

Newburyport Conservation Commission
September 15, 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, David Vine and Joe Teixeira. Ron DiCola and Dan Warchol were absent. Conservation Administrator Julia Godtfredsen was also in attendance.

3. Minutes

Paul Healy moved to approve the minutes of the September 1, 2020, meeting as submitted. David Vine seconded the motion. The motion was approved by a 5-0 vote (Steve Moore, yes; Jane Sender, yes; Paul Healy, yes; David Vine, yes; Joe Teixeira, yes).

4. Old and New Business

Plum Island Updates

- An MRBA meeting took place on September 11.
- The Army Corp. is conducting a 204 study to determine the benefit of placing material dredged from the Merrimack River onto the beach. Adding sand to protect the jetty would be done at no cost to the City. If it is determined that the dredged material could be used to project homes, an additional amount of sand would be placed on the beach and the City would share in the cost.
- City Council voted on its September 14 meeting on the request to fund the placement of sandbags on the dunes along Reservation Terrace. The Commission voted to approve an Emergency Certification for the work at a previous meeting. The certification will be issued when the work begins and a Notice of Intent will be submitted.

Resiliency Grant

The City has received a \$1 million resiliency grant to elevate the Rail Trail to protect the water treatment plant and rebuild the revetment.

Marlene Schroeder Trail Bog Bridge Project

Mitchell Gorski presented his proposed Eagle Scout project, which involves the installation of a bog bridge to protect the wetlands from foot traffic. The proposed bridge would be an extension of the existing bridge and would be 144 feet long and 12 inches wide. The Commission members were interested in both bridges being made two boards wide instead of one so that two pedestrians might be able to pass each other. It would be necessary to replace the sleepers for the existing bridge in order to accomplish this and more boards would be needed. The Commission members would be willing to contribute the funds for the increased cost. Mitchell Gorski will estimate the cost of the additional work and the item will be discussed further at the October 6 meeting.

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

Ralph Castagna

69 Parker Street

Request for Certificate of Compliance

DEP File #051-0188

An Order of Conditions was issued to the previous property owner and the work was never done. Paul Healy moved to issue a Certificate of Compliance as an Invalid Order of Conditions. Steve Moore seconded the motion. The motion was approved by a 5-0 vote (Joe Teixeira, yes; Steve Moore, yes; David Vine, yes; Jane Sender, yes; Paul Healy, yes).

Clary Coutu, Keolis Commuter Services Railroad ROW

Request for Determination of Applicability

The applicant requested a continuance. Steve Moore moved to continue the request to the October 6 meeting. Paul Healy seconded the motion. The motion was approved by a 5-0 vote (Joe Teixeira, yes; Steve Moore, yes; David Vine, yes; Jane Sender, yes; Paul Healy, yes).

Rosemary Blouin

12 Flora Street

Request for Certificate of Compliance

DEP File #051-0481

Matt Steinel of Millennium Engineering said the Order of Conditions is an old one. The plan included in the file is dated 1998. The addition as constructed is as wide as the house, which is wider than was shown on the plans. An existing shed was not shown on the plans and it is not known if it was in place at the time of the filing. It is also not known if the hot tub on a platform supported by sonotubes was included in the application. The construction of a deck was mentioned in the Notice of Intent, but it is unclear if the existing deck is of the same size as the one that had been approved. The lot is a triple one and is in the buffer zone. The work that was done would have been permissible at the time of the filing.

Steve Moore moved to issue a Certificate of Compliance for DEP file #051-0481. Paul Healy seconded the motion. The motion was approved by a 5-0 vote (Joe Teixeira, yes; Steve Moore, yes; David Vine, yes; Jane Sender, yes; Paul Healy, yes).

6. Public Hearings

David Vine moved to open the public hearings. Steve Moore seconded the motion. The motion was approved by a 5-0 vote (Joe Teixeira, yes; Steve Moore, yes; David Vine, yes; Jane Sender, yes; Paul Healy, yes).

Massachusetts Division of Marine Fisheries

Plum Island Beach (North Reservation Terrace)

Notice of Intent

DEP File #051-1040

Blake Martin, Mel Higgins and Jeff Kennedy discussed the plans to replace a well at the Shellfish Depuration Plant. At the August 18 meeting, the Commission asked the applicant to

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determine if the well that is to be decommissioned could be accessed from the beach rather than by crossing the dune. Mr. Martin said the route along the beach would be through a habitat area and he is concerned that the equipment would have difficulty climbing the slope to return from the beach. The applicant would prefer to use the shorter route through the City-owned parcel. This route has been modified to avoid impacting the *Aristidea* that was found during a MESA survey of plant species. The new well would pump the same amount of water as the existing one. It is estimated that the brackish water is located 110 to 130 feet below the freshwater lens. Mr. Martin said the eight-inch pipe that would be installed would not cause erosion or create any storm water impacts.

The hearing was opened to comment from the public. Krystyna Rydzy questioned the need to move the well if the wells in general are viewed as being sustainable. She is concerned that pumping water to the plant would cause damage to the island and threaten the supply of fresh water. Mr. Martin explained the purification plant has been operating for 40 years and a change in operation is not being proposed. The system in use is not a complex one. The well is at the end of its life expectancy, which is 50 to 70 years in New England. Jen Cookke commented that residents would not be allowed to disturb the fragile dune in this manner. Julia Godtfredsen replied that the impacts of the project would be temporary, which occurs frequently with construction on the island. The proposed project would meet the performance standards and the site would be restored to its existing conditions. Any dune vegetation that is damaged would be replaced. The same regulations and performance standards are applied equally to all projects, whether they be commercial or residential. The applicant must meet the performance standards in the same way as would be required for any member of the public.

Steve Moore moved to close the public hearing. Paul Healy seconded the motion. The motion was approved by a 5-0 vote (Joe Teixeira, yes; Steve Moore, yes; David Vine, yes; Jane Sender, yes; Paul Healy, yes).

Christopher Horan, Seacoast Homes, LLC

192 Northern Boulevard

Notice of Intent

DEP File #051-1037

The applicant is working to address the concerns that were raised at the previous meeting and has requested an extension. Steve Moore moved to continue the public hearing to the October 6 meeting. Paul Healy seconded the motion. The motion was approved by a 5-0 vote (Joe Teixeira, yes; Steve Moore, yes; David Vine, yes; Jane Sender, yes; Paul Healy, yes).

John DiFilippo, Newburyport Yacht Club, Inc.

300-302R Merrimac Street

Notice of Intent

DEP File #051-1041

Tom Hughes represented the applicant, who is proposing to apply a new paving surface to a boat ramp. The work would be accomplished during one tide cycle and an absorbent boom would be installed at the end of the ramp until no sheen is visible in the water. The public hearing was continued from the previous meeting. At that time, a DEP file number and letter from Natural

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Heritage had not yet been received. Natural Heritage commented that the project should be done in the dry.

Steve Moore moved to close the public hearing. Paul Healy seconded the motion. The motion was approved by a 5-0 vote (Joe Teixeira, yes; Steve Moore, yes; David Vine, yes; Jane Sender, yes; Paul Healy, yes).

Katie and Justin Ponting

11 Barker Street

Notice of Intent

Mary Rimmer and Ken Savoie represented the applicant, who is proposing to construct a 525 square-foot addition over an existing garage and an enclosed, elevated breezeway that would connect the garage to the second floor of the existing house. The house has a solid foundation and the garage is on a slab that would be insufficient to support a second story. The applicant is proposing to install six sonotubes within the footprint of the garage. The elevated addition would be supported on pilings independently of the house. The property is V zone.

The applicant was informed that sonotubes not allowed on the island. The addition must be supported with driven or helical piles. The change in materials would increase the cost of the project, which is just \$2,000 below the 50% increase in value that is allowed. Mr. Savoie said the applicant would adjust the project to compensation for the additional expense. However, the cost estimates that were submitted do not include any interior costs, such as plumbing, electricity or sheetrock. The applicant must provide a revised substantial improvement analysis.

As a part of the project, an existing deck would be removed and a new deck would be constructed, resulting in a net increase in deck area of 35 square feet. The increase in the overall size of the footprint would be 17%, less than the 20% allowed. The amount of habitable living space would increase from 1,230 to 2,058 square feet, greater than the amount permitted. Mr. Savoie said the wetlands regulations include an exemption for projects in which the existing foundation would not be impacted. This has not yet been confirmed by the Building Inspector.

Steve Moore moved to continue the public hearing to the October 6 meeting. Paul Healy seconded the motion. The motion was approved by a 5-0 vote (Joe Teixeira, yes; Steve Moore, yes; David Vine, yes; Jane Sender, yes; Paul Healy, yes).

Paul Healy moved to close the public hearings. Steve Moore seconded the motion. The motion was approved by a 5-0 vote (Joe Teixeira, yes; Steve Moore, yes; David Vine, yes; Jane Sender, yes; Paul Healy, yes).

7. Order of Conditions

Massachusetts Division of Marine Fisheries

Plum Island Beach (North Reservation Terrace)

Notice of Intent

DEP File #051-1040

Steve Moore moved to issue an Order of Conditions with the special conditions that 1) the applicant shall attempt to cut off the old well pipe as low as possible, to a depth of at least 6 feet; 2) photographs shall be submitted of the capped, abandoned well pipe; 3) protective mats are to be used along the entire route of the accessway to the well locations so as to not damage any

dune vegetation; 4) any dune vegetation that is damaged as the result of construction or access to and from the construction site shall be replaced immediately in the next growing season and photographs that document the vegetation that exists prior to the start of construction shall be submitted; 5) planting shall be monitored for two growing seasons for survival; and 6) no construction shall take between April 1 and September 1 and the planting shall be done in the fall immediately following the completion of construction. Jane Sender seconded the motion. The motion was approved by a 5-0 vote (Steve Moore, yes; Jane Sender, yes; Paul Healy, yes; David Vine, yes; Joe Teixeira, yes).

John DiFilippo, Newburyport Yacht Club, Inc.

300-302R Merrimac Street

DEP File #051-1041

Paul Healy moved to issue an Order of Conditions with the special conditions that 1) the absorbent boom shall be installed before any work takes place, including the cleaning and power washing of the boat ramp; 2) all work to repair the ramp shall be done at low tide within one tide cycle; 3) the absorbent boom shall be left in place until the pavement has been stabilized and no sheen is present during an entire high tide cycle; and 4) a pre-construction meeting shall be held prior to any work taking place on the boat ramp to confirm the boom is on site and placed appropriately. David Vine seconded the motion. The motion was approved by a 5-0 vote (Steve Moore, yes; Jane Sender, yes; Paul Healy, yes; David Vine, yes; Joe Teixeira, yes).

8. Enforcement

11 76th Street

Tom Hughes did not provide an update on the removal of a fence and the preparation of the Notice of Intent.

8 Nancy Street

Julia Godtfredsen visited the site after a neighbor reported the property owner has dug the marsh grasses adjacent with house and filled the area with sand and rocks. The work has been taking place incrementally over the past year or two. The neighbor will provide photographs of the previous conditions. A letter will be sent to the property owner requesting attendance at a meeting to explain the work that may be in violation of the regulations.

9. Other Business

The members briefly discussed building mountain bike trails on the upland area behind Copper Lane. Riders are making their own trails throughout the city, causing damage.

10. Adjournment

Steve Moore moved to adjourn the meeting at 9:27 p.m. Jane Sender seconded the motion. The motion was unanimously approved.