

Newburyport Conservation Commission
November 16, 2021
Online Meeting
Draft Minutes

1. Call to Order

Chair Joe Teixeira called an online meeting of the Newburyport Conservation Commission to order at 6:45 p.m.

2. Roll Call

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

3. Minutes

Paul Healy moved to approve the minutes of the October 19, 2021, meeting. Steve Moore seconded the motion. The motion was approved by a 6-0 vote (Joe Teixeira, yes; Dan Warchol, yes; Paul Healy, yes; Carole Wagan, yes; David Vine, yes; Steve Moore, yes).

4. Old and New Business

National Grid

95 Water Street

Planting Plan Update

Theresa Portante and Casey-Lee Bastien represented the applicant. The shrubs that failed were replaced with grasses at the end of August. The stone was pulled back to create wider spaces between the plants and the geotextile fabric was split to provide better connection with the soil. The beds were inspected in October. The shrubs were found to be in good condition but the seed had not germinated and there was no new growth on the grasses. The grasses will be replaced in the spring and the area will be reseeded. Good coverage is expected by May or June. An update will be provided in the spring and the plants will be monitored through the next growing season. The Order of Conditions was set to expire but was extended by 462 days due to the State of Emergency. The applicant will provide a letter regarding the extension for the files.

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

Anthony Barbaris

6 Perkins Way

Request for Certificate of Compliance

DEP File #051-0933

Joe Teixeira and Julia Godtfredsen meet with the applicant at the site on November 4 and reported that it is in very good condition. Patrick Seekamp said the retention ponds are fully vegetated and functioning. The vegetation in the wetland mitigation area is dense and robust. No additional work is needed.

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Paul Healy moved to issue a Certificate of Compliance for 6 Perkins Way. Dan Warchol seconded the motion. The motion was approved by a 6-0 vote (Joe Teixeira, yes; Dan Warchol, yes; Paul Healy, yes; Carole Wagan, yes; David Vine, yes; Steve Moore, yes).

Evergreen Commons, LLC
18 Boyd Drive
Request for Minor Modification
Request for Certificate of Compliance
DEP File #051-0973

Tom Hughes, Lisa Mead and Steve Sawyer represented the applicant. The Order of Conditions requires the applicant to request a Certificate of Compliance before the last occupancy permit is issued. Julia Godtfredsen recommended that the Commission not issue the Certificate of Compliance until the City Council has approved the Conservation Restriction. She said the Restriction has been thoroughly reviewed and is ready for Commission approval. The State has approved the Restriction and the item is on the agenda for the November 29 City Council meeting.

Tom Hughes reviewed the baseline report. He said the site is in good condition and the rain gardens are working well. Steve Sawyer said the storm water systems are functioning as designed.

The applicant is requesting a modification to the O and M Plan for the rain gardens and trail edges. The rain gardens would be mowed rather than weeded and mulched. Mowing would be allowed to the edge of the trail, which would prevent woody plants from growing into it.

Steve Moore moved to approve the Request for Minor Modification for Evergreen Commons. David Vine seconded the motion. The motion was approved by a 6-0 vote (Joe Teixeira, yes; Dan Warchol, yes; Paul Healy, yes; Carole Wagan, yes; David Vine, yes; Steve Moore, yes).

Steve Moore moved to approve the Conservation Restriction for Evergreen Commons. Paul Healy seconded the motion. The motion was approved by a 6-0 vote (Joe Teixeira, yes; Dan Warchol, yes; Paul Healy, yes; Carole Wagan, yes; David Vine, yes; Steve Moore, yes).

Paul Healy moved to continue the Request for Certificate of Compliance to the December 7 meeting. Steve Moore seconded the motion. The motion was approved by a 6-0 vote (Joe Teixeira, yes; Dan Warchol, yes; Paul Healy, yes; Carole Wagan, yes; David Vine, yes; Steve Moore, yes).

City of Newburyport
Reservation Terrace, Plum Island
Emergency Certification

An Emergency Certification was issued on November 4 for the installation of rocks in the area of Reservation Terrace between 71st Street and 75th Street. Anders Bjarngard of GZA said a recent storm caused an additional 2.5 feet of erosion. He said there was no longer sufficient elevation in this location for the coir bags to function as intended. The rocks were installed to dissipate wave energy and prevent the exacerbation of erosion under the roadway. The rocks will not prevent overwash and it is expected that their position will shift, possibly onto DCR property. The placement of the rocks was limited to the area where structures existed prior to 1978 and the

installation of coir bags would not be feasible. The rocks were placed in front of the coir bags in the transition areas. The coir bag project should be completed by the week after Thanksgiving.

Steve Moore moved to approve the Emergency Certification. David Vine seconded the motion. The motion was approved by a 6-0 vote (Joe Teixeira, yes; Dan Warchol, yes; Paul Healy, yes; Carole Wagan, yes; David Vine, yes; Steve Moore, yes).
Steve and David

6. Public Hearings

Steve Moore moved to open the public hearings. Dan Warchol seconded the motion. The motion was approved by a 6-0 vote (Joe Teixeira, yes; Dan Warchol, yes; Paul Healy, yes; Carole Wagan, yes; David Vine, yes; Steve Moore, yes).

Michael Doyle 39 Reservation Terrace Notice of Intent

Mary Rimmer represented the applicant, who is proposing to construct a two-story addition to a single-family home. The area under the deck is being considered as new footprint and is being taken into account in the mitigation area. The mitigation chart on the plans has been updated to reflect this.

Steve Moore moved to close the public hearing. Paul Healy seconded the motion. The motion was approved by a 6-0 vote (Joe Teixeira, yes; Dan Warchol, yes; Paul Healy, yes; Carole Wagan, yes; David Vine, yes; Steve Moore, yes).

Dan Warchol moved to close the public hearings. Steve Moore seconded the motion. The motion was approved by a 6-0 vote (Joe Teixeira, yes; Dan Warchol, yes; Paul Healy, yes; Carole Wagan, yes; David Vine, yes; Steve Moore, yes).

7. Enforcement **3 Q Street**

Lisa Mead said the applicant is working to produce an existing conditions plan and to address the work that conducted without a permit. She was informed that materials must be submitted before the deadline for December 7 meeting.

8. Order of Conditions **Michael Doyle 39 Reservation Terrace**

Steve Moore moved to issue an Order of Conditions with the special condition that the temporary wooden walkways shall be removed in the fall of each year by December 1 and may be replaced in the spring after April 1 to facilitate access to the patio areas and may not become permanent structures on the site. The temporary wooden walkways must be stored off season within the gravel garage or driveway areas as indicated by the applicant or off site and are not to be stored on top of vegetation. Dan Warchol seconded the motion. The motion was approved by a 6-0 vote (Joe Teixeira, yes; Dan Warchol, yes; Paul Healy, yes; Carole Wagan, yes; David Vine, yes; Steve Moore, yes).

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9. Adjournment

Steve Moore moved to adjourn the meeting at 8:42 p.m. Paul Healy seconded the motion. The motion was approved by a 6-0 vote (Joe Teixeira, yes; Dan Warchol, yes; Paul Healy, yes; Carole Wagan, yes; David Vine, yes; Steve Moore, yes).