

Newburyport Conservation Commission
May 18, 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, Dan Warchol, Carole Wagan and Ron DiCola. Conservation Administrator Julia Godtfredsen was also in attendance.

3. Minutes

Paul Healy moved to approve the minutes of the May 4, 2021, meeting. Steve Moore seconded the motion. The motion was approved by a 5-0 vote (Steve Moore, yes; Paul Healy, yes; David Vine, yes; Joe Teixeira, yes; Carole Wagan, yes; Ron DiCola, abstain; Dan Warchol, absent).

4. Old and New Business

Plum Island Updates

The next MRBA meeting is scheduled for June 4. The ENF has been submitted for the DCR work along Reservation Terrace. Other agencies have begun to submit comments on the project. None of the comments to date have been major. The Order of Conditions includes a special condition that the work must be in compliance with orders from other agencies.

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 7-0 vote (Steve Moore, yes; Paul Healy, yes; David Vine, yes; Joe Teixeira, yes; Dan Warchol, yes; Carole Wagan, yes; Ron DiCola, yes).

City of Newburyport

Upper Artichoke Reservoir Dam

Notice of Intent

DEP File #051-1047

Sara Kreisel of the BSC Group represented the applicant and provided a review of the plans to replace the bridge on Plummer Spring Road. The length of the bridge would be increased from 14 feet to 45 feet. The lengthened span would eliminate the need to place the substructure of the bridge in the deep part of the reservoir. The larger footprint would also better accommodate

wildlife passage. The bridge would be widened to 32.5 feet and a sidewalk would be installed on one side. The roadbed would be 1.5 feet higher than the existing conditions, which would make it less likely to become flooded. The bridge was designed to meet a ten-year flood and could also accommodate a 100-year flood.

The resource areas that would be impacted include bank, land under water, bordering land subject to flooding, the 200-foot riverfront area and the 100-foot buffer zone. The riverfront would be permanently impacted. These impacts would be required to ensure the stability of the bridge structure and prevent the degradation of the newly improved site. The permanent impacts would be in areas that were previously degraded. The areas that would be temporarily impacted by the construction would be restored.

Prior to the construction of the bridge, the natural streambed material would be removed and stockpiled. The elevation of the streambed would later be restored to its natural condition and the slope would be stabilized with rip rap. The work would occur in the dry behind coffer dams. The contractor would provide the details on the work. It will be specified that the Commission would strongly prefer that the dewatering would occur on the pavement rather than in a vegetated area.

The plans were revised based on comments made at the joint site visit with the Newbury Conservation Commission that took place on February 7. The Newburyport Conservation Commission requested that the stormwater treatment along the proposed roadway be increased to protect the reservoir. Two deep sump catch basins were added to the plans that would reduce the amount of untreated stormwater entering the reservoir by country drainage. The deep sump catch basins would be located on either side of the roadway before the ends of the retaining walls. The runoff would flow to a 900-gallon water quality unit and then be discharged onto a stone splash pad. This change to the plans would result in an additional 116 square feet of permanent impact to the 200-foot Riverfront Area and an additional 154 square feet of temporary impacts. The proposed additional work would occur entirely within the paved roadway.

The hearing was opened to comments from the public. Wayne Amaral of the West Newbury DPW said consideration was given to the installation of sidewalks on both sides of the bridge. Not only would the second sidewalk be too costly, but it would also create more impacts to the resource area. It was decided it would be better to have a safety zone on one side of the bridge rather than none.

Steve Moore moved to close the public hearing. 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; Dan Warchol, yes; Carole Wagan, yes; Ron DiCola, yes).

Paul Healy moved to close 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; Dan Warchol, yes; Carole Wagan, yes; Ron DiCola, yes).

7. Order of Conditions
City of Newburyport
Upper Artichoke Reservoir Dam
DEP File #051-1047

Paul Healy moved to issue an Order of Conditions for the Upper Artichoke Reservoir Dam

with the special conditions that 1) the contractor shall submit to the Commission for review and approval a dewatering stabilization plan that locates the dewatering treatment area within the existing pavement to the greatest extent possible, 2) prior to the start of construction, the applicant shall provide an inventory of all trees expected to be removed during construction and a plan for their replacement and 3) any trees removed, destroyed or damaged during construction shall be photographed and recorded on a plan and shall be replaced in kind in the project area. 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; Dan Warchol, yes; Carole Wagan, yes; Ron DiCola, yes).

8. Enforcement

Gloria Braunhardt Trail

A Notice of Violation has been sent to Jerry Mullins. The item will be on the agenda for the June 1 meeting.

9. Other Business

The City would have the right of first refusal on the Maskiewicz land on Turkey Hill Road if it were to be put on the market. The acquisition of the land is a priority for Open Space Committee. The property is zoned as agricultural land and its frontage is in Zone A of the surface water supply. It is unlikely the parcel could be developed. Julia Godtfredsen will draft a letter stating the Commission supports the property remaining as open space.

Bill Brown, 10 Duffy Drive, said the residents of Evergreen Commons have submitted a list of the items they would like to be addressed. A letter about dumping has also been submitted. He said one resident observed a contractor dumping sod in the protected area last October. He does not believe any dumping was done by residents. The residents would prefer that a fence not be installed.

10. Adjournment

Steve Moore moved to adjourn the meeting at 7:42 p.m. Ron DiCola seconded the motion. The motion was approved by a 7-0 vote (Steve Moore, yes; Paul Healy, yes; David Vine, yes; Joe Teixeira, yes; Dan Warchol, yes; Carole Wagan, yes; Ron DiCola, yes).