

Newburyport Conservation Commission

October 4, 2011

City Council Chambers

Minutes

1. Call to Order

A meeting of the Newburyport Conservation Commission was called to order by Chairman Joe Teixeira at 6:30 p.m.

2. Roll Call

In attendance were members Joe Teixeira, Steve Moore, Dan Warchol, Mary Casey, Paul Healy, Doug Muir and James O'Brien and Planning Director Andy Port.

3. Minutes

Steve Moore moved to approve the minutes of the September 20, 2011 meeting as amended. Mary Casey seconded the motion. The motion was unanimously approved.

4. General Business

182 Northern Boulevard

Joe Teixeira informed Warren Russo that the Commission granted him a two-year extension at the September 20 meeting. Mr. Russo said he had requested a three-year extension. He was told that a two-year extension is automatically granted under the Permit Extension Act. Paul Healy said the Commission would prefer the work be completed within two years, but he might request another extension if necessary.

Beach Access

Andy Port said a written document about the procedure for pulling up the gangway has not yet been prepared. He said there are mixed feelings about the involvement of the residents in the procedure and he would be discussing the issue with the Mayor. He said both he and DPS prefer that at least two residents have the ability remove the gangway.

17 Graf Road

Jim O'Brien distributed by email notes about the DEP site visit he attended. Andy Port said that while he has not received an update from DEP, he believes the agency's concerns were addressed at the site visit.

Virginia Lane Swale Restoration

Andy Port said the swale has been filled with vegetation and the culvert clogged by sediment, leading to problems with drainage. Residents have complained to the City about flooding in their driveway and garage. He said in 1996 the City voted to accept 40 streets in exchange for State reimbursement and therefore has some liability with regards to drainage. He said the swale was constructed in a way that would not be acceptable under today's standards. In addition, the house was not constructed in the location shown on the plans that had been approved by the Commission. The house was built at the same elevation as the swale. The City has agreed to perform work in the area with certain conditions. The abutters must give permission for the

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work, as the City does not own the land. The residents would be responsible for maintaining the vegetated areas and the City would maintain the channel through the middle of the swale. The City would also remove some invasive plant materials and replace them with wetland species. Mary Casey commented that the potential downstream impacts have not been studied. Doug Muir said the limits of the project should be determined before the easements are obtained. Andy Port said the work would take place in the spring, as the process is a lengthy one. A site visit will take place on Thursday, October 13 at 5:15 p.m.

5. Certificates of Compliance, Requests for Determinations, Requests for Minor Modifications

Norman Day, DLI, LLC

2 Perry Way

Request for Certificate of Compliance

DEP File #051-0852

Norman Day said the addition to the Charter School was built according to the plan that had been submitted to the Commission. Paul Healy moved to issue a Certificate of Compliance. Doug Muir seconded the motion. The motion was unanimously approved.

Donald and Joyce Marchand

13 67th Street

Request for Certificate of Compliance

DEP File #051-0808

Andy Port said he has not visited the site. An as-built plan has not been submitted. Jim O'Brien said the beach plums that were shown on the plan have not been installed. A site visit will take place on Wednesday, October 12 at 5:30 p.m. Dan Warchol moved to continue the request to October 18. Doug Muir seconded the motion. The motion was unanimously approved.

Pam and Brad Sturtevant

1 Quail Run Hollow

Request for Determination of Applicability

Andy Port said he visited the site. The Board of Health issued an emergency permit for the beaver dam on the grounds that the area floods on a regular basis. Joe Teixeira said the removal of the dam would not eliminate the flooding. The applicant is proposing to add 40 to 50 yards of loam and hydroseed the area. Mary Casey said it might be suggested to the applicant that it would be appropriate to add wetland species to the site. Dan Warchol moved to issue a Positive Determination due to the extent of the proposed work and its location in the resource area. Mary Casey seconded the motion. The motion was unanimously approved.

6. Public Hearings

7. Enforcement

None

8. Orders of Conditions

None

9. Other Business

Storey Avenue Zoning Change

Andy Port said the City Council would soon be considering a zoning change. The rezoning of two residential lots on Storey Avenue would make the additional of a CVS possible. The access to the store would be both on Storey Avenue and Low Street. As a part of the plan the developer would give the City 26 acres of land that is currently being farmed. Joe Teixeira said the land is at the headwaters of the Little River and asked Commission members to consider how this open space might be used.

Ordinance and Regulations

Andy Port distributed his revisions to the draft ordinance and regulations. He said he found some inconsistencies and redundancies between the two documents and sought to keep them as short and simple as possible. Fees will be handled on a separate schedule. Proposed changes included moving the 25-foot no-disturb zone from the ordinance to the regulations. Paul Healy said it must be stated that the ACO prevents waivers from being granted from the Plum Island performance standards. Doug Muir said the ordinance must be specific about what constitutes reasonable, as it would apply to costs and alternatives. Joe Teixeira asked Commission members to submit comments on the draft documents as soon as possible.

10. Adjournment

Steve Moore moved to adjourn the meeting at 8:45 p.m. Mary Casey seconded the motion. The motion was unanimously approved.