

Newburyport Conservation Commission
June 20, 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 and Steve Moore. Dan Warchol and Charlie Aloviseti were absent. Conservation Administrator Julia Godtfredsen was also in attendance.

3. Minutes

Steve Moore moved to approve the minutes of the June 6, 2023, meeting. Carole Wagan seconded the motion. The motion was approved by a 5-0 vote (Steve Moore, yes; David Vine, yes; Carole Wagan, yes; Bill Mullen, yes; Joe Teixeira, yes).

4. Old and New Business

Plum Island Updates

An MRBA meeting was held on June 9. The beach grass that was planted on the newly placed sand is becoming well established. DCR is working to obtain permitting for the removal of debris on the beach near the old Coast Guard Station.

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

Lombardi Oil Company, Inc.

14 Perry Way

Request for Determination of Applicability

Charity Simard represented the applicant. She said a beaver has blocked the culvert that drains the retention pond, causing the property and street to flood. She requested approval to construct a beaver deceiver. The wood and wire structure would prevent the beaver from blocking the opening of the culvert. The installation of the deceiver would provide an alternative to the trapping and killing of the beaver. The applicant was advised to contact the Division of Fish and Wildlife to confirm that the use of beaver deceivers has been approved in Massachusetts.

Steve Moore moved to issue a Negative 2 Determination. Carole Wagan seconded the motion. The motion was approved by a 5-0 vote (Steve Moore, yes; David Vine, yes; Carole Wagan, yes; Bill Mullen, yes; Joe Teixeira, yes).

6. Public Hearings

Steve Moore moved to open the public hearings. Carole Wagan seconded the motion. The motion was approved by a 5-0 vote (Steve Moore, yes; David Vine, yes; Carole Wagan, yes; Bill Mullen, yes; Joe Teixeira, yes).

Kim Turner, City of Newburyport
149 High Street
Notice of Intent
DEP File #051-1071

The applicant requested a continuance. Steve Moore moved to continue the public hearing to the July 18 meeting. Joe Teixeira seconded the motion. The motion was approved by a 5-0 vote (Steve Moore, yes; David Vine, yes; Carole Wagan, yes; Bill Mullen, yes; Joe Teixeira, yes).

Newburyport Manager, LLC
0 Brown's Wharf
Notice of Intent

The applicant requested a continuance. A DEP file number has not yet been issued. Carole Wagan moved to continue the public hearing to the July 18 meeting. Steve Moore seconded the motion. The motion was approved by a 5-0 vote (Steve Moore, yes; David Vine, yes; Carole Wagan, yes; Bill Mullen, yes; Joe Teixeira, yes).

Peter Brant
5 Gloria Street
Notice of Intent
DEP File #051-1073

Tom Hughes represented the applicant, who is proposing to construct a two-story addition to a single-family home. The existing deck would be reconstructed and expanded. While a portion of the property is in the AE flood zone, the structure itself is in the X flood zone. The existing structure is on a solid foundation, which would not be changed. A professional engineer has provided a letter stating the foundation is adequate to support the existing structure. The addition and deck would be constructed on pilings at least two feet above grade. An existing shed/greenhouse structure would be removed. The applicant is proposing to remove the knotweed on the site and replace it with native vegetation. Mr. Hughes said the proposal would increase the amount of vegetation on the site by 181 square feet and would improve the function of the dune. No changes are proposed for the existing fence. The applicant is not permitted to enclose the area beneath the proposed addition and deck and any changes to the fence must meet the Plum Island guidelines. DEP has not issued any comments on the proposal.

Steve Moore moved to close the public hearing. David Vine seconded the motion. The motion was approved by a 5-0 vote (Steve Moore, yes; David Vine, yes; Carole Wagan, yes; Bill Mullen, yes; Joe Teixeira, yes).

Megan Shave, Mass. Dept. of Conservation and Recreation
74 Curzon Mill Road
Notice of Intent
DEP File #051-1072

Megan Shave said Maudslay State Park has received a priority ranking in DRC's regional invasive plant management plan. Naomi Valentine said the work is being submitted as a limited project, as it involves the management of invasive plants only. The goal of the project is to enhance wildlife habitat by creating space for native plants and reducing the spread of invasive

species. The treatment area is .5 acres, .25 acres of which are jurisdictional wetlands. The work area includes 1,700 square feet of BVW, 1,500 square feet of bordering land subject to flooding, and 2,000 square feet of riverfront area. DCR is in the process of certifying three potential vernal pools on the site. It is estimated that 200 square feet of the vernal pools is in the treatment area. The invasive species that are to be managed include Japanese knotweed, multiflora rose, autumn olive, Japanese honeysuckle, Japanese barberry, Asiatic bittersweet, phragmites, burning bush, Norway maple and leafy spurge. Both mechanical and chemical treatment methods are being proposed. The applicant has provided a table showing the areas in which each management technique would be used. The method selected would be the least impactful one that would allow for the effective control of the plant. Joe Teixeira pointed out that glyphosate is banned on City property. A portion of the work would be within the water protection area. The applicant will contact the DPS and will use only mechanical methods in those areas if directed. Steve Moore said he would like the white trillium that is growing in an area of knotweed to be preserved.

Steve Moore moved to close the public hearing. Joe Teixeira seconded the motion. The motion was approved by a 5-0 vote (Steve Moore, yes; David Vine, yes; Carole Wagan, yes; Bill Mullen, yes; Joe Teixeira, yes).

Carole Wagan moved to close the public hearings. Steve Moore seconded the motion. The motion was approved by a 5-0 vote (Steve Moore, yes; David Vine, yes; Carole Wagan, yes; Bill Mullen, yes; Joe Teixeira, yes).

7. Enforcement/Violations

None

8. Order of Conditions

Peter Brant

5 Gloria Street

DEP File #051-1073

Steve Moore moved to issue an Order of Conditions for 5 Gloria Street with the standard Plum Island special conditions and the special conditions that: 1) the area beneath the addition and deck shall be completely open and no lattice or other similar enclosure shall be allowed, 2) the sand area serving as a patio for the fire pit may be bordered by cobbles in the future if the applicant desires and 3) no new fencing is approved and any new fencing shall adhere to the Plum Island guidelines. Carole Wagan seconded the motion. The motion was approved by a 5-0 vote (Steve Moore, yes; David Vine, yes; Carole Wagan, yes; Bill Mullen, yes; Joe Teixeira, yes).

Megan Shave, Mass. Dept. of Conservation and Recreation

74 Curzon Mill Road

DEP File #051-1072

Steve Moore moved to issue an Order of Conditions for 74 Curzon Mill Road with the special conditions that: 1) no glyphosate shall be used in the City's water supply protection district, 2)

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the existing white trillium shall be protected and preserved if possible and 3) the applicant shall provide the plan to the DPS Water Division prior to the start of work.

9. Adjournment

Carole Wagan moved to adjourn the meeting at 7:54 p.m. Steve Moore seconded the motion. The motion was approved by a 5-0 vote (Steve Moore, yes; David Vine, yes; Carole Wagan, yes; Bill Mullen, yes; Joe Teixeira, yes).