

**Newburyport Conservation Commission**  
March 20, 2018  
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 6:47 p.m.

**2. Roll Call**

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

**3. Minutes**

Paul Healy moved to approve the minutes of the March 6, 2018, meeting as submitted. Steve Moore seconded the motion. The motion was unanimously approved.

**4. Old and New Business**

**Plum Island Updates**

Julia Godtfredsen said she issued an Emergency Certification to Captain's Fishing Parties for the removal of sand along the beach and parking area that had accumulated during the past several storms. DEP has issued a Severe Weather Emergency Declaration that will be in effect until April 2. Under this declaration, and with DEP approval, DCR will create a berm along Reservation Terrace from the accumulated sand. The work will take place after the upcoming storm and should be completed within a month.

**3 Collins Farm Road**

Comments from Doug Muir on the draft Conservation Restriction were forwarded to the applicant. Steve Moore moved to approve the draft Conservation Restriction for 3 Collins Farm Road with the condition the changes recommended by the Commission shall be incorporated into the restriction, baseline documentation shall be provided and the applicant shall pay a fee of \$1,500 annually for the monitoring of the restriction. David Vine seconded the motion. The motion was unanimously approved.

**Evergreen Commons**

Tom Hughes reviewed the updated phasing plan. Julia Godtfredsen and Jon-Eric White will be included in the weekly updates to the SWIP. The Commission would be able to request changes during the process. Steve Moore moved to approve the SWIP. David Vine seconded the motion. The motion was unanimously approved.

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

**Carl Nielsen**

Curzon Mill Road, Flowering Pond  
Request for Certificate of Compliance  
DEP File #051-0931

Carl Nielsen said DCR has achieved its goals for the flowering pond at Maudslay State Park. The pond has been expanded, the three arches have been opened and a wetland bench was created. The wetland bench and disturbed areas of the shoreline are to be monitored for ten years. Paul Healy moved to issue a Certificate of Compliance. Steve Moore seconded the motion. The motion was unanimously approved.

**Ted Angelakis, Newburyport Water Works**

7 Spring Lane  
Request for Extension Permit  
DEP File #051-0689

Eric Coombs represented the applicant, who is seeking a three-year extension of an Order of Conditions to manage any vegetation that might block the intake pipes at Bartlet Spring Pond, an emergency source of drinking water. The Order was last extended on March 29, 2015. Paul Healy moved to extend the Order of Conditions for three years with the condition the applicant shall provide a current DEP license for the application of chemicals to control of nuisance aquatic vegetation. Steve Moore seconded the motion. The motion was unanimously approved.

**Elizabeth Gemba**

11 69<sup>th</sup> Street  
Request for Determination of Applicability

The applicant is proposing to add a second story to an existing one-story structure. The roof, windows and siding on the entire house are also to be replaced. There are no plans to change the vegetation on the site. The driveway is large enough to be used as a staging area. An approval would include a condition that any vegetation disturbed by the work shall be replaced. The building department has not yet determined if the work would constitute a substantial improvement. The applicant's appraiser has indicated the work would increase the value of the home from \$400,000 to \$515,000. The Commission members requested the applicant provide a plan showing the existing conditions and a report from an engineer stating the existing foundation would be able to support the additional load. David Vine moved to continue the request to the April 3 meeting. Steve Moore seconded the motion. The motion was unanimously approved.

**National Grid**

95 Water Street  
Request for Extension of Order of Conditions  
DEP File #051-0927

An Order of Conditions was issued to the applicant in 2015 for the installation of a HESCO bag wall to protect the substation from flooding. At a later date the applicant received a permit to replace a breached timber bulkhead with a stone revetment. A part of this project involved the

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use of the excavated material to form a berm that would provide additional flood protection to the substation. After the berm has been constructed, the applicant intends to seek a LOMA from FEMA indicating the berm places the substation outside of the floodplain. The applicant is seeking an extension of the permit for the installation of the HESCO bags while this process is taking place. The landscaping portion of the project is to be undertaken in April. Steve Moore moved to extend the Order of Conditions for DEP File #051-0927 for three years. Doug Muir seconded the motion. The motion was unanimously approved. Steve Moore moved to approve the request to reduce the requirement for the monitoring of the revetment to monthly inspections. David Vine seconded the motion. The motion was unanimously approved.

Steve Moore moved to open the public hearings. Doug Muir seconded the motion. The motion was unanimously approved.

**6. Public Hearings**

**Lisa Cosimano Gallagher, Port City Realty, LLC**

75 Parker Street

Notice of Intent

DEP File #051-0988

The applicant did not attend the meeting. David Vine moved to continue the public hearing to the April 3 meeting. Steve Moore seconded the motion. The motion was unanimously approved.

**Lauren Palmero**

245 Northern Boulevard

Notice of Intent

DEP File #051-0990

Lisa Mead represented the applicant and requested an extension. Steve Moore moved to continue the public hearing to the April 3 meeting. Doug Muir seconded the motion. The motion was unanimously approved.

**Henry Miller**

11 61<sup>st</sup> Street

Notice of Intent

DEP File #051-0989

The applicant provided an existing conditions plan and a conceptual landscape plan, as was requested at the March 6 meeting. Steve Moore moved to close the public hearing. David Vine seconded the motion. The motion was unanimously approved.

**Hope Community Church**

11 Hale Street

Notice of Intent

DEP File #051-0991

Lisa Mead represented the applicant. The CSI comments have been addressed. The basis for the variance is public safety and the removal of invasive species along the frontage of the property. The Commission members had been concerned about TSS removal along the roadway. A trench lined with crushed stone would border the roadway and would filter heavy suspended solids.

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The plans did not include the root barrier between the phragmites and the new plantings that the Commission members requested at the previous meeting. Steve Moore moved to close the public hearing. David Vine seconded the motion. The motion was unanimously approved. Steve Moore moved to approve the variance. Joe Teixeira seconded the motion. The motion was unanimously approved.

Steve Moore moved to close the public hearings. Doug Muir seconded the motion. The motion was unanimously approved.

### **7. Enforcement**

None

### **8. Order of Conditions**

**Henry Miller**

11 61<sup>st</sup> Street

DEP File #051-0989

Steve Moore moved to issue an Order of Conditions with the Plum Island special conditions. David Vine seconded the motion. The motion was unanimously approved.

### **Hope Community Church**

11 Hale Street

DEP File #051-0991

Paul Healy moved to issue an Order of Conditions with the special condition that prior to construction the applicant shall submit a revised plan that includes a detail showing the invasive species root barrier. Steve Moore seconded the motion. The motion was unanimously approved.

### **9. Other Business**

The Hale Street Ad Hoc Committee will meet on Thursday, March 29.

Doug Muir will prepare a draft policy on conservation restrictions for the Commission. Included would be requirements for baseline documentation and monitoring fees. It might be necessary for the Planning Board to amend its ordinance to reflect the adoption of the policy.

The members discussed the City's interest in acquiring parcels at the Colby Farm property in addition to Parcel #8, which has been purchased. Parcels #1 and #7 would be of value to the City for open space and associated parking. A developer is considering the purchase of lot #1 and two other parcels with the intention of constructing an OSRD with 12 duplexes along Crow Lane. While lot #1 would be used to satisfy the open space requirement, some units are planned for a portion of this lot, which would block access to the remainder of the parcel.

### **10. Adjournment**

Steve Moore moved to adjourn the meeting at 8:35 p.m. Joe Teixeira seconded the motion. The motion was unanimously approved. The next meeting of the Conservation Commission will take place on Tuesday, March 20, 2018.