

**Newburyport Conservation Commission**  
Minutes of the June 16, 2009 Meeting

**1. Call to Order**

A meeting of the Newburyport Conservation Commission was called to order by Chairman Paul Healy at 7:05 p.m.

**2. Roll Call**

In attendance were members Paul Healy, Steve Moore, Doug Muir, Joe Teixeira, Dan Warchol and Jannell Zarba and conservation agent Mary Reilly.

**3. Minutes**

The minutes of the June 2, 2009 meeting were approved as submitted.

**4. Certificates of Compliance, Requests for Determination and Requests for Minor Modifications**

**Marc Draleau**

The applicant wishes to install a 14' x 14' second-story deck on an existing cottage. The area underneath the proposed deck, which will be on sonotubes, is lawn and will remain open. There is no beach grass that will be disturbed. Doug Muir pointed out that there are no elevations shown on the plan. The applicant will inform Mary Reilly of the distance between the ground and the bottom of the deck in order that it might be added to the files. Joe Teixeira moved to issue a Negative 2 Determination. Steve Moore seconded the motion. All voted in favor.

**David Sorenson**

3 P Street

Request for Minor Modification

DEP File #051-0751

The applicant submitted plans showing that the siding around the house will be three feet above the ground. The storage unit and dumbwaiter will both be two feet above grade. The purpose of the siding is to hide the cars and storage unit from view. Andy Sidford said the applicant could instead install a garage or fence, but would prefer to use the siding, as it is less intrusive. Steve Moore said that the Commission has consistently adhered to a policy of not allowing lattice. Doug Muir said the policy is not a good one if it encourages the construction of garages. One rationale for the prohibition of lattice is that it could be backed with plywood after its installation. Dan Warchol said that requiring lattice to be at least three feet above grade would discourage this. Any lattice must be at least 50% open. Steve Moore moved to allow lattice that is at least three feet above grade and at least 50% open and to approve the storage unit as proposed. Doug Muir seconded the motion. All voted in favor.

**5. Public Hearings**

Joe Teixeira moved to recess the meeting and open the public hearings. Steve Moore seconded the motion. All voted in favor.

June 16, 2009

**Warren Russo**

182 Northern Boulevard

Notice of Intent

DEP File #051-0824

The applicant requested a continuance to July 7. Dan Warchol moved to grant the continuance. Joe Teixeira seconded the motion. All voted in favor.

**Kenneth LaBrecque**

3 Parker Street

Notice of Intent

DEP File #051-0825

Members of the Commission visited the site. Steve Moore asked if the building could be moved further from the wetland. He said he is concerned because there is so much going on close to the wetlands. The applicant has agreed to change a portion of the driveway from pavement to crushed stone. As a result, the detention pond could be smaller. Steve Moore commented that if a green roof were to be installed, the size of the detention pond could be further reduced or possibly eliminated. The applicant will provide revised plans and calculations. Continued to July 7.

**Frank McDermott**

1 P Street

Notice of Intent

DEP File #051-0826

Paul Healy recused himself from the discussion. Joe Teixeira acted as chair. The property had formerly been identified as 0 P Street. The applicant is proposing to construct of a single-family house. There will be 1,500 square feet impacted for the house and 600 for the driveway. The applicant will re-vegetate over 2,000 square feet with 1,100 beach grass plants and 45 junipers. Steve Moore said he is concerned that the mitigation area is close to the road and cars will park there. Laura Peterson, 5 S Street, said she is concerned about the parking of construction vehicles on the road and blocking traffic. The applicant is willing to speak with the contractor about parking. Steve Moore moved to close the public hearing. Doug Muir seconded the motion. All voted in favor.

**PCI Synthesis, Inc.**

7-9 Opportunity Way

DEP File #051-0827

Mary Rimmer appeared for the applicant. The remediation has been completed. The contaminated plants and sediment were removed. DEP had allowed for the removal of 20,000 cubic yards of material and only 15,000 has been removed to date. Ms. Rimmer said she does not anticipate that it will be necessary to remove the other 5,000 cubic yards, but the lab results have not yet been received. Steve Moore moved to close the public hearing. Dan Warchol seconded the motion. All voted in favor.

**6. Orders of Conditions**

**Frank McDermott**

1 P Street  
Notice of Intent  
DEP File #051-0826

The applicant should keep a snow fence along road during construction and while plants are being established in order to keep vehicles off of the mitigation area. The species of juniper specified is not native and should be. The shrubs along the road should be planted at a sufficient density to discourage parking. There must be a survival rate of 90% after two growing seasons. The lowest horizontal structural member must be at 19 NGVD. Doug Muir moved to issue an Order of Conditions with the special conditions discussed. Steve Moore seconded the motion. All voted in favor.

**PCI Synthesis, Inc.**

7-9 Opportunity Way  
DEP File #051-0827

Doug Muir moved to issue an Order of Conditions with the conditions that any DEP reports are copied to the Commission and the Commission is notified of any changes to the plans or if additional material must be added. Steve Moore seconded the motion. All voted in favor.

**7. Enforcement**

**Carla and Robert Moore**

16 Basin Street

The owners requested a continuance to July 7. Dan Warchol moved to grant the continuance. Joe Teixeira seconded the motion. All voted in favor.

**8. Other Business**

The Plum Island Filing Guidelines committee must decide if the standards should be stricter in the V zone or applied consistently across the island. Doug Muir said the openness of stairs should be included in the plan and asked if DEP should be asked for guidance about garages and sheds. Steve Moore suggested there be a standard for the amount of space that is required beneath a fence in addition to it being 50% open. The committee will meet on Wednesday, June 24 at 6:00.

**9. Adjournment**

The meeting was adjourned at 10:30 p.m.