

Newburyport Conservation Commission
July 18, 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, Dan Warchol and Steve Moore. Bill Mullen and Charlie Aloviseti were absent. Conservation Administrator Julia Godtfredsen was also in attendance.

3. Minutes

Joe Teixeira moved to approve the minutes of the June 20, 2023, meeting. David Vine seconded the motion. The motion was approved by a 5-0 vote (Steve Moore, yes; David Vine, yes; Carole Wagan, yes; Dan Warchol, yes; Joe Teixeira, yes).

4. Old and New Business

Plum Island Updates

- The next MRBA meeting is scheduled for August 4.
- Six Mobi-Mats were purchased with CPA funds. Three were installed on 53rd Street. The other three will be used by DCR to supplement the existing mats on the path from the parking lot to the beach.

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

a) Lisa Gallagher

75 Parker Street

Request for Extension

DEP File #051-0988

The project was approved in 2018. The permit was extended to November 28, 2022 due to the Covid-19 State of Emergency. The applicant has not been able to begin the work and extended the permit with the Planning Board. The applicant did not realize a separate request was required for the Conservation Commission. No changes have been made to the approved plans.

Carole Wagan moved to approve the request for a three-year permit extension retroactive to November 28, 2022. Steve Moore seconded the motion. The motion was approved by a 5-0 vote (Steve Moore, yes; David Vine, yes; Carole Wagan, yes; Dan Warchol, yes; Joe Teixeira, yes).

**b) Geordie Vining, City of Newburyport
Clipper City Rail Trail, Phase II
Request for Certificate of Compliance
DEP File #051-0920**

David Smith of GZA represented the applicant. The work was completed in May 2021. A special condition required that the plant materials be monitored for two growing seasons. It now appears more than 75% of the plants have survived. Mr. Smith described the three minor changes to the approved plans. The stone revetment was extended 16 feet. A stone wall was to be reconstructed in this area, but this would have interfered with an existing electric duct bank. The grading was adjusted in a portion of the project area to allow for the installation of site amenities. A stormwater basin was excavated and filled with crushed stone to maximize its stormwater capacity. Riprap was added to stabilize the slope.

Steve Moore moved to issue a Certificate of Compliance. David Vine seconded the motion. The motion was approved by a 5-0 vote (Steve Moore, yes; David Vine, yes; Carole Wagan, yes; Dan Warchol, yes; Joe Teixeira, yes).

**c) Robert Wolcik, Strem Chemical
7 Mulliken Way
Request for Certificate of Compliance
DEP File #051-1048**

Matt Steinel represented the applicant and described the deviations from the approved plans. The location of a transformer was adjusted to prevent it from blocking a door and a new utility pole was installed.

Steve Moore moved to issue a Certificate of Compliance. Carole Wagan seconded the motion. The motion was approved by a 5-0 vote (Steve Moore, yes; David Vine, yes; Carole Wagan, yes; Dan Warchol, yes; Joe Teixeira, yes).

**d) David Smith, Senior Project Manager, GZA GeoEnvironmental, Inc.
0 North Reservation Terrace/Plum Island Beach
Request for Certificate of Compliance
DEP File #051-1052**

David Smith of GZA represented the applicant. The dredging project was completed in April and an as-built plan was submitted. The Army Corp. increased the elevation of its nourishment area, which reduced the amount of spoils available for the DCR nourishment area by 75,000 square feet. The work area was accessed through the parking lot rather than from the pathways.

Steve Moore moved to issue a Certificate of Compliance. David Vine seconded the motion. The motion was approved by a 5-0 vote (Steve Moore, yes; David Vine, yes; Carole Wagan, yes; Dan Warchol, 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; Dan Warchol, yes; Joe Teixeira, yes).

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

The applicant provided the additional information the Commission members requested. This included the final grading plan. The upland area would be graded to channel drainage away from the pond and into swales. The pond would be graded to allow for the installation of a stone ramp that would straddle the intake pipe to protect it from the wheels of the dock when it is taken in and out of the water. The applicant also provided a more-detailed planting plan information on the proposed dock.

The Commission must issue a Variance for construction within the 25-foot no-disturb zone, the disturbance of greater than 20% of the buffer zone on the site and direct impacts to bank and land under water. The applicant has demonstrated there are no reasonable alternates. The goal of the restoration project is the improvement of the resource area. The resource would be healthier and more available for the benefit of the public as a result of the work.

Carole Wagan moved to issue a Variance. Steve Moore seconded the motion. The motion was approved by a 5-0 vote (Steve Moore, yes; David Vine, yes; Carole Wagan, yes; Dan Warchol, yes; Joe Teixeira, yes).

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

b) Newburyport Manager, LLC 0 Brown's Wharf Notice of Intent DEP File #051-1074

Paul Avery presented the applicant. The entire property is land subject to coastal storm flowage. The existing deck is not accessible and is in a state of disrepair. It would be repaired and reconfigured. The steps would be moved and a ramp would be added. A walk-in cooler would be placed on a trailer so that it would be portable. It would be screened from the public walkway by an eight foot removable fence. The outdoor seating area would be raised to the height of the building. It would be finished with pavers and a fence would be added around it. The pavers would be extended to create an outdoor gathering area that would be open to the public. The bulkhead would be repaired and raised to match the existing sections.

The Commission requested that signage be added to let members of the public know the gathering area is available for their use. The boundary between the area open to the public and the restaurant should be better defined. A net or other device should be installed to prevent trash or debris from entering the water during construction. The underground utilities should be shown on the plan. A letter from Natural Heritage has not yet been received.

Steve Moore moved to continue the public hearing to the August 1 meeting. Dan Warchol seconded the motion. The motion was approved by a 5-0 vote (Steve Moore, yes; David Vine, yes; Carole Wagan, yes; Dan Warchol, yes; Joe Teixeira, yes).

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

7. Enforcement/Violations

None

8. Order of Conditions

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

Steve Moore moved to issue an Order of Conditions for 149 High Street with the special conditions that: 1) prior to the start of work, bedrock groundwater well testing data shall be provided to the Commission along with the final details of any well water treatment systems that will be required for the use of well water within the pond, 2) prior to the start of work on site, a construction staging and sequencing plan, including the location and details of the dewatering system and discharge point, shall be provided to the Commission for review and approval, 3) all site plantings installed as a part of the project shall be monitored for two years to ensure at least 75% survival and shall be replaced if necessary and 4) all efforts shall be made to avoid injury or adverse impact to existing wildlife on the site during construction. Dan Warchol seconded the motion. The motion was approved by a 5-0 vote (Steve Moore, yes; David Vine, yes; Carole Wagan, yes; Dan Warchol, yes; Joe Teixeira, yes).

9. Adjournment

Carole Wagan moved to adjourn the meeting at 8:20 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; Dan Warchol, yes; Joe Teixeira, yes).