

Newburyport Conservation Commission
Minutes of the October 20, 2009 Meeting

1. Call to Order

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

2. Roll Call

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

3. Minutes

The minutes of the October 6, 2009 meeting were approved as submitted.

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

Hooks Johnson

16 Gloria Street

Request for Certificate of Compliance

DEP File #051-0754

The applicant had requested a Certificate of Compliance for work that was done to address problems that had been created by the previous owner. The deck was to be replaced by a shorter one that was either two feet above grade or at the level of the first floor. A portion of the deck was raised but it is neither at the level of the first floor nor two feet above grade. The applicant presented a new plan in which the deck would be raised to the elevation of the front deck, which is two inches below first floor elevation. The deck would be extended and a portion of the retaining wall would be removed. The shower would be retained and would now be lower than the deck. Doug Muir said this should be handled as an amendment to the existing Order of Conditions. The applicant will provide a written description and plans that also show the pilings. Doug Muir moved to issue a continuance to November 17. Steve Moore seconded the motion. All voted in favor.

Mark Roland

269 Water Street

Request for Determination of Applicability

The applicant is requesting to replace a missing top stone on an existing seawall and to fill a hollowed out area behind the missing stone with gravel. The work will be done from the upland side of the wall. Doug Muir said the work should not be any higher than what is there now. The plan shows two proposed park spaces. These are not a part of this determination and must be handled under a separate Notice of Intent. Steve Moore moved to issue a Negative 2 Determination with conditions that a tarp be used at the base of the seawall to catch any debris, that all work be done from the upland side of the wall and that it is noted the parking spaces are not included in this determination. Dan Warchol seconded the motion. All voted in favor.

2 Jefferson Street

Request for Certificates of Compliance

DEP File #051-0738, 0762, and 0794

Bill Decie appeared for the applicant. DEP File #051-0738 pertains to the reconstruction of the house. The driveway has been partially paved with dry-set granite cobbles rather than permeable pavers, but some previously proposed pavers have been replaced with pea stone and the whole driveway is heated. There is infiltration around whole house. An operation and maintenance manual has been provided for the deep sump manhole. Mary Reilly said the word "shall" must replace the word "should" in the narrative.

DEP File #051-0762 pertains to the pier and float. The float is 6' x 9' rather than 6' x 6'. The applicant requested that condition #25 be waived because it is in deep water. Mr. Decie said a determination from the Army Corp. has not yet been received.

DEP File #051- 0794 pertains to the seawall. Two items under condition #49 are outstanding. Mr. Decie said a Partial Certificate of Compliance might be issued as the work must be monitored in 2010.

The photographs of the site that were to be taken before work began to be used reference points were not received. A site visit will take place on Wednesday, November 4 at 7:00 a.m. Steve Moore moved to issue a continuance to November 17. Doug Muir seconded the motion. All voted in favor.

5. Public Hearings

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

Home Made Brand Foods

2 Opportunity Way

Notice of Intent

DEP File #051-0836

Dave Ouellette presented plans for two additions to the structure and 14 additional parking spaces. There would be a net gain of 1,100 square feet of roof area and 8,000 square feet of impervious surface. The plans call for the removal of a paved fire lane. Its replacement with a permeable lane would result in a net decrease of 3,000 square feet of paving. Steve Moore asked that dimensions be added to the plans. He also asked if the NAID covenants apply. If they do, the amount of impervious surface, over 70%, is too high. He commented that the plans show that trees are being removed and not replaced. Joe Teixeira asked if the parking area could be of the same permeable surface as the proposed fire lane. He also asked that Cornell numbers be used for the storm water calculations. Dan Warchol asked that a snow management plan be provided. The applicant was asked to develop a more creative plan as the percentage of site coverage is too high.

The applicant questioned if the swales are wetland resource areas. At the June 19, 2007 meeting a Positive Determination was issued and all swales around the site were determined to be jurisdictional. A reduced area that does not include the swales has been shown on the plan as being jurisdictional wetlands. The wetlands should be re-flagged. A site visit will take place on Tuesday, November 3 at 7:00 a.m. Steve Moore moved to issue a continuance to November 17. Paul Healy seconded the motion. All voted in favor.

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Steve Moore moved to close the public hearings. Doug Muir seconded the motion. All voted in favor.

6. Orders of Conditions

None

7. Enforcement

Robert Richards

4 P Street

Mary Reilly send a Notice of Violation for a shed that was installed without a permit. The shed sits on the ground. A fence that might not be in compliance was also installed. The owner will be asked to attend the November 17 meeting.

8. Other Business

The members discussed ways that the amount of paper used might be reduced. The suggestions included: printed materials should be double sided; the applicant may submit two full-sized sets of plans and eight 11" x 17" sets provided they are legible; a PFD of storm water calculations should be submitted along with one hard copy and the delineations of the plans for record (GIS layers) should be submitted electronically. Plastic covers should be eliminated.

The current lessee of the Wet Meadows requested that he be allowed to spread out two piles of loam that are on the property. Joe Teixeira will be on site when the work is to be done and the lessee will stop the work if any problems arise. Joe will also determine if a rare plant is growing on the property. Steve Moore moved to approve the flattening of the two mounds in the wetlands with the above conditions. Doug Muir seconded the motion. All voted in favor.

Paul Healy suggested that when applicants are required to provide existing conditions photographs, they must be submitted before work may begin.

Mary Reilly requested to take 4 to 5 hours of training by phone. Dan Warchol moved to approve up to \$250 for the training. Steve Moore seconded the motion. All voted in favor.

9. Adjournment

The meeting was adjourned at 9:30 p.m.