanimously approved.