

Newburyport Conservation Commission
Minutes of the September 1, 2009 Meeting

1. Call to Order

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

2. Roll Call

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

3. Minutes

The minutes of the August 18, 2009 meeting were approved as amended.

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

Massachusetts Audubon Society

1 Plum Island Turnpike

Request for Determination of Applicability

DEP File #051-0741

Doug Muir recused himself from the discussion. Lou Wagner presented a request for a three-year extension on an Order of Conditions for the management of invasive species. He said that progress has been made in the program to control phragmites, Japanese knotweed and pepperweed but more work needs to be done. Paul Healy moved to issue a three-year extension on the Order of Conditions. Steve Moore seconded the motion. The motion passed with four members voting in favor and one abstention.

Peter Greenleaf

4 S Street

Request for Certificate of Compliance

DEP File #051-0725

Mary Reilly had previously inspected the site and found all to be in compliance except for the installation of the plant materials at the rear of the property. Mary Rimmer is representing applicant but was unable to attend meeting. She told Mary Reilly that the required 18 bayberry plants were installed, although five or six of them have died. Mary Reilly visited the site and reported that she could not find the bayberries due to the density of the vegetation. There does not appear to be any invasive species among the vegetation. Steve Moore commented that dead shrubs represent one third, a significant portion, of those that were installed. Dan Warchol moved to issue a Certificate of Compliance with the condition that it will be held until the dead bayberry shrubs have been replanted. Paul Healy seconded the motion. All voted in favor.

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Hooks Johnson

16 Gloria Street

Request for Certificate of Compliance

DEP File #051-0754

An Order of Conditions had been issued to the prior owner of the property but a Certificate of Compliance had not been obtained. After the applicant acquired the property he was issued a new Order of Conditions in order to correct work done by the previous owner. The applicant was to remove a retaining wall and a deck. The deck was to be replaced by a shorter one over the same footprint that was either two feet above grade or at the level of the first floor. The deck is in three layers. A portion of it was raised but it is neither at the level of the first floor nor two feet above grade. The elevation of the deck is 12.35 NGVD and the elevation of the house is 14.2 NGVD. The applicant said that raising the deck further would not contribute to the movement of sand because of an I-beam located behind the deck. He also commented that if the deck is raised to the level of the first floor a portion of it would still not be two feet above grade due to the slope of the property, but the Order of Conditions did not require that the deck be raised higher than the first floor elevation. The Commission members will visit the site on Thursday, September 17 at 6:00 p.m. Continued October 6.

Joe Teixeira and Kim Kudym

44 Hale Street

Request for Determination of Applicability

Michael Gimbrere appeared for the applicants who are proposing to remove 700 sq. ft. of a concrete driveway adjacent to the house and replace it with crushed stone. A 600 sq. ft. deck is to be constructed over the gravel on ten sonotubes. The work is the first phase of a two-part plan. The second phase will be covered under a separate application and will include the removal of the remainder of the concrete driveway and its replacement with permeable pavers. The work is in the buffer zone. There are approximately 20 to 25 feet between the side of the house and wetlands. Paul Healy moved to issue a Negative 3 Determination with the condition that there will be erosion control installed between the work area and the wetlands. Doug Muir seconded the motion. All voted in favor.

Jim Miller

9 Basin Street

Request for Certificate of Compliance

DEP File #051-0767

Mary Reilly said that she has not yet received any new information from the applicant. Continued to September 15.

5. Public Hearings

None

6. Enforcement

Carla and Robert Moore

16 Basin Street

Jannell Zarba recused herself from the discussion. Paul Healy acted as chair. The homeowners have asked that the Enforcement Order be lifted. They have reported that the patio and retaining wall have been removed. Mary Reilly has not been yet able to visit the site to confirm this, but

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will do so. Mrs. Moore attended the meeting. She said that no further work is being considered at this time. The Moores must file a Notice of Intent for any future work. Doug Muir moved to lift the Enforcement Order. Steve Moore seconded the motion. The motion passed with four members voting in favor and one abstention.

7. Orders of Conditions

None

8. Other Business

Members discussed the proposed changes to the Plum Island filing guidelines for the remainder of the meeting.

9. Adjournment

The meeting was adjourned at 9:45 p.m.