

## **Newburyport Conservation Commission**

July 2, 2013

City Council Chambers

Minutes

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

A meeting of the Newburyport Conservation Commission was called to order by Chair Joe Teixeira at 6:45 p.m.

### **2. Roll Call**

In attendance were members Joe Teixeira, Paul Healy, Steve Moore, Dan Warchol, Mary Casey and Doug Muir. Also in attendance was Julia Godtfredsen.

### **3. General Business**

#### **21 Shore Street**

Julia Godtfredsen said an individual interested in purchasing the property at 21 Shore Street contacted her to learn if a proposed project might be permitted. The individual was invited to attend the meeting but subsequently decided not to purchase the property. Items will no longer be added to the agenda for individuals who have not entered into an agreement to purchase a property.

#### **Budget**

Joe Teixeira opened the discussion by saying the Commission's budget for administrative expenses has not changed from the previous year. The Planning Office submitted a budget to the City Council that included \$3,600 for minute taking for the Planning Board, Conservation Commission, Historical Commission and Zoning Board. The City Council cut the budget by 50% and requested that the Planning Office report in six months on a way in which the boards might pay for minute taking out of their own fees. The Conservation Commission uses its own fees for minute taking. Julia Godtfredsen said it is important for the City Council to understand that minute taking is critical to the function of boards. The Commission members said there should be consistency among the boards; they should all either pay for minute taking from their own fees or minute taking for all boards should be included in the City budget. Andy Port will be asked to attend a future meeting to discuss budget issues.

### **4. Public Hearings**

Steve Moore moved to open the public hearing. Paul Healy seconded the motion. The motion was unanimously approved.

#### **City of Newburyport Department of Public Services**

570 Merrimack Street

Notice of Intent

John Dick of Hancock Survey Associates appeared for the applicant regarding proposed drainage system changes associated with the new traffic circle near Moseley Woods. A new storm water drain line is to be installed from the traffic circle to the vicinity of an existing outlet at the Merrimack River. The new pipe would be installed in a different location than the existing one, which runs under a structure on private property, but would discharge in much the same location

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as the existing. The existing pipes will not be removed but will be capped. A headwall and a plunge pool are to be installed at the base of the pipe, which will alter a small portion of the coastal bank. The riverfront area would be temporarily altered by the construction of the trench that will be dug for the new line. The drain to be installed is larger and would include storm sepiers and deep-pump basins, which would bring the system more into compliance with storm water management protocols. No trees are to be removed and the trenches will be closed at the end of each day.

Permission was granted to determine the location of ledge. If ledge were to be found the project would be redesigned.

The work area is likely in bald eagle habitat. A letter from Natural Heritage has not yet been received. The applicant agreed to install erosion control for the spoils and to raise the elevation of the pipe one foot due to concerns about sea level rise. The location of the stockpiles and erosion control devices must be shown on the plan. The existing pipe and entire run of the proposed pipe must be shown on one sheet. The portion of the narrative that indicates a proprietary pretreatment device will be installed in addition to the sumps must be corrected. The applicant will add a detail sheet for the scour plunge pool to the package.

Mable Jancewitz, 568 Merrimac Street, said the pipe is close to her foundation and she is worried about getting water in her basement if the pipe fails. Jon-Eric White said the pipe is 20 feet from her property and while he cannot guarantee the pipe would not break, catastrophic failure would be necessary to allow water to enter her basement.

Dan Warchol moved to continue the public hearing to July 16 to allow for the digging of the test pits. Mary Casey seconded the motion. The motion was unanimously approved.

### **Virginia Barnes**

12 L Street

Amended Order of Conditions

John Hargraves appeared for the applicant. An Order of Conditions had been issued to the previous property owner. The plan of record was dated 2010. The current owner wishes to slightly reduce the size of the structure while staying within same footprint. The number of pilings would be decreased. The lowest structural member is to be at the same elevation as that of the originally proposed structure. The original plan showed three transplant areas that were intended to provide diversity. It was later decided it would be preferable to plant only native grasses and the revised plan indicates there is to be one planting area.

Paul Healy moved to accept the plan as a minor amendment. Mary Casey seconded the motion. The motion was unanimously approved.

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

### **5. Enforcement**

372 Merrimac Street

Julia Godtfredsen said the swales are in the process of being cleaned down to the original elevations. She approved a sketch of a plan for the northwest corner of the parking lot where the water is ponding. The flow must be captured and treated before it enters the wetland. She said the property owner is meeting the conditions the Commission imposed at the June 18 meeting.

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She will visit the site and provide an update on the work at the July 16 meeting. Rob Germinara, 2 Ashland Street, said the culverts do not function properly. Julia Godtfredsen said the Order of Conditions requires the culverts to be maintained at the proper elevation. If this is done and they continue not to flow, it might be possible the Commission approved a system that was not properly designed and a remedy might not be possible.

**6. Minutes**

Paul Healy moved to approve the minutes of the June 18, 2013 meeting as amended. Doug Muir seconded the motion. The motion was unanimously approved.

**7. General Business**

Joe Teixeira said DEP has not yet developed performance standards for land subject to coastal zone flooding. The Commission members discussed the possibility of adding performance standards to the regulations. If waterfront land were to flood, flooding might be exacerbated on neighboring properties. Joe Teixeira said sea level rise makes this an added concern. The issue will be discussed further at a future meeting.

**8. Adjournment**

Steve Moore moved to adjourn the meeting at 9:15 p.m. Paul Healy seconded the motion. The motion was unanimously approved.