

Newburyport Conservation Commission

September 1, 2015

Mayor's Conference Room

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, David Vine, Dan Warchol, Paul Healy, Doug Muir and Steve Moore. Conservation Administrator Julia Godtfredsen was also in attendance.

3. Minutes

The approval of the minutes of the August 18 meeting was tabled.

4. Old and New Business

Drone Photography for Plum Island

Bill Sargent and Ethan Cohen showed a short film to demonstrate the type of images that can be produced by drone photography. They said a monthly charge for three or four reference points would be \$150 and a transit would cost \$200 monthly. The Commission members would like to receive images less frequently and obtain more information. They would like the images to be taken quarterly and after major events as requested. Transits of both the basin and the ocean sides of the island should be taken within an hour or two of low tide. Still shots would be taken at requested locations. The area around 55th and 57th Streets is of particular interest. A scope of work shall be developed in order that a proposal might be obtained.

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

Daniel Lord

1 56th Street

Request for Determination of Applicability

The applicant is proposing to install a split-rail fence on three sides of the property. No other work is proposed and the fence would be in compliance with the fencing guidelines for Plum Island. Paul Healy moved to issue a Negative 2 Determination. Steve Moore seconded the motion. The motion was unanimously approved.

6. Public Hearings

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

7 Harbor St. Development

LLC 7 Harbor Street

Notice of Intent

The Commission is not able to issue a permit because a DEP file number has not yet been issued.

Dan Warchol moved to continue the public hearing to the September 15 meeting. Steve Moore seconded the motion. The motion was unanimously approved.

Katy Dirks

8 57th Street

Notice of Intent

The applicant is proposing to replace the railroad ties in an existing retaining wall with stone blocks. No changes would be made to the wall other than the type of material used. The vegetation near the wall is mainly bittersweet. This would be removed and replaced with beach grass. Paul Healy requested that the applicant provide photographs that show the existing grades and David Vine asked that dimensions be added to the cross section.

Dan Warchol moved to continue the public hearing to the September 15 meeting. Steve Moore seconded the motion. The motion was unanimously approved.

Anthony Barbaris

6 Perkins Way

Notice of Intent

DEP 051-0933

The applicant requested a continuance. Doug Muir moved to continue the public hearing to the September 15 meeting. David Vine seconded the motion. The motion was unanimously approved.

Proposed Amendments to Newburyport Wetland Protection Regulations

Julia Godtfredsen provided draft text for a proposed amendment to the Wetlands Protection Regulations. The proposed amendment would allow the construction of a roadway or driveway in a buffer zone to provide access to the upland portion of a property when no other access is available. Other exemptions could be added at a later date.

Lisa Mead proposed a second exemption, one for the construction of a stormwater management facilities. She said these must be located near drainage ditches and therefore extend into the resource area. The Commission would want to determine that the proposed facility would not negatively impact the existing stormwater management system.

Julia Godtfredsen said the Commission does not wish to treat a swale as BVW when it is a construction stormwater system that has been maintained and performs as a drainage ditch. In the case of 6 Perkins Way, the peer reviewer determined the swale is a legitimate BVW because it was constructed long ago and was not maintained. Dan Warchol suggested the applicant be compelled to distinguish if the swale is a naturally occurring wetland or constructed ditch.

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Through discussion language was developed for a second exemption for the construction and maintenance of a new stormwater management system adjacent to an existing constructed stormwater management system that has been delineated as a resource area when the new stormwater management system is designed to meet Massachusetts DEP stormwater management policy and has been designed to have no adverse impact on the adjacent wetland resource area or any other resource area on the site and which protects the functions and values of the buffer zone to the maximum extent possible. Julia Godtfredsen will distribute the language of this second exemption after editing it. She will add that the applicant must show there are no reasonable alternatives outside the buffer zone available.

Paul Healy moved to continue the public hearing to the September 15 meeting. Steve Moore seconded the motion. The motion was unanimously approved.

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

7. Orders of Conditions

None

8. Enforcement

11 Harbor Street

Julia Godtfredsen sent a Notice of Violation to the property owner, who plans to attend the September 15 meeting.

9. Other Business

A site visit to the Whittier Bridge will be scheduled for September or October. A new environmental monitor is involved with the construction.

10. Adjournment

Doug Muir moved to adjourn the meeting at 9:00 p.m. Dan Warchol seconded the motion. The motion was unanimously approved. The next meeting of the Conservation Commission is scheduled for August 18, 2015.