

Newburyport Conservation Commission
August 7, 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 6:45 p.m.

2. Roll Call

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

3. Minutes

Steve Moore moved to approve the minutes of the July 17, 2018, meeting as amended. David Vine seconded the motion. The motion was unanimously approved.

4. Old and New Business

Plum Island Updates

A grant has been submitted for the purchase of additional Mobi mats and the extension of the fencing along Reservation Terrace to complete the work that was begun under the first grant.

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

Craig Pessina, Chart House Development. LLC

23 Hale Street

Request for Certificate of Compliance

DEP File #051-0948

The applicant requested an extension. Paul Healy moved to continue the Request for Certificate of Compliance to the August 21 meeting. David Vine seconded the motion. The motion was unanimously approved.

Evergreen Commons LLC

18 Boyd Drive

Project Update and Plan Correction

Tom Hughes provided an update on the Evergreen Commons development. Several homes are in various stages of completion. The wetlands have been constructed and were adjusted based on the monitoring of the ground water, the elevation of which did not drop as much as expected over the summer. Several rain gardens have been created and stabilized. The owner of a home on Brown Avenue wishes to remove a knoll from his property. The area, which is not jurisdictional, will now be graded and the retaining wall that had been planned will not be constructed. The Commission members requested that the applicant submit a letter and revised set of plans for the files.

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Rochester Electronics c/o Gary Mamigonian

14 Malcolm Hoyt Drive

Request for Determination of Applicability

Tony Capachietti of Hayes Engineering described the plans to replace a transformer within an existing parking area. The BVW is located approximately 12 feet from the parking lot and would be protected by erosion control during construction. Paul Healy moved to issue a Negative 3 Determination with the condition that the erosion control shall be installed within six inches of the edge of the pavement rather than within the lawn area.

6. Public Hearings

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

Lisa Cosimano Gallagher, Port City Realty, LLC

75 Parker Street

Notice of Intent

DEP File #051-0988

The applicant requested an extension. Steve Moore moved to continue the public hearing to the August 21 meeting. David Vine seconded the motion. The motion was unanimously approved.

Thomas Burke, New Pasture, LLC

5 New Pasture Road

Notice of Intent

Tom Hughes represented the applicant and said the plans have been revised according to the comments the Commission members made at the previous meeting. The city engineer has reviewed the plans and concluded the project would be an improvement over the existing conditions. A plant list has been developed and the planting plan was amended to include a minimum of six shrubs inside the rain garden and three pussy willows at its periphery. Steve Moore moved to close the public hearing. Paul Healy seconded the motion. The motion was unanimously approved.

Rochester Electronics c/o Gary Mamigonian

9 Malcolm Hoyt Drive

Notice of Intent

Tony Capachietti of Hayes Engineering represented the applicant, who is proposing to scarify and regrade the existing parking lot, which is in poor condition, and rebuild the catch basins. Poor soils have caused the pavement to sink, causing puddling. There would be no increase in the amount of pavement. The applicant is also proposing to clean the existing man-made channel along Malcolm Hoyt Drive and add storm water check dams. Mr. Capachietti said an O and M plan was included in the Notice of Intent. The applicant is seeking to maintain the swale on a regular basis without seeking Commission approval each time. A DEP file number has not yet been issued. The Commission members requested a revised plan be submitted that includes the proposal for erosion control. Steve Moore moved to continue the public hearing to the August 21 meeting. Paul Healy seconded the motion. The motion was unanimously approved.

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Rochester Electronics c/o Gary Mamigonian

10 Malcolm Hoyt Drive

Notice of Intent

Tony Capachietti of Hayes Engineering represented the applicant, who is proposing to remove silt from the bottom of the detention pond and stabilize of its sloughing banks with rip rap and a gabion wall in order to create additional flood storage. The Commission members requested a revised plan be submitted that is more readable and includes any stockpile and dewatering areas. The trees that are to be retained should be marked in the field and on the plan and protected during construction. A condition will be made that any trees damaged during construction shall be replaced. A DEP file number has not yet been issued. Steve Moore moved to continue the public hearing to the August 21 meeting. Paul Healy seconded the motion. The motion was unanimously approved.

David Chaisson

197 Low Street

Notice of Intent

Chris Crump represented the applicant, who is proposing to construct an addition to an existing home. The living area would be on the second story, with a two-car garage underneath. The work would take place within the 100-foot buffer zone and would be permissible because it involves the construction of an accessory structure to a single-family home. The Commission members requested that a construction narrative and locus map be included with the plans. They would like a rain garden to be constructed that would slow the flow of stormwater off of the driveway. The location of the two trees that are to be removed should be shown on the plan. A DEP file number has not yet been issued. Steve Moore moved to continue the public hearing to the August 21 meeting. Paul Healy seconded the motion. The motion was unanimously approved.

George Haseltine, Windward Shaw Construction, LLC

1 Shandel Drive

Notice of Intent

DEP File #051-0997

Tom Hughes and Lisa Mead represented the applicant, who is proposing to construct a single-family home and driveway. The construction would impact one maple tree, which would be replanted closer to the wetland. The applicant wishes to continue the work that has been done on the site to remove invasive species. Changes being made to the flood zone map in the area are to come into effect on August 21.

The hearing was opened to comments from the public. Eldwin Goodhue represented the owners of 8 Shandel Drive and asked if it is acceptable for a wetland to be filled and then a house built on it. Rob Caplan, 4 Shandel Drive, asked if building within the buffer zone is in keeping with the spirit of the resiliency plan. He said the additional lot coverage would make the area more prone to flooding and the work to remove the phragmites should be done by a professional and not left up to the homeowner. Steve Moore moved to close the public hearings. David Vine seconded the motion. The motion was unanimously approved.

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

7. Orders of Conditions

Thomas Burke, New Pasture, LLC

5 New Pasture Road

Steve Moore moved to issue an Order of Conditions with the special conditions that 1) a minimum of six plants shall be added in the rain garden and three pussy willows added at it periphery, as shown on the plan, 2) the rain garden shall be maintained in perpetuity and 3) a program for the maintenance of the rain garden shall be submitted to the Conservation Administrator for review and approval prior to the beginning of construction. Paul Healy seconded the motion. The motion was unanimously approved.

George Haseltine, Windward Shaw Construction, LLC

Shandel Drive

DEP File #051-0997

Steve Moore moved to issue an Order of Conditions with the special conditions that 1) the location of maple tree to be relocated shall be approved by Conservation Administrator at the preconstruction meeting and shall be marked in the field and on the construction plans and 2) the applicant may undertake the removal of phragmites within the wetland area in accordance with the phragmites removal plan previously approved by the Commission under a Request for Determination of Applicability for 1 Shandel Drive and a copy of this program shall be submitted to the Commission Administrator prior to the preconstruction meeting. Paul Healy seconded the motion. The motion was unanimously approved.

8. Adjournment

Steve Moore moved to adjourn the meeting at 8:48 p.m. Paul Healy seconded the motion. The motion was unanimously approved. The next meeting of the Conservation Commission will take place on Tuesday, August 21, 2018.