

## **Newburyport Conservation Commission**

July 15, 2014

City Council Chambers

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, Steve Moore, Paul Healy, Jim O'Brien and Dan Warchol.

### **3. Minutes**

The approval of the minutes of the July 1, 2014 meeting was tabled.

### **4. General Business**

#### **5 Moulton Street**

Informal Discussion

Tom Hughes said his client wishes to install a garage and driveway. While the garage would be situated outside of the 25-foot no disturb zone, the driveway would not be, but it would be located in an area that is now lawn. The driveway would be of a permeable material and Mr. Hughes said he would add stone under it to create a stormwater storage area. He said he would be willing to install plant materials on the site as a mitigation measure. The removal of plant materials for the construction of the garage would be mitigated as well. The Commission members said they would not be opposed to the plan, as the lawn is a disturbed area and a permeable material that would be replaced with another permeable material, gravel.

#### **One Shandel Drive**

Informal Discussion

Tom Hughes said his client is the new owner of the property. She would like to take a long-term approach to the control of the phragmites on the site and allow the native plant materials to become reestablished. To this end, the roots of the phragmites would be cut without disturbing the soil and the stems would be injected with Rodeo. In the fall Renovate would be applied. The two treatments would be repeated each year. Mr. Hughes said it is now the appropriate time of year to apply Rodeo and he would prefer to save time by filing an RDA rather than a Notice of Intent. The Commission members wish to receive information on the means and methods of treatment for the phragmites, as well as its timing on an annual basis. Paul Healy moved to allow Mr. Hughes to proceed with the phragmites control program while he prepares the RDA, provided the methodology is approved by the Conservation Agent before work begins. Steve Moore seconded the motion. The motion was unanimously approved.

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

**Paul Stedman, MassDOT, Highway Division**

I-95

Request for Determination of Applicability

Renate Welch of Mass DOT discussed the plans to repave I-95. In addition to the stripping and replacement of the asphalt, the curb would be reset and a new guardrail installed. The work would take place within the riverfront and 100-foot buffer zone of the Little River. All of the work would take place within the existing area of pavement and because of this, the wetlands were not surveyed. Julia Godtfredsen said the normal maintenance of a roadway is exempt from the Wetland Protection Act. She will visit the site when the erosion control has been installed before the work begins. Paul Healy moved to issue a Negative 3 Determination with the condition that the Conservation Agent approves the siltation control after it has been installed and before work begins. Dan Warchol seconded the motion. The motion was unanimously approved.

**6. Public Hearings**

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

**Leonidas Theodorou**

190 State Street

Notice of Intent

DEP File #051-0911

The peer review report prepared by Marc Jacobs raised questions that the applicant wishes to address with him on the site and he has requested an extension. Steve Moore moved to continue the public hearing to August 5. Dan Warchol seconded the motion. The motion was unanimously approved.

Steve Moore moved to close the public hearings. Paul Healy seconded the motion. The motion was unanimously approved.

**7. Enforcement**

Julia Godtfredsen said she received information about work being done off of Merrimac Street, near the river. She said it appears a new wall was installed. Piles of soil and crushed stone have been placed on the site. Crushed stone was placed along the base of the wall. All of the work is within the resource area, which has been damaged. The work appears to extend in two properties and the right of way.

Paul Healy moved to issue a Notice of Violation to Anthony Raven, 390R Merrimac Street. Steve Moore seconded the motion. The motion was unanimously approved.

Paul Healy moved to issue a Notice of Violation to Willard Hadley, 1 Jefferson Street. Steve Moore seconded the motion. The motion was unanimously approved.

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**9 Malcolm Hoyt Drive**

Dan Warchol moved to issue a Notice of Violation for mowing within the 25-foot no disturb zone. Steve Moore seconded the motion. The motion was unanimously approved.

**8. Orders of Conditions**

None

**9. General Business Continued**

**No Disturb Zone**

The Commission members weighed the pros and cons of revising the regulations to allow certain activities within disturbed areas of the 25-foot no disturb zone. Julia Godtfredsen will discuss the issue with Andy Port.

**Whittier Bridge**

A site visit will take place on July 29 at 7:30 a.m.

**Maudslay State Park**

Steve Moore reported that the work along the Merrimack River Trail in Maudslay State Park that was permitted at the June 3 meeting was well done.

**10. Adjournment**

Steve Moore moved to adjourn the meeting at 8:50 p.m. Dan Warchol seconded the motion. The motion was unanimously approved. The next meeting of the Conservation Commission will be held on August 5, 2014.