

Newburyport Conservation Commission
Minutes of the January 4, 2011 Meeting

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, Paul Healy, Steve Moore, Dan Warchol, Jannell Zarba, Doug Muir and Mary Casey and Conservation Agent Mary Reilly.

3. Minutes

Paul Healy moved to approve the minutes of the November 4, 2010 meeting as submitted. Doug Muir seconded the motion. The motion was unanimously approved. The approval of the minutes of the December 21, 2010 meeting was deferred.

4. Ratification of Emergency Certification on Plum Island

An Emergency Certification was issued on December 23 for the placement of coir bags and sand on Plum Island. Tim Tracy described the work, which is beginning at the Hermani property and then extending out to each side. The crew is working every day but is thin and it is not known when the work will be completed. Eddie Ziolkowski, 8 Grant Street, expressed concern about equipment breaking down the primary dune and parked cars damaging the beach grass. He said he would not want work done to save some houses jeopardizing others. He is concerned that an upcoming storm will cause water to wash over the dune. Mary Reilly said the disturbance to the dune is to be repaired but this has not yet been done because additional work is taking place. It is possible the parking problems were an isolated event caused the warm weather on the holiday weekend. Paul Healy moved to ratify the Emergency Certification. Steve Moore seconded the motion. The motion was unanimously approved.

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

Karen Lee

5 Basin Street

Request for Certificate of Compliance

DEP File #051-0660

Bill Decie appeared for the applicant. An Order of Conditions had been issued for the replacement of an existing bulkhead but the work was not done. Some of the boards on the bulkhead were repaired under Chapter 91. Paul Healy moved to issue a Certificate of Compliance, as the work was not done. Steve Moore seconded the motion. The motion was unanimously approved.

Doug Muir moved to recess the meeting and open the public hearings. Mary Casey seconded the motion. The motion was unanimously approved.

6. Public Hearings

January 4, 2011

Paul Colby, Superintendent of Water Operations

7 Spring Land and Goldsmith Drive

Notice of Intent

DEP File #051-0857

Doug Gove and Lisa Pietro from AECOM presented the plans that were revised based on comments made at the site visit and by DPS. The storm water detention basin was relocated so that it is more than 50 feet from the drinking water supply. Trees and shrubs are being added in a mitigation plan to offset the removal of trees in the buffer zone. A section showing the relationship between the clearwell and the grading was presented. Doug Muir moved to close the public hearing. Mary Casey seconded the motion. The motion was unanimously approved.

Tim Tracy

28 53rd Street and Multiple Lots

Notice of Intent

Comments have not yet been received from either DEP or Natural Heritage. The Notice of Intent is for work that has been done to place the haybales on Plum Island and cover them with sand. It is not for any future work, as had been originally intended. Future work is to be covered under a separate NOI because the work is below the mean high tide line and will trigger the need for permits by other agencies. Paul Healy asked that the names and addresses of the involved owners be added to the cover page and the name of the company that did the work to be listed under the scope of work. Tim Tracy said the haybales did their job and protected the dunes, but they did not last very long because the storm on December 26 brought unusually high tides. The next NOI will be for the installation of coir bags and should include a three-year maintenance plan. It will also include plans for the planting of dune grass and the installation of fencing. Paul Healy said the entire maintenance section of the scope of work for the current NOI should be removed as it is only for work that has been done. He also said the Commission should not be the party responsible for determining when the dune is stable and the words "not sacrificial" should be removed from the narrative. Steve Moore asked that the next NOI include details on how the ends of the coir bags are to be tied into the dune. One of the neighbors, Mitch Maslanka, does not intend to install the coir bags and participate in the next NOI. A condition will be added to that NOI allowing him to maintain the hay bales. Paul Healy asked that a revised copy of the narrative be submitted. Steve Moore moved to continue the public hearing. Doug Muir seconded the motion. The motion was unanimously approved.

Steve Moore moved to close the public hearings. Paul Healy seconded the motion. The motion was unanimously approved.

7. Crow Lane Landfill

Joe Teixeira recused himself from the discussion. Mary Reilly said the City Council must grant permission for the use of the compost facility lot for the replication area. This will be on the agenda for the next meeting. Steve Moore said that fill has covered the erosion control at the far end and this must be repaired. Also, a pipe at the western end is leaking a liquid that perhaps comes under the berm from the landfill.

8. Enforcement

None

9. Orders of Conditions

Paul Colby, Superintendent of Water Operations

7 Spring Land and Goldsmith Drive

Notice of Intent

DEP File #051-0857

Mary Reilly distributes a draft Order of Conditions. Conditions will be added that the erosion control must be of biodegradable materials, the erosion control must be maintained and inspected after storms and the plant materials will be monitored for two growing seasons. Paul Healy moved to approve the Order of Conditions with the special conditions as discussed. Steve Moore seconded the motion. The motion was unanimously approved.

10. Other Business

Joe Teixeira said a bank is foreclosing on two properties, presenting a prime opportunity for obtaining open space for the city. Mary Harbaugh plans to speak with Essex County Greenbelt about the Rockledge Realty property, which is landlocked. Joe said he hopes CPA money might be used for the Oleo Trust property. He will write a draft letter of support to the mayor for the acquisition of the available property and circulate it for discussion at the next meeting.

Mary Reilly said the applicant for Notice of Intent at 28 53rd Street and Multiple Lots has requested that the city portion of the filing fee be waived. She said she has spent a significant portion of her time on the effort to protect the houses on the island and waiving the fee would set a bad precedent. In addition, the fee is a part of the statute and waiving it might not be possible. Dan Warchol moved to deny the waiver. Steve Moore seconded the motion. The motion was unanimously approved.

11. Adjournment

Paul Healy moved to adjourn the meeting at 9:15 p.m. Steve Moore seconded the motion. The motion was unanimously approved.