

Newburyport Conservation Commission
Minutes of the September 15, 2009 Meeting

1. Call to Order

A meeting of the Newburyport Conservation Commission was called to order by Chairman Joe Teixeira at 7:00 p.m.

2. Roll Call

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

3. Minutes

The minutes of the September 1, 2009 meeting were approved as submitted.

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

Ron Guertin

386 Merrimac Street

Request for Certificate of Compliance

DEP File #051-0780

The as-built plans are slightly different from the plans that were approved with the Order of Conditions. An existing tree was damaged during construction and was replaced by 15 plantings that are spread throughout the project area. The applicant was able to retain more existing plantings than had been expected and fewer Rosa Rugosa were planted as a result. The applicant is requesting that the perpetual condition for signage prohibiting dumping into the swale be waived. The fence, plantings and road create a barrier to the swale, making the signage unnecessary. Doug Muir moved to waive the signage requirement. Steve Moore seconded the motion. Steve Moore moved to issue a Certificate Compliance with the perpetual condition that the swale be monitored for trash and debris on a quarterly basis. Paul Healy seconded the motion. All voted in favor.

Nobert Carey

Request for Extension to Order of Conditions

Russell Terrace Extension

DEP File #051-0739

Norbert Carey asked for a three-year extension of an Order of Conditions that is to expire on November 11, 2009. The project has been on hold for economic reasons. Paul Healy moved to issue an Extension to the Order of Conditions with the condition that a wetland scientist certifies that the delineation of the wetlands has not changed before work may begin and that if a change in the delineation occurs, revised plans must be submitted before work may begin. Doug Muir seconded the motion. All voted in favor.

5. Public Hearings

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

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Terry Jones, Weeping Willow Realty Trust

7 Graf Road

Notice of Intent

DEP File #051-0802

Lisa Mead represented the applicant and said the outstanding items from the last meeting have been completed and the plans have been changed accordingly. Tom Hughes and Steve Moore submitted comments to the applicant and the Commission reviewed the comments and applicant's responses. Mary Reilly requested an estimate on the escrow account and a plan that indicates the date of the latest revision. A condition will be made that work will be done to control invasive species on the abutting property if permission is granted by the abutter. Doug Muir moved to close the public hearing. Paul Healy seconded the motion. All voted in favor.

Lee and Eva Nagel

246 Northern Boulevard

Notice of Intent

DEP File #051-0834

Bob Watt appeared for the applicant who is proposing to demolish an existing 1,160 square foot dwelling on a concrete block foundation and replace it with a 1,350 square foot dwellings on pilings. The property is located in zone C. The total existing impact is 1,860 square feet and the proposed impact is 1,707 square feet, a reduction of 153 square feet. The applicant submitted new plans at the meeting that show a change in the size of the utility shaft, the location and size of a pad for gas tanks, and amends the elevation of the first floor. Due to the late submittal, the hearing will be continued until the next meeting. Any additional material must be submitted to Mary Reilly a week before that meeting. Mary Casey moved to continue the public hearing to October 6. Steve Moore seconded the motion. All voted in favor.

Newburyport Sewer Commission

157 and 115 Water Street

Notice of Intent

DEP File #051-0835

Kent Nichols of Weston and Sampson described the City's plans to improve and modernize the wastewater treatment facility. The existing building will be reconstructed and a second building will be added to the site. The project will impact three types of resources: the work is within the existing flood zone, within 100 feet of the coastal bank and within 200 feet of the riverfront area. The project is exempt from the Riverfront Protection Act. The work is being divided into two contracts but will be covered under one Notice of Intent. Joe Teixeira asked that Cornell numbers be used for storm water calculations. This data will be provided. Steve Moore asked about the City's ability to replace the vegetation in bioretention basin on an annual basis. Mary Reilly asked for more information on the sequencing of construction. The applicant will submit a one-page summary. Steve Moore recommended some of the narrative be re-written. The applicant is seeking to maximize funding from outside sources and wishes to put the project out to bid within a month. DEP does not have any comments. A site visit will take place on Monday, September 21 at 7:00 a.m. Doug Muir moved to continue the public hearing to October 6. Paul Healy seconded the motion. All voted in favor.

Paul Healy moved to close the public hearings. Steve More seconded the motion. All voted in favor.

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6. Orders of Conditions

Terry Jones, Weeping Willow Realty Trust

7 Graf Road

Notice of Intent

DEP File #051-0802

The members of the Commission discussed the conditions drafted by Mary Reilly. A condition will be added that the pavement must pass the hose test. Paul Healy moved to issue an Order of Conditions with the conditions discussed. Steve Moore seconded the motion. The motion passed with four votes in favor. Jannell Zarba, Joe Teixeira and Dan Warchol abstained from voting.

7. Other Business

A letter has been received from a consultant seeking to assist Mary Reilly on a part-time basis. Paul Healy recommended that a reply be made stating that while there is currently no steady need for a consultant, she might be considered for peer review. She will be asked to provide her rates and if she has any experience in writing regulations.

The site visit to 16 Gloria Street will take place on October 1.

Mary Reilly will incorporate the members' final comments into the Plum Island filing guidelines.

Dan Warchol, Doug Muir and Joe Teixeira will be the members of the ordinance committee.

8. Adjournment

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