

Newburyport Conservation Commission

March 1, 2011
Council Chambers

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, Doug Muir, Mary Casey and Jannell Zarba and Conservation Agent Mary Reilly.

3. Minutes

Steve Moore moved to approve the minutes of the February 15, 2011 meeting. Paul Healy seconded the motion. The motion was unanimously approved.

Paul Healy moved to approve a payment of \$109.56 to Mary Reilly for mileage from July 1, 2010 through February 28, 2011. Dan Warchol seconded the motion. The motion was unanimously approved.

4. General Business

• City Charter Discussion

Joe Teixeira thanked the Commission members who attended the City Charter meeting. The items that were of concern to him were either removed or amended.

• New Ordinance and Regulations Final Draft Review

Members conducted a page-by-page review of the draft ordinance and regulations. Mary Reilly will incorporate the final changes into the documents. The ordinance and regulations will be sent to the Mayor and Planning Director and, after their comments have been received, to the Attorney General's office for review. Mary Reilly will prepare a summary of the changes. Public support will be sought when the matter is to go before the City Council subcommittee and a Power Point presentation will be prepared for that meeting.

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

None

Paul Healy moved to recess the meeting and open the public hearings. Steve Moore seconded the motion. The motion was unanimously approved.

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6. Public Hearings

William Byrnes

11 66th Street

DEP File #051-0861

Bob Watt appeared for the applicant. DEP issued a file number but did not have any comments. The applicant submitted a plan showing the elevation views. The plans for the access to the site were changed in response to the abutter's concern. The amendment does not result in any change to the amount of impact. An area was indicated on the plan where native shrubs would be planted at the conclusion of the work. Mary Reilly said that adding topsoil for a planting bed is not permitted. Rich McCoy, 20 Overlook Street, asked about the proximity of the deck to the road and was told the distance is four feet. Paul Healy asked about the likelihood of beach grass surviving in this area. Bob Watt said he would plant a sturdier species in the area. He will attend a meeting upon the completion of the project to discuss the appropriate species. Paul Healy moved to close the public hearing. Steve Moore seconded the motion. The motion was unanimously approved.

Tim Tracy

28 53rd Street and Multiple Lots

Notice of Intent

DEP File #051-0860

Tim Tracy said the amended narrative was sent electronically to Mary Reilly late in the day. She had not received it by the time of the meeting. Tim Tracy distributed an aerial photograph with the location of the haybales and coir bags superimposed on it. He explained that the ends of the coir bags are angled outwards as requested by DEP. He also said the "escaped" haybales would not be reused at this time. He said he received an email from Allison Heartquist stating Mary Reilly said the haybales could be stored at the parking lot at Plum Island Point. Mary Reilly said she did not speak with Ms. Heartquist and would have to look further into the matter. Commission members had concerns about the storage of the haybales and Mr. Tracy said they would be taken off of the island. Jannell Zarba said she observed some debris by the snow fencing on Mr. Tracy's property. He said he would take care of it. Commission members reviewed the list of comments issued by Mary Reilly to Bob Connors and Tim Tracy on February 15. The updated narrative will be sent to Natural Heritage and DEP after any comments from tonight's meeting have been incorporated. Natural Heritage had determined that additional information was needed before it would be able to complete its review. Mary Reilly said the Commission would not be able to issue an Order of Conditions until Natural Heritage is satisfied with the scope of work. The applicant has not yet determined what permits would be required by other agencies. The Emergency Certification will expire on March 17. Steve Moore moved to continue the public hearing to March 15. Dan Warchol seconded the motion. The motion was unanimously approved.

7. Crow Lane Landfill Status

Joe Teixeira recused himself from the discussion. The use of City land for the restoration/replication area has not yet been put on the City Council agenda. The Mayor said

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that New Ventures could not use the land because it has unpaid taxes. Jannell Zarba will draft a letter to the Mayor stating the restoration/replication is beneficial to the City and urging her to allow the use of the City land.

8. Enforcement

None

9. Orders of Conditions

William Byrnes

11 66th Street

DEP File #051-0861

Mary Reilly distributed a draft list of standard and special conditions for the project. Paul Healy moved to issue an Order of Conditions. Steve Moore seconded the motion. The motion was approved. (Teixeira: yes, Healy: yes, Moore: yes, Warchol: abstain, Muir: yes, Casey: yes, Zarba: yes.)

10. Other Business

Mary Reilly said the Oleo Realty Trust property had been sold. The new owner is planning a smaller development for the site. Steve Moore said he had not been comfortable with the way in which the wetlands had been delineated.

11. Adjournment

Paul Healy moved to adjourn the meeting at 8:55 p.m. Steve Moore seconded the motion. The motion was unanimously approved.