

Newburyport Conservation Commission
Minutes of the November 17, 2009 Meeting

1. Call to Order

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

2. Roll Call

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

3. Minutes

The minutes of the October 20, 2009 meeting were approved as amended.

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

Hooks Johnson

16 Gloria Street

Request for Minor Modification

DEP File #051-0754

The applicant submitted revised plans. A new deck will be installed on the existing footprint and extended to meet the existing front deck. It will be at the same elevation as the front deck. The small retaining wall at the rear of the deck will be eliminated. The applicant wishes to add lattice along the eight-foot section of the new deck to continue the line of the existing lattice. The applicant will allowed to retain the existing lattice but may not add any. Steve Moore explained that while the proposed addition of the small section of lattice might be better visually, the Commission must not deviate from its policy of not allowing lattice in fairness to other applicants. Steve Moore moved to approve the request for a Minor Modification with condition that there be no additional lattice. Doug Muir seconded the motion. All voted in favor.

2 Jefferson Street

Request for Certificates of Compliance

DEP File #051-0738, 0762, and 0794

A site visit has taken place since the last meeting. The O & M plan was received.

Paul Healy moved to issue a Certificate of Compliance for DEP File #051-0738. Steve Moore seconded the motion. All voted in favor.

Doug Muir moved to issue a Certificate of Compliance for DEP File #051-0762. Steve Moore seconded the motion. All voted in favor.

The written report from Great Meadows has not yet been received. The Spartina is to be monitored for two growing seasons. Paul Healy moved to issue a Partial Certificate of Compliance for DEP File #051-0794. Steve Moore seconded the motion. All voted in favor.

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David Chatfield

Meg DeLanders c/o Cushing & Dolan, PC
13 Quail Run Hollow
Request for Certificate of Compliance
DEP File #051-48

The applicant is selling a property in the subdivision and is requesting a Certificate of Compliance for a permit that was issued in 1983 for the entire subdivision. The Orders of Conditions was recorded separately for each property. Paul Healy moved to issue a Certificate of Compliance. Steve Moore seconded the motion. All voted in favor.

5. Public Hearings

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

Home Made Brand Foods

2 Opportunity Way
Notice of Intent
DEP File #051-0836

The applicant has not completed the plans and requested an extension to the next meeting. Paul Healy moved to continue the public hearing to December 1. Steve Moore seconded the motion. All voted in favor.

Tom Lawrence

12 L Street
Notice of Intent

Neighbors had appealed an Order of Conditions that had been issued by the Commission and DEP had issued a Superceding Order. The Superceding Order expired in July 2009 and the applicant did not request extension. The applicant is resubmitting the plans that were approved by DEP under the Superceding Order. The utility shaft is 10' x 10' and will have to be reduced in size to meet the new DEP guidelines. Mary Reilly requested to receive an elevation of the plan and the utility shaft should be shown on this. The applicant will provide a side elevation of house, a new lot number designation, and a new utility shaft plan. Comments from DEP and Natural Heritage have not yet been received. Commission members will visit the site individually. David Sorenson, 5 P Street, said a former Commission member had told him that it was not permissible to combine two small lots to make a larger buildable lot. Doug Muir suggested he speak with Gary Calderwood about the issue. Mr. Sorenson asked about a reference in the applicant to dredging and the filling of land. He was told that none is taking place; the language is boilerplate. Doug Muir moved to issue a continuance to December 1. Paul Healy seconded the motion. All voted in favor.

Steve Moore moved to close the public hearing. Paul Healy seconded the motion. All voted in favor.

6. Orders of Conditions

None

7. Enforcement

None

8. Other Business

• Informal Discussion on 166 Northern Boulevard

Joseph Spaulding said he is interested in purchasing a vacant lot on Plum Island and would like to know if the Commission would approved the construction of a one-story beach house on it. The lot is entirely vegetated and there is not any place for on-site mitigation. It is not clear that DEP would approve off-site mitigation. It is possible that beach grass might be planted near the Coast Guard station. Mr. Spaulding would be responsible to determining who owns the property and obtain permission for the planting. The installation of snow fencing to help rebuild the dune in this area could potentially be a part of the mitigation.

• Industrial Park Swale Maintenance

Robert Lake said his property, which is adjacent to Home Made Brand Foods, is being flooded. He said the problem began two years ago and believes it is caused either by the expansion at Home Made Brand Foods or by the company's discontinuation of mowing of the swales. The Commission will take action to fix a culvert and must decide on the function of the swales. They could either be for storm water conveyance or to provide habitat. Paul Healy said the original purpose of the swales was for flood control, but he is not sure now which of the swales are meant to move the water as quickly as possible and which are meant to slow it down. A study would allow the Commission to determine how the swales should function.

9. Adjournment

The meeting was adjourned at 9:40 p.m.