

Newburyport Conservation Commission

November 7, 2012
City Hall Auditorium
Minutes

1. Call to Order

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

2. Roll Call

In attendance were members Joe Teixeira, Paul Healy, Steve Moore, Dan Warchol, Mary Casey, Jim O'Brien and Doug Muir.

3. Minutes

Dan Warchol moved to approve the minutes of the October 16, 2012 meeting as amended. Mary Casey seconded the motion. The motion was unanimously approved.

4. New Business

Pat Dwyer

166 Northern Boulevard

Informal Discussion

Pat Dwyer, a real estate broker with Coldwell Banker, inquired about the process to receive a building permit for a .13 acre lot on Plum Island that is for sale. The property is on the list of buildable lots on the island. She was advised to contact a consultant about what would be allowable on the lot. It was also suggested that she meet with the Building Commissioner. She was told the ordinance requires structures to be at least two feet above grade and there be no net loss in the amount of beach grass on the property. Ms. Dwyer asked about replicating the beach grass on another site but was told this is something of which DEP does not approve.

5. Public Hearings

Dan Warchol moved to recess for the public hearings. Doug Muir seconded the motion. The motion was unanimously approved.

Ron L'Italien, Circle Finishing

19 Graf Road

Notice of Intent

Michael Seekamp appeared for the applicant and said the project would result in two temporary impacts to the wetlands. An electrical cable that runs between the solar array at the rear of the site and the inverter must be buried beneath the wet meadow. The intermittent stream would be crossed at its narrowest point to provide access to the rear of the site for the installation of the array. The contours of the site would be altered to provide the access but would be restored at the completion of the installation. The crossing has not been shown on the plans and must be added. The applicant intends to access the array from a neighboring site after the completion of the project providing there is not a valid easement on the property. Mr. Seekamp proposed that

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the wetlands be cut annually in the late fall of the to maintain the wet meadow. He said the project would not impact the 24-inch caliper tree on the site. Doug Muir said the location where the finger wetland is crossed must be indicated on the plan. Ron Martino, Jill Murphy and Mike Strauss spoke in support of the project. Doug Muir moved to close the public hearing. Mary Casey seconded the motion. The motion was unanimously approved.

John and Michelle Morris

203-205, 209 Water Street

Notice of Intent

Bill Decie appeared for the applicants, who are proposing to construct an addition between two existing structures and make improvements to a third structure. The property is located along the seawall adjacent to Joppa Park. Mr. Decie said the work is in the riverfront area and no other resource area would be impacted. No work is taking place beyond the seawall. Geotextile fabric will be placed along the wall before the construction begins. The addition would be constructed on pilings over concrete. The applicant is also proposing to install a bluestone patio. Paul Healy requested that the area where the garage door is to be cut be shown on the plans. Doug Muir moved to close the public hearing. Dan Warchol seconded the motion. The motion was unanimously approved.

Dan Warchol moved to close the public hearings and resume the meeting. Mary Casey seconded the motion. The motion was unanimously approved.

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

Merrimac Ale House

40 Merrimac Street

Request for Determination of Applicability

The applicant did not appear. Doug Muir moved to issue a Negative 3 Determination with the conditions that the project is in compliance with the building code and appropriate erosion control is installed. Mary Casey seconded the motion. The motion was unanimously approved.

Jeffrey Snow

2 74th Street

Request for Minor Modification

The applicant did not appear. Steve Moore moved to continue the request to the November 20 meeting. Doug Muir seconded the motion. The motion was unanimously approved.

7. Other Business

At the October 16 meeting Julia Godtfredsen said that Geordie Vining suggested a subcommittee be formed to explore the creation of a downtown zone that might be exempted from the ordinance. Mary Casey commented that the Commission should review all project in the jurisdictional area, just as was done for the Merrimac Ale House. The Commission members would like to receive a specific proposal from the Planning Department before the topic is further discussed. The possible formation of a subcommittee would be discussed after the proposal has been reviewed.

8. Orders of Conditions

Ron L'Italien, Circle Finishing

19 Graf Road

Steve Moore moved to issue an Order of Conditions with the special conditions that the location of the crossing of the wetland finger is indicated on the plans, the wet meadow is mowed annually, the restoration area is planted with a standard wetland seed mix, the 24-inch tree is not disturbed during construction and a mitigation plan is submitted for the wetlands at 17 Graf Road before that property is used for access to the array. Mary Casey seconded the motion. The motion was unanimously approved.

John and Michelle Morris

203-205, 209 Water Street

Steve Moore moved to issue an Order of Conditions with the special conditions that geotextile or construction fencing is added along the seawall at a height of three feet above the seawall to prevent construction debris from falling into the wetland and the perimeter of the adjacent wetland and rip rap area is to be physically inspected at the end of each work day and any construction debris is to be removed. Doug Muir seconded the motion. The motion was unanimously approved.

9. Adjournment

Paul Healy moved to adjourn the meeting at 8:00 p.m. Mary Casey seconded the motion. The motion was unanimously approved.