

Newburyport Conservation Commission
May 16, 2023
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 Joe Teixeira, David Vine, Carole Wagan, Bill Mullen, Charlie Aloviseti and Steve Moore. Dan Warchol was absent. Conservation Administrator Julia Godtfredsen was also in attendance.

3. Minutes

Steve Moore moved to approve the minutes of the May 2, 2023, meeting. Bill Mullen seconded the motion. The motion was approved by a 6-0 vote (Joe Teixeira, yes; David Vine, yes; Steve Moore, yes; Carole Wagan, yes; Bill Mullen, yes; Charlie Aloviseti, yes).

The approval of the minutes of the April 18, 2023, meeting was tabled due to the lack of a quorum.

4. Old and New Business

Plum Island Updates

DCR has requested an emergency certification for the removal of debris on Plum Island Point, where the cement and metal of an old foundation has been uncovered by erosion. In addition, the shelter at the end of the boardwalk has come off its foundation and is tipped. Both situations present safety hazards and DCR would like to remove parts of the foundation and the shelter immediately. A schedule and equipment list have been submitted, along with a letter from Natural Heritage, approving the work with conditions relating to piping plovers. DCR intends to submit a future filing for the creation of beach access at the end of the boardwalk through the installation of sand and a Mobi-mat. Steve Moore moved to issue an Emergency Certification. Carole Wagan seconded the motion. The motion was approved by a 6-0 vote (Joe Teixeira, yes; David Vine, yes; Steve Moore, yes; Carole Wagan, yes; Bill Mullen, yes; Charlie Aloviseti, yes).

David Vine said it appears the newly placed sand is eroding quickly. Julia Godtfredsen responded that the area is flat and low, and is being washed over at high tide. The sand was placed over a very large area and it is difficult to determine how much has been lost. She said the City is working with Senator Tarr's office to determine if the sand was placed according to the plans. Steps should be taken quickly to measure the sand and collect data on the rate of erosion. The information would be useful in determining future courses of action to address the erosion problem.

Pioneer Fields/Atkinson Common Parking

Kim Turner described the plan to construct a new parking lot at the Pioneer Fields. She said the park is heavily used by children and the current parking configuration is dangerous. A small gravel lot that exists behind Founder's Field would be extended. The new lot would be constructed on top of a small isolated wetland that was created by an abandoned catch basin. The existing parking area would be landscaped and there would no longer be any on-street parking.

Tom Hughes said the existing isolated wetland drains directly to the stormwater system. Its form and function would be replicated in a constructed stormwater wetland located behind the new parking lot in an area that is currently a mixture of trees and invasive shrubs. The invasive species would be removed and replaced with fruit-bearing native vegetation and additional native trees.

An NOI would be filed under the Ordinance only for the isolated wetland and an RDA would be filed concurrently to confirm that the wetland is not jurisdictional under the WPA. Mr. Hughes said he expects the work would be allowable under the Ordinance even though it would involve work within the 25-foot no-disturb zone. If a Variance is required, the overriding benefit would be the improvement to public safety.

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

None

6. Public Hearings

Carole Wagan moved to open the public hearings. Steve Moore seconded the motion. The motion was approved by a 6-0 vote (Joe Teixeira, yes; David Vine, yes; Steve Moore, yes; Carole Wagan, yes; Bill Mullen, yes; Charlie Aloviseti, yes).

Kim Turner, City of Newburyport

149 High Street

Notice of Intent

DEP File #051-1071

The City of Newburyport is proposing to improve the quality of the water in the Bartlet Mall Frog Pond and to align the park with its original Charles Eliot design. The design team has compiled responses to the questions raised at the May 2 meeting, but these were not provided in time to allow the Commission members the opportunity to review the document.

Members of the Parks Commission attended the meeting to discuss the aesthetic aspects of the design. Ted Boretti said the restoration plan would rejuvenate the park and preserve its history. Floating wetlands were originally proposed to provide habitat, but skating on the pond is a beloved pastime of residents. The floating wetlands would create an impediment for skating and they could possibly be damaged during snow removal. As an alternative, enhanced habitat restoration is being proposed for the edges of the pond.

Chuck Griffin, also of the Parks Commission, said the park has never been a purely decorative place. It was heavily used as a commons and was the heart of the city at one time. It

is no longer this, but remains very active. He hopes that the placement of structures in the pond to provide habitat could be avoided.

Steve Moore said the rock behind the courthouse is used by turtles. The Commission would not only like it to be retained but would also like additional rocks to be placed along the edge of the pond. He asked if wetland structures, rather than floating, could be anchored near the edge of the pond. Mike Sabulis responded that the floating wetlands hold latent heat, even in the winter, which would degrade the ice. The decision was made to provide edge plantings rather than floating wetlands in order for the pond to be an interactive water feature.

Julia Godtfredsen asked if the major goal of the project is to provide habitat or to allow for community use. Kim Turner said the edge treatment would provide significantly more habitat than exists today, as the edges are currently gravel. The plans call for a two-foot band of vegetation around the edge of the pond. Chuck Griffin said the slopes are more gentle along Greenleaf Street and Auburn Street, and the edge plantings in these areas could perhaps be widened by several feet. Joe Teixeira said the amount of plantings around the edge should be maximized and should include some fruit-bearing shrubs. The design team will look into any impact low-growing shrubs would have on the liner. The plant list that was included in the NOI will be revised to reflect a wider edge treatment in some areas. The list should be annotated to indicate the habitat benefit that each species would provide.

Julia Godtfredsen the shallowness of the pond causes the temperature of the water to rise, which has been a big factor in the nitrification and the lack of habitat. She asked if this would be mitigated by the pumping of the water from the well. Kim Turner said the design team has looked into raising the elevation of the water, but this could only be done to a minor degree. The sediment in some areas would be excavated to allow for the creation of the hibernacula. As no material is to be removed from the site, the re-grading would make the overall depth of the pond about one inch shallower. The water depth is shallow along the edges of the pond for safety reasons.

The design team is currently working on the details of the design of the dock. The dock would be located over an intake pipe and no vegetation is planned beneath it. The way in which it would be moved in and out of the pond without damaging the pipe has not yet been determined. The pump shed would be sided in brick if this would be feasible within the budget.

Carole Wagan moved to continue the public hearing to the June 6 meeting. Steve Moore seconded the motion. The motion was approved by a 6-0 vote (Joe Teixeira, yes; David Vine, yes; Steve Moore, yes; Carole Wagan, yes; Bill Mullen, yes; Charlie Aloviseti, yes).

Newburyport Manager, LLC

0 Brown's Wharf

Notice of Intent

The applicant is making changes to the plans and requested that the hearing be postponed. A continuance was not needed, as the hearing has not yet been opened.

Carole Wagan moved to close the public hearings. Steve Moore seconded the motion. The motion was approved by a 6-0 vote (Joe Teixeira, yes; David Vine, yes; Steve Moore, yes; Carole Wagan, yes; Bill Mullen, yes; Charlie Aloviseti, yes).

7. Enforcement/Violations

None

8. Order of Conditions

None

9. Adjournment

Steve Moore moved to adjourn the meeting at 8:28 p.m. Carole Wagan Bill Mullen seconded the motion. The motion was approved by a 6-0 vote (Joe Teixeira, yes; David Vine, yes; Steve Moore, yes; Carole Wagan, yes; Bill Mullen, yes; Charlie Aloviseti, yes).