

Newburyport Conservation Commission
March 16, 2021
Online Meeting
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 Steve Moore, Paul Healy, David Vine, Joe Teixeira, Ron DiCola, Dan Warchol and Carole Wagan. Conservation Administrator Julia Godtfredsen was also in attendance.

3. Minutes

Paul Healy moved to approve the minutes of the February 2 meeting. Steve Moore seconded the motion. The motion was approved by a 6-0 vote (Steve Moore, yes; Paul Healy, yes; David Vine, yes; Joe Teixeira, yes; Ron DiCola, yes; Dan Warchol, yes; Carole Wagan, abstain).

Dan Warchol moved to approve the minutes of the February 16 meeting. Steve Moore seconded the motion. The motion was approved by a 7-0 vote (Steve Moore, yes; Paul Healy, yes; David Vine, yes; Joe Teixeira, yes; Ron DiCola, yes; Dan Warchol, yes; Carole Wagan, yes).

4. Old and New Business

Plum Island Updates

The issue of erosion on Plum Island was discussed at the March 12 Merrimack River Beach Alliance meeting. Mayor Holaday apologized for not inviting Conservation Commission members to attend the meeting. She said that during the recent storm, the super sacks that had been installed under an Emergency Certification lessened the damage along Reservation Terrace but did not perform in the way that had been anticipated. DOT had filled and installed 150 bags but many of the bags had been undermined before high tide.

Anders Bjarngard of GZA described the protective measure he has designed based on a system used in Sandwich. The measure would be a temporary one that would reduce damage from wave action until the beach nourishment project has been completed. A 510-foot barrier would be constructed. It would consist of ten-foot wooden posts, installed vertically and placed four feet apart. Between the posts, sand-filled coir envelopes would be installed below grade and stacked to elevation 14. During the nourishment project, the envelopes would be buried under sand and planted with beach grass to create a secondary dune. The Office of Energy and Environmental Affairs has indicated that a MEPA review would be required for the work. It is expected this would be completed by May. A Notice of Intent will be submitted in April.

Members of the public were permitted to comment and ask questions of Mayor Holaday and Mr. Bjarngard. Those speaking included Anne Magauran, 64th Street; Jennifer Truesdale, 8

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69th Street; Lela Wright, 55 Reservation Terrace; Luke Shipman, 217 Northern Boulevard; Maureen Adams, 9 75th Street; Stan Norton, 29 Harbor Street and Brendan Hare, 1 71st Street.

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

None

6. Public Hearings

Paul Healy moved to open the public hearings. Steve Moore seconded the motion. The motion was approved by a 7-0 vote (Steve Moore, yes; Paul Healy, yes; David Vine, yes; Joe Teixeira, yes; Ron DiCola, yes; Dan Warchol, yes; Carole Wagan, yes).

City of Newburyport

Upper Artichoke Reservoir Dam

Notice of Intent

DEP File #051-1047

The applicant requested a continuance. Paul Healy moved to continue the public hearing to the April 6 meeting. Dan Warchol seconded the motion. The motion was approved by a 7-0 vote (Steve Moore, yes; Paul Healy, yes; David Vine, yes; Joe Teixeira, yes; Ron DiCola, yes; Dan Warchol, yes; Carole Wagan, yes).

Robert Wolcik, Strem Chemicals

7 Mulliken Way

Notice of Intent

DEP File #051-1048

Matt Steinel represented the applicant, who is proposing to install a transformer within the paved area along the eastern side of the building. An underground duct bank would be installed to carry power from the pole near the roadway to the transformer. Much of the trench would be located within the paved area and a small portion would be within the existing lawn. The proposed work would impact both the 25-foot no-disturb zone and the buffer zone. These impacts would be temporary. The trench would be backfilled with the excavated materials. The paved area would be patched and the lawn would be loamed and seeded. The applicant has submitted an erosion control plan.

The applicant agreed to plant native trees to add habitat value in the no-disturb zone. They should be located to the right of the transformer, along the erosion control line. The number of trees to be planted will be determined by the applicant. The plans must be revised to indicate the location and species of the trees.

Steve Moore moved to close the public hearing. Dan Warchol seconded the motion. The motion was approved by a 7-0 vote (Steve Moore, yes; Paul Healy, yes; David Vine, yes; Joe Teixeira, yes; Ron DiCola, yes; Dan Warchol, yes; Carole Wagan, yes).

Dan Warchol moved to close the public hearings. Paul Healy seconded the motion. The motion was approved by a 7-0 vote (Steve Moore, yes; Paul Healy, yes; David Vine, yes; Joe Teixeira, yes; Ron DiCola, yes; Dan Warchol, yes; Carole Wagan, yes).

7. Order of Conditions

Robert Wolcik, Strem Chemicals

7 Mulliken Way

Paul Healy moved to issue an Order of Conditions for 7 Mulliken Way with the special condition that prior to the issuance of the Order of Conditions, the applicant shall submit to the Conservation Administrator for review and approval a revised site plan that includes the locations and species of native trees that would be planted within the no-disturb zone. Steve Moore seconded the motion. The motion was approved by a 7-0 vote (Steve Moore, yes; Paul Healy, yes; David Vine, yes; Joe Teixeira, yes; Ron DiCola, yes; Dan Warchol, yes; Carole Wagan, yes).

8. Enforcement

a) 11 76th Street

The item will be on the agenda for the April 6 meeting.

b) 5 Doe Run Drive

Joe Teixeira recused himself from the discussion. The resident of the property, Leon Andoni, had been observed cutting vegetation in the wetland and a Notice of Violation was sent. Mr. Andoni attended the meeting and said he had removed trash and dead branches from the rear of the property. He stopped the work after receiving the Notice. He understands now that he must obtain Commission approval for any work that would impact wetland vegetation. Steve Moore pointed out that it is difficult at this time of year to distinguish between live and dead vegetation, and Mr. Andoni should wait for the leaves to be out to before attempting more pruning.

9. Other Business

Julia Godtfredsen spoke of a miscommunication between herself and Councilor Khan. City Council is conducting an ordinance review and she was asked by Councilor Khan if she would recommend any changes to the ordinance. Her comments about development V and AO zones inadvertently became a part of a proposal that was submitted to City Council. She expects that at the Planning and Development Subcommittee meeting scheduled for March 18, the proposal would be sent to committee, which would allow the Commission and the public an opportunity to consider it. Dan Warchol said it should be made clear that the recommendation did not come from the Conservation Commission and the members did not discuss it outside of a meeting. Ms. Godtfredsen said it will be stated at the March 18 meeting that the suggestion was made by a staff member and not the Commission. City Council has the ability to change the ordinance on its own, but any proposal should at least be supported by the Commission.

10. Adjournment

Dan Warchol moved to adjourn the meeting at 8:32 p.m. Paul Healy seconded the motion. The motion was approved by a 7-0 vote (Steve Moore, yes; Paul Healy, yes; David Vine, yes; Joe Teixeira, yes; Ron DiCola, yes; Dan Warchol, yes; Carole Wagan, yes).