

Newburyport Conservation Commission
Minutes of the August 4, 2009 Meeting

1. Call to Order

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

2. Roll Call

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

3. Minutes

The minutes of the July 21, 2009 meeting were approved as amended.

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

David Sorenson

3 P Street

Request for Certificate of Compliance

DEP File #051-0751

Bill Decie appeared for the applicant. The as-built plans have been submitted. Mary Reilly said her only concern is that the plantings are dry. Mr. Decie said the plantings were installed at the wrong time of year and will not survive if they are not adequately watered. He suggested that a Partial Certificate of Compliance be issued. Steve Moore moved to issue a Partial Certificate of Compliance with condition that the beach grass and the additional plantings be monitored for two growing seasons and replanted if they do not survive. Paul Healy seconded the motion. All voted in favor.

Jim Miller

9 Basin Street

Request for Certificate of Compliance

DEP File #051-0767

Mary Reilly visited the site and found that wooden slats and a tile patio have been installed that were not a part of the approved plan. The as-built plan submitted is not acceptable. The applicant requested a continuance to August 18.

Frank McDermott

1 P Street

Request for Minor Modification

DEP File #051-0826

The applicant is requesting to install lattice around the foundation of the house. The applicant will be appearing at the August 18 meeting with a request for an Amendment to the Order of Conditions. The Request for Minor Modification will be addressed at that time.

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5. Public Hearings

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

Janalyn DeSantis

21 LaValley Lane

Notice of Intent

DEP File #051-0833

The applicant is proposing to remove 6" of clay from a wet backyard and replace it with 4" of sand and 4" of sandy loam. The grade will be slightly raised and sloped so that the water will flow into the wetland. Joe Teixeira said he is concerned that, because the wetland will only hold so much water, the water will flow back from the wetland and re-saturate the area. DEP comments have not been received. Paul Healy moved to continue the public hearing to August 18. Steve Moore seconded the motion. All voted in favor.

John Scanlon

53 Harbor Street

Notice of Intent

DEP File #051-0832

The applicant is proposing to remove an existing deck and five sonotubes and replace them within the same footprint. DEP commented that plan and narrative do not match. Steve Moore moved to close the public hearing. Doug Muir seconded the motion. All voted in favor.

Paul Healy moved to close the public hearings. Jannell Zarba seconded the motion. All voted in favor.

6. Enforcement

Carla and Robert Moore

16 Basin Street

Jannell Zarba recused herself from the discussion. Robert Brennan appeared for the applicants and asked to present a plan to address the Enforcement Order at the August 18 meeting. Mr. Brennan said that the applicants realize the patio is not allowed and are proposing that it be replaced with a seasonal plank deck. He said the house has a block foundation and full basement. The foundation interferes with the migration of sand and as the planters are located directly in front of the foundation, they do not further degrade the property. The applicant will be submitting a Notice of Intent. The public hearing will not take place until September, but Mr. Brennan will present a conceptual plan at the August 18 meeting. Steve Moore said that the applicant should consider a permanent wooden deck and that he would not be in favor of a deck that rests on the ground and must be removed every fall. Mary Reilly suggested that more beach grass and other native species be planted.

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7. Orders of Conditions

John Scanlon

53 Harbor Street

Notice of Intent

Paul Healy said the Order of Conditions should specify that work is limited to the replacement of the five pilings on the west side and the deck. He also said there is no reason to approve the plan as a limited project because it meets the performance standards. Paul Healy moved to issue an Order of Conditions with the special conditions that the pilings have no footings, that the pilings are installed in the same location from which they have been removed, that all excavated material with the exception of the removed sonotubes remain on the site, that the removed sonotubes be disposed of properly, that care is taken that cement does not run into the resource area and that the project is not approved as a limited one. Steve Moore seconded the motion. All voted in favor.

8. Other Business

Joe Teixeira said that MACC suggests that a poster indicating the Commission's mandate and jurisdiction be displayed in hearing rooms. It is also recommended that the meeting procedure be listed on the agenda.

Joe Teixeira suggested outreach to architects and real estate agents would be desirable. Homeowners could be reached via an insert with tax bills. Inserts could be first used for Plum Island residents if those tax bills could be separated. All residents would receive notice of the citywide ordinance.

Mary Reilly said that Bertram Software is able to send annual reminders for an additional sum of \$250. This would bring the Commission's portion of the cost of the system to \$1,500. Dan Warchol moved to approve the extra \$250 for Bertram Software. Paul Healy seconded the motion. All voted in favor.

Members discussed the draft Plum Island filing guidelines. Mary Reilly will incorporate the comments and distribute up-dated copies for further discussion at a future meeting.

9. Adjournment

The meeting was adjourned at 9:50 p.m.