

## **Newburyport Conservation Commission**

April 7, 2020  
Online Meeting  
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 Paul Healy, Steve Moore, Joe Teixeira, David Vine, Dan Warchol and Doug Muir. Conservation Administrator Julia Godtfredsen and Planning Director Andy Port were also in attendance.

### **3. Minutes**

Doug Muir moved to approve the minutes of the March 17, 2020, meeting as submitted. David Vine seconded the motion. The motion was approved by a 6-0 vote (Joe Teixeira, yes; Paul Healy, yes; Steve Moore, yes; David Vine, yes; Dan Warchol, yes; Doug Muir, yes).

### **4. Old and New Business**

#### **Plum Island Updates**

Mayor Holaday is working to obtain emergency sand from MEMA to prevent additional flooding between 73<sup>rd</sup> Street and 75<sup>th</sup> Street, where the dune was breached. The owner of an at-grade home on 75<sup>th</sup> Street was forced to relocate due to flood damage.

#### **Gloria Braunhardt Bike Trail**

An informal discussion with Jerry Mullins was tabled to the May 5 meeting.

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

#### **Low Street Redevelopment, LLC**

251 Low Street

Request for ORAD Extension

The applicant requested a continuance. Doug Muir moved to continue the request for an ORAD Extension to the May 5 meeting. Steve Moore seconded the motion. The motion was approved by a 6-0 vote (Joe Teixeira, yes; Paul Healy, yes; Steve Moore, yes; David Vine, yes; Dan Warchol, yes; Doug Muir, yes).

#### **Nicole Young Nadeau**

6 Bayne Lane Revocable Trust

Request for Certificate of Compliance

DEP File #051-0967

An Order of Conditions was issued for the construction of a two-car garage. The work took place in an area that had previously been lawn and was substantially done according to the plans. The garage was built on a slightly smaller footprint, resulting in a reduced impact to the buffer

zone. Some of trees planted were of a different species than had been specified and additional plant materials were installed. Paul Healy moved to issue a Certificate of Compliance. Doug Muir seconded the motion. The motion was approved by a 6-0 vote (Joe Teixeira, yes; Paul Healy, yes; Steve Moore, yes; David Vine, yes; Dan Warchol, yes; Doug Muir, yes).

#### **6. Public Hearings**

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

#### **Lisë Reid, Newburyport Parks Department**

40 Low Street

Notice of Intent

DEP File #051-1025

The applicant is proposing to expand the parking area at the track to make it safer and more efficient. The peer reviewer for the Planning Board has approved the stormwater plans. The applicant submitted the findings for the variance that is required because the work would intrude into the 25-foot no-disturb zone. Steve Moore moved to close the public hearing. Doug Muir seconded the motion. The motion was approved by a 6-0 vote (Joe Teixeira, yes; Paul Healy, yes; Steve Moore, yes; David Vine, yes; Dan Warchol, yes; Doug Muir, yes).

#### **Paul Hogg, Harbormaster**

Northern Boulevard, Plum Island Point

Notice of Intent

DEP File #051-1026

The applicant has not yet submitted a plan showing the elevation of the shed. Steve Moore moved to continue the public hearing to the May 5 meeting. Paul Healy seconded the motion. The motion was approved by a 6-0 vote (Joe Teixeira, yes; Paul Healy, yes; Steve Moore, yes; David Vine, yes; Dan Warchol, yes; Doug Muir, yes).

#### **Graham Sharp**

9 K Street

Notice of Intent

DEP File # 051-1024

The applicant is proposing to expand an existing deck by 112 square feet. He intends to move the 80 square feet of beach grass that would be impacted to an unvegetated area on the site. The remaining 32 square feet that would be covered by the deck is currently planted with none native vegetation. The applicant is also proposing to plant an additional 80 square feet of beach grass on the site. A large portion of the site is currently not vegetated. The applicant will be required to plant a total of 200 square feet with native vegetation as mitigation. 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; Paul Healy, yes; Steve Moore, yes; David Vine, yes; Dan Warchol, yes; Doug Muir, yes).

**Geordie Vining**

Clipper City Rail Trail – Phase II

Request for Amendment

DEP File #051-0920

Geordie Vining described the circumstances that resulted in the plans for the Rail Trail being amended. The construction of the trail behind the wastewater treatment plant was stopped due to the presence of contaminated soils. In addition, the shoreline in the area was temporarily stabilized after erosion occurred. In order to prevent further erosion of the coastal bank and to protect the wastewater treatment plant from sea level rise, a higher stone revetment and berm are being proposed. The ten-foot-wide Rail Trail would run along the top of the berm with a two-foot shoulder on either side. A portion of the revetment would be created by resetting existing stones. The removal of these stones from the area adjacent to the salt marsh would allow more vegetation to become established. Representatives from Stantec and GZA described the plans for the revetment and discussed the impacts to the resource area.

The Commission members asked about any repair work to the substrate that would be necessary to make it hospitable for salt marsh migration. They also asked if the saltmarsh would become eroded by waves hitting the revetment. The revetment will be sloped and its face will be rough in order to dissipate wave energy. There was some concern about the functionality of the existing stormwater system. The drainage plans have not yet been finalized.

The hearing was opened to comments from the public. Wade Burritt, 179 Water Street, said he is satisfied with the plans and Geordie Vining has been communicative and responsive.

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

Steve Moore moved to continue the following public hearings to the May 5 meeting:

George Haseltine, Windward Shaw, 149 State Street, Notice of Intent, DEP File #051-1029; Dan Mortell, Mass. Dept. of Conservation and Recreation, 0 Curzon Mill Road, Maudslay Flowering Pond, Notice of Intent, DEP File #051-1028; Gregory Elliot and Candace McMahan, 12 54<sup>th</sup> Street, Notice of Intent, DEP File #051-1030; David Daly, The Daly Group, 8, 10, 12, & 18 Colby Farm Lane, Notice of Intent, DEP File #051-1031 and Holly MacDonald, 4 68<sup>th</sup> Street, Notice of Intent. Paul Healy seconded the motion. The motion was approved by a 6-0 vote (Joe Teixeira, yes; Paul Healy, yes; Steve Moore, yes; David Vine, yes; Dan Warchol, yes; Doug Muir, 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; Paul Healy, yes; Steve Moore, yes; David Vine, yes; Dan Warchol, yes; Doug Muir, yes).

## **7. Order of Conditions**

### **Lisë Reid, Newburyport Parks Department**

40 Low Street

DEP File #051-1025

Doug Muir moved to accept the findings that were submitted and issue a variance for 40 Low Street. Paul Healy seconded the motion. The motion was approved by a 6-0 vote (Joe Teixeira, yes; Paul Healy, yes; Steve Moore, yes; David Vine, yes; Dan Warchol, yes; Doug Muir, yes). Steve Moore moved to issue an Order of Conditions for 40 Low Street. Paul Healy seconded the motion. The motion was approved by a 6-0 vote (Joe Teixeira, yes; Paul Healy, yes; Steve Moore, yes; David Vine, yes; Dan Warchol, yes; Doug Muir, yes).

### **Graham Sharp**

9 K Street

DEP File # 051-1024

Steve Moore moved to issue an Order of Conditions with the standard Plum Island conditions and the special condition that prior to the start of work, the applicant shall submit to the Conservation Administrator a revised plan showing a 200 square-foot area to be planted with native vegetation. Paul Healy seconded the motion. The motion was approved by a 6-0 vote (Joe Teixeira, yes; Paul Healy, yes; Steve Moore, yes; David Vine, yes; Dan Warchol, yes; Doug Muir, yes).

### **Geordie Vining**

Clipper City Rail Trail – Phase II

DEP File #051-0920

Paul Healy moved to amend the previously issued Order of Conditions by deleting the special condition relating to the stabilization of the bank and by adding the special conditions that 1) the final landscaping plan shall be submitted to the Conservation Administrator prior to the start of work, 2) any damage to the area adjacent to the saltmarsh caused by the removal of the revetment stone shall be restored with additional soils by hand and 3) the City Engineer shall provide written approval of the final stormwater drainage plan and the applicant shall submit any revised plans to the Commission for review and approval prior to the start of work. Steve Moore seconded the motion. The motion was approved by a 6-0 vote (Joe Teixeira, yes; Paul Healy, yes; Steve Moore, yes; David Vine, yes; Dan Warchol, yes; Doug Muir, yes).

## **8. Enforcement**

### **9 Doe Run Drive**

Joe Teixeira recused himself from the discussion. The property owner was required to install soil and native vegetation in an area from which a non-permitted swimming pool was removed. He submitted photographs and receipts showing that the requested work has been completed. The Commission members want confirmation that the large amount of sand that been added to the site to provide a level area for the pool has been removed. Dan Warchol moved that the Enforcement Order shall not be lifted until the Conservation Administrator has visited the site. David Vine seconded the motion. The motion was approved by a 6-0 vote (Joe Teixeira, yes; Paul Healy, yes; Steve Moore, yes; David Vine, yes; Dan Warchol, yes; Doug Muir, yes).

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**9. Other Business**

This is the final meeting for Doug Muir, whose term on the Commission is expiring. Julia Godtfredsen thanked him for his work on the Plum Island brochure. She will forward the resumes that have been submitted for the vacancies to the other Commission members.

**10. Adjournment**

Doug Muir moved to adjourn the meeting at 8:45 p.m. Steve Moore seconded the motion. The motion was approved by a 6-0 vote (Joe Teixeira, yes; Paul Healy, yes; Steve Moore, yes; David Vine, yes; Dan Warchol, yes; Doug Muir, yes).