

**Newburyport Conservation Commission**  
**August 18, 2020**  
**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, Jane Sender, Ron DiCola, David Vine, Joe Teixeira and Dan Warchol (joined at 7:20). Conservation Administrator Julia Godtfredsen was also in attendance.

**3. Minutes**

Paul Healy moved to approve the minutes of the August 4, 2020, meeting as submitted. Steve Moore seconded the motion. The motion was approved by a 6-0 vote (Steve Moore, yes; Jane Sender, yes; Ron DiCola, yes; Paul Healy, yes; David Vine, yes; Joe Teixeira, yes; Dan Warchol, absent).

**4. Old and New Business**

**Plum Island Updates**

A remote meeting of the MRBA is tentatively scheduled for Friday, September 11 at 11:00 a.m.

**Emergency Plan for Reservation Terrace**

The City has been working to develop a plan to install sandbags as an emergency measure along the dune on Reservation Terrace between 75<sup>th</sup> Street and 69<sup>th</sup> Street, where erosion has been the most severe. Concrete blocks have illegally been placed in this area, presumably by a resident. Mayor Holaday said erosion has been continuing over many years and now the dune is being overtopped at nearly every high tide. She is concerned that further damage would take place during the tropical storm season and winter. A bill is being proposed for the dredging of the mouth of the river and if it passes, funding would be available sometime after October 2021. The dredged material would be placed on the dunes.

Several alternative plans have been considered for a temporary solution that would protect homes and the water and sewer infrastructure for the next two winters. The alternative that DEP would permit is the installation of polypropylene bags called Super Sacks, which would be filled with beach-compatible sand. Anders Bjarngard of GZA described two scenarios for placing the three-cubic-foot bags along the concrete blocks. The bags would remain in place until the river has been dredged. Limited protection would be provided by a single row of bags that would be supplemented with smaller sandbags to reach elevation 11. A greater level of protection would be provided by bags that are stacked like a pyramid to elevation 16. The bags would be filled on site and would be removable. The Super Sacks would be held in place by the weight of the sand, although they would shift and settle with wave action. The placement of sand in front of the bags might dissipate wave energy but would be quickly washed away. The concrete blocks have been incorporated into the plan to provide maximum protection. Both DEP and the Commission members will require that the extra blocks that were installed illegally be

removed. Mayor Holaday agreed to notify the residents that the blocks must be removed or the City will take them.

The use of coir envelopes in place of the Super Sacks was considered but determined not to be feasible. The installation of coir bags would require equipment on the beach and would be more expensive and time consuming. While coir bags are biodegradable, they are not considered to be temporary and are difficult to permit.

Mayor Holaday is hopeful the project would be funded by DCR and the Plum Island Water and Sewer Settlement Account, with an additional contribution from residents. The work must begin before the Notice of Intent has been submitted. Comments will be allowed after the public hearing has been opened.

Steve Moore moved to issue an Emergency Certification for the installation of the Super Sacks. Jane Sender seconded the motion. The motion was approved by a 7-0 vote (Steve Moore, yes; Jane Sender, yes; Ron DiCola, yes; Paul Healy, yes; David Vine, yes; Joe Teixeira, yes; Dan Warchol, yes).

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

### **Clary Coutu, Keolis Commuter Services Railroad ROW**

Request for Determination of Applicability

The applicant requested a continuance. Paul Healy moved to continue the request to the September 15 meeting. Steve Moore seconded the motion. The motion was approved by a 7-0 vote (Steve Moore, yes; Jane Sender, yes; Ron DiCola, yes; Paul Healy, yes; David Vine, yes; Joe Teixeira, yes; Dan Warchol, yes).

## **6. Public Hearings**

David Vine moved to open the public hearings. Paul Healy seconded the motion. The motion was approved by a 7-0 vote (Steve Moore, yes; Jane Sender, yes; Ron DiCola, yes; Paul Healy, yes; David Vine, yes; Joe Teixeira, yes; Dan Warchol, yes).

### **Holly MacDonald**

4 68<sup>th</sup> Street

Notice of Intent

DEP File #051-1032

The applicant was not present. Additional information was requested at the August 4 meeting. Steve Moore moved to continue the public hearing to the September 1 meeting. David Vine seconded the motion. The motion was approved by a 7-0 vote (Steve Moore, yes; Jane Sender, yes; Ron DiCola, yes; Paul Healy, yes; David Vine, yes; Joe Teixeira, yes; Dan Warchol, yes).

### **Christopher Horan, Seacoast Homes, LLC**

192 Northern Boulevard

Notice of Intent

DEP File #051-1037

The applicant requested a continuance. Steve Moore moved to continue the public hearing to the September 1 meeting. Paul Healy seconded the motion. The motion was approved by a 7-0 vote

Newburyport Conservation Commission  
August 18, 2020

(Steve Moore, yes; Jane Sender, yes; Ron DiCola, yes; Paul Healy, yes; David Vine, yes; Joe Teixeira, yes; Dan Warchol, yes).

**Massachusetts Division of Marine Fisheries**

Plum Island Beach (North Reservation Terrace)

Notice of Intent

DEP File #051-1040

Mel Higgins and Blake Martin represented the applicant and presented the plan to replace a well at the Shellfish Depuration Plant. Well #2 has been exposed to ocean water and must be decommissioned. The piping would be disconnected and sealed and the well would be filled with sand and capped with concrete. The operation of the plant requires a second source of water. The replacement well would be located within 80 feet of well #1. It would be drilled through the freshwater lens into brackish water.

Steve Moore asked if well #2 could be accessed from the beach rather than by crossing over the dunes. Mr. Blake said this as a possibility that will be explored. When asked if the connection to the water main could be accomplished by burrowing instead of digging, he responded that the exaction location of water main is not known.

The hearing was opened to comments from the public. Krystyna Rydzy asked about the discharge of waste water into the river. Jeff Kennedy, manager of the shellfish plant, said the water is sterilized and is cleaner than river water. He said adding salt water to the sewer system would not be desirable. Ms. Rydzy also expressed her concern about salt water intrusion into the fresh water aquifer. It was explained that a sealed pipe would pass through the aquifer. Intrusion into the aquifer occurs when excessive pumping takes place in a fresh water well.

The applicant expects to continue the public hearing because a MESA survey of plant materials has not yet been completed. Steve Moore moved to continue the public hearing to the September 15 meeting. Paul Healy seconded the motion. The motion was approved by a 7-0 vote (Steve Moore, yes; Jane Sender, yes; Ron DiCola, yes; Paul Healy, yes; David Vine, yes; Joe Teixeira, yes; Dan Warchol, yes).

Steve Moore moved to close the public hearings. Jane Sender seconded the motion. The motion was approved by a 7-0 vote (Steve Moore, yes; Jane Sender, yes; Ron DiCola, yes; Paul Healy, yes; David Vine, yes; Joe Teixeira, yes; Dan Warchol, yes).

**7. Order of Conditions**

None

**8. Enforcement**

**11 76<sup>th</sup> Street**

The property owner submitted an incomplete Notice of Intent and performed work without a permit. An Enforcement Order was issued. The property owner was required to remove the fence by August 18 and submit a Notice of Intent for the September 15 meeting. Tom Hughes said the property owner has contracted for the fence to be removed by August 28, although it is expected the work would begin at an earlier date. He asked if the Commission members would accept a plan in which two out of every three pickets would be removed from the back fence,

Newburyport Conservation Commission  
August 18, 2020

which would make the fence 80% open, and allow the crossbar would remain two inches above grade. This would not be acceptable. The bottom rail must be two feet above grade. Chicken wire or a similar material could be used to enclose the lower two feet. Mr. Hughes also said the applicant would not be able to meet the September 15 deadline for the Notice of Intent. The survey work must be completed and a plan of the pre-existing conditions must be from created from photographs. The Notice of Intent shall be submitted for the October 6 meeting. The photographs used to document the prior conditions must be submitted to the Commission prior to the next meeting.

**9. Other Business**

Julia Godtfredsen said City Council is considering hybrids meetings with limited public access. The Councilors would like to know the opinion of board members about the Zoom meetings and if they think the public access has been adequate. Joe Teixeira said the number of virtual attendees has been higher than for in-person meetings. David Vine said the Zoom meeting are efficient. Steve Moore said he would like to be able to view the attendees while they are speaking. The members were in agreement that they would not be in favor of returning to in-person meetings at this time.

**10. Adjournment**

Steve Moore moved to adjourn the meeting at 8:21 p.m. Paul Healy seconded the motion. The motion was unanimously approved.