

Newburyport Conservation Commission
Minutes of the December 15, 2009 Meeting

1. Call to Order

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

2. Roll Call

In attendance were members Joe Teixeira, Mary Casey, Paul Healy and Steve Moore and conservation agent Mary Reilly.

3. Minutes

The approval of the minutes of the December 1, 2009 meeting was tabled until the January 5, 2010 meeting.

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

Robert Wheeler

5 LaValley Lane

Request for Certificate of Compliance

DEP File #051-0785

Tom Hughes appeared for the applicant. There are some deviations between the approved plans and the project as it was constructed. The retaining wall is longer than was proposed. A walkway to the house was installed that was not shown on the plans. Stairs were added to the deck at the rear of the structure and the deck is slightly larger than had been approved. The proposed perpetual conditions were reviewed. Steve Moore asked that a condition be added that prohibits yard waste from being dumped in the no disturbance zone. The money being held in escrow for the rain garden will be released. Mr. Hughes said that recent rain proved that the rain garden functions as it should and could be used as a model for other properties. Steve Moore moved to issue a Certificate of Compliance. Paul Healy seconded the motion. All voted in favor.

5. Public Hearings

Paul Healy 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

The applicant requested an extension. Paul Healy moved to grant an extension to January 5, 2010. Steve Moore seconded the motion. All voted in favor.

December 15, 2009

Tom Lawrence

12 L Street
Notice of Intent
DEP File #051-0836

The applicant requested an extension. Steve Moore moved to grant an extension to January 5, 2010. Mary Casey seconded the motion. All voted in favor.

MassDOT Highway Division

Whittier Bridge
Abbreviated Notice of Resource Area Delineation
DEP File #051-0838

Sarah Allen appeared for the applicant. A site visit took place on December 7. All of the resource areas were not staked, but Steve Moore commented that there is not a lot of vegetation and he is comfortable with the delineation. Ms. Allen said the salt marsh is well defined. Mary Casey moved to issue an Order of Resource Area Delineation. Steve Moore seconded the motion. All voted in favor.

Steve Moore moved to close the public hearings. Joe Teixeira seconded the motion. All voted in favor.

6. Enforcement

None

7. Orders of Conditions

None

8. Informal Discussions

Mass Audubon

Draft Proposal for Phragmites Control

Bill Gette discussed a plan to address the control of phragmites, pepperweed and Japanese knotweed that would involve working in cooperation with the Audubon Society's neighbors. Also in attendance was Sarah Jansen from Fish and Wildlife, Lou Wagner from Mass Audubon, wrote the proposal, and several of the neighbors. The project would not begin until next summer. The members of the Commission viewed the plan favorably. Paul Healy said when the Notice of Intent is filed a letter from each property owner should be a part of the application. Steve Moore said his only concern is that neighbors stay committed to the project and that they understand an Order of Conditions would be recorded on the deed of each homeowner. Mr. Gette said the next step in the process would be to approach all of the neighbors. The Notice of Intent should include a description of the chemicals to be used and a plan for ongoing maintenance.

Newburyport Parks Commission

Playground Structures at Sawyer Playground

Mary Reilly said she confirmed with DEP that the proposed footings would not be permitted on a dune. The playground equipment would have to be installed on pilings.

December 15, 2009

9. Other Business

Mary Reilly said she asked DEP about off-site mitigation and it does not appear that off-site mitigation is acceptable. The members of the Commission expressed discomfort with this policy, as it would prohibit some owners from building on their properties. Steve Moore said he is concerned about the maintenance of an off-site mitigation area. Applicants might be required to provide some replication on their own property as well as off site.

10. Adjournment

The meeting was adjourned at 9:15 p.m.

December 15, 2009