

## **Newburyport Conservation Commission**

April 5, 2011

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

### **3. Minutes**

Doug Muir moved to approve the minutes of the March 15, 2011 meeting as amended. Dan Warchol seconded the motion. The motion was unanimously approved.

### **4. General Business**

#### **• New Ordinance and Regulations Status**

Mary Reilly said MACC is no longer conducting reviews. Andy Port is in the process of reviewing the documents.

#### **• Crow Lane Landfill**

Donna Holaday said a meeting with New Ventures would be held on Thursday, April 14 at 7:00 p.m. She reported on the new developments at the landfill including that New Ventures has paid the past due taxes, is putting in a new extraction system and is going to begin blasting. Steve Moore said water is running off of the liner and should be redirected. He said he would like an enforcement order to be issued. Mayor Holaday requested a written statement about erosion control be provided that could be forwarded to DEP. Steve Moore said he is not in favor of trees being cut to accommodate a recycling center. A 200' no disturb zone would be required around the vernal pool under the new ordinance.

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

#### **Manuel and Georgia Papanickolas**

6 79<sup>th</sup> Street

Request for Determination of Applicability

Rick Cole appeared for the applicant, who is proposing to replace the roof and enclose a stairway in order that a stair lift might be installed. Mary Reilly said the project is straightforward.

Existing footings will be used to enclose the stairway and there is no significant vegetation that would be disturbed. The applicant is also planning to remove the asphalt paving in the driveway and will replace it with clamshells. Mary Reilly said the asphalt must be taken off of the island and disposed of properly. Paul Healy moved to issue a Negative 2 Determination with the condition for the disposal of the asphalt that was discussed. Doug Muir seconded the motion. The motion was unanimously approved.

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**Aronosian Oil**

1-95/Merrimack River

Request for Determination of Applicability

Cedwyn Morgan of Hydro-Environmental Technologies appeared for the applicant. The project involves the restoration of vegetation that was damaged when a tanker truck overturned and spilled gasoline. Cordgrass plugs are to be planted in two salt marsh areas along the Merrimack River. Soil samples continue to be taken in the area. Steve Moore moved to issue a Negative 2 Determination with the condition that the Commission receives copies of the monitoring reports indicating the survivorship of the plantings. Paul Healy seconded the motion. The motion was unanimously approved.

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

**6. Public Hearings**

**Lisa Breton**

11 55<sup>th</sup> Street

Notice of Intent

DEP File #051-0862

Bob Watt appeared for the applicant, who is proposing to add a second story to an existing three-bedroom house. A new stairway and deck are also to be added. A three-season porch and deck are to be removed. The total impact would be reduced by 168 square feet. The house has a concrete block foundation. Mr. Watt submitted a letter from an engineer that stated the foundation would support the proposed addition. Mary Reilly said the lot is well vegetated. Steve Moore recommended that native shrubs be added to the site. DEP commented that if a structure is to be substantially improved, it must be placed on pilings. The Building Commissioner would be responsible for making this determination. Mary Casey moved to close the public hearing. Doug Muir seconded the motion. The motion was unanimously approved.

**Bud Jerrett**

17 Graf Road

Notice of Intent

DEP File #051-0864

The application requested a continuance. Paul Healy moved to grant a continuation to April 19. Dan Warchol seconded the motion. The motion was unanimously approved.

**Chris Skiba, Newburyport Development**

Browns Wharf

Notice of Intent

DEP File #051-0863

Dan Trafford from Enpro appeared for the applicant, who is proposing to remove two underground 5,000-gallon gasoline storage tanks and one underground 10,000-gallon slurry-filled storage tank from Hilton's Marina. The tanks would be pumped and cleaned and the holes back filled and covered with crushed stone. DEP is requiring that the two gasoline storage tanks

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be removed by June 1. There is no a requirement to remove the slurry-filled tank. Bill Harris spoke on behalf of the Newburyport Chapter 91 Citizens' Committee and distributed a letter dated April 5 from that group addressed to the Commission. Mr. Harris said the group wants there to be proper site monitoring and testing, along with the concurrent filing of a Chapter 91 application in order that the public rights of access are protected. He said the group is concerned the project is being segmented in order to avoid Chapter 91 licensing requirements. He said an engineer, John Connolly, had determined that tanks are too close to the bulkhead and are a too much of hazard to the integrity of the bulkhead to remove. Dan Trafford said the removal of tanks is being timed so that it does not impede the public's access to the waterfront. He said he has also consulted with John Connolly, who said there is a double bulkhead that would not be damaged by the work. Mary Casey said if an existing Chapter 91 license is in place it could be modified to allow the work. Andy Port suggested that the Chapter 91 division of DEP be contacted because it might not be aware of work that was ordered by a different division of the same agency. Mary Reilly recommended that an engineer be asked to provide a report on the structural integrity of the bulkhead. Dan Warchol moved to continue the public hearing to April 19. Doug Muir seconded the motion. The motion was unanimously approved.

**Tim Tracy**

28 53<sup>rd</sup> Street and Multiple Lots

Notice of Intent

DEP File #051-0860

The applicant requested a continuance. Responses have not yet been received from Natural Heritage or with regards to a Chapter 91 license. Dan Warchol moved to grant a continuation to May 3. Joe Teixeira seconded the motion. The motion was unanimously approved.

Steve Moore moved to close the public hearings. Dan Warchol seconded the motion. The motion was unanimously approved.

**7. Enforcement**

None

**8. Orders of Conditions**

**Lisa Breton**

11 55<sup>th</sup> Street

Notice of Intent

DEP File #051-0862

Doug Muir moved to issue an Order of Conditions with the conditions that the replication area is planted in the fall of 2011, debris is taken off of the island and disposed of properly and a plan showing the existing lally columns is received before work begins. Steve Moore seconded the motion. The motion was unanimously approved.

**9. Other Business**

Site visits to the Oleo Woods Subdivision and 17 Graf Road will take place on Wednesday, April 13.

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Dan Warchol moved to elect Steve Moore to the position of vice chair. Mary Casey seconded the motion. The motion was unanimously approved.

Mary Reilly said the amount she requested on March 1 for reimbursement for mileage was not correct. Paul Healy moved to reimburse Mary Reilly for an additional \$60.38 for mileage from July 1, 2010 through February 28, 2011. Doug Muir seconded the motion. The motion was unanimously approved.

**10. Adjournment**

Steve Moore moved to adjourn the meeting at 9:30 p.m. Dan Warchol seconded the motion. The motion was unanimously approved.