

## **Newburyport Conservation Commission**

August 21, 2012  
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, Paul Healy, Steve Moore, Jim O'Brien and Doug Muir. Conservation Administrator Julia Godtfredsen was also in attendance.

### **3. Minutes**

Paul Healy moved to approve the minutes of the August 7, 2012 meeting as amended. Doug Muir seconded the motion. The motion was unanimously approved.

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

Warren Russo

182 Northern Boulevard

Request for Certificates of Compliance

DEP File #051-0774 and #051-0804

At the June 19 meeting the Commission issued an Order of Conditions for a three-car garage with the special condition that the Certificates of Compliance for two previous permits be issued prior to the commencement of the work. The Orders of Conditions for the previous permits have not lapsed. Some work was done under the previous permits and this work has been incorporated into the new application. Tom Hughes requested that the previous permits be certified as invalid. It will be noted on the Certificates of Compliance that the work under the permits had begun and DEP File #051-0883 supercedes the previous applications. Paul Healy moved to issue Certificates of Compliance for DEP File #051-0774 and #051-0804. Steve Moore seconded the motion. The motion was unanimously approved.

### **5. Public Hearings**

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

### **Newburyport Business Park Association**

Swale Maintenance

Notice of Intent

DEP File #051-0882

Ralph Castagna said that after the Commission visited the business park he prepared a supplement to the Notice of Intent. He presented an overview of the 11 areas where swales, drainage easements and culverts would be cleaned or repaired in the first phase of the project.

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The supplement included general information for a second phase of work, which will be deleted, as the Order of Conditions would be issued for the first phase only. An amendment would be required for any additional work. The application is a joint one between the Newburyport Business Park Association and the Newburyport Department of Public Services because many swales straddle public and private property, although the breakdown of responsibilities has not yet been determined. The DPS might be able to assist the Business Park Association in obtaining grants to more completely address the storm water issues in the future.

Paul Healy asked if the proposed actions might negatively impact downstream businesses because the velocity of water would be increased in the newly cleaned swales. Julia Godtfredsen said the cleaning of the swales should have been taking place all along and the work has been neglected. Joe Teixeira said FEMA and MEMA have been concerned in the past about the impact of water flowing downstream to Newbury and a Little River Basin hydrology study would be needed to determine where the flow of the water might be slowed. Bill Decie suggested that the detention basin might be raised so that it might hold more water.

Bill Decie said the phragmites in the swales might be controlled with annual cutting but their elimination would not be possible without the excavation of the roots. The plan includes the removal of six to eight inches of material from the swales, which is not enough to remove all of the roots. DEP has indicated that the swales might be excavated to their original grades, but excavation would not be permitted below native soils.

A description of the method for cleaning the swales must be included with the application. The swale is not to be lower than the outlet invert elevation. The application should also include information on the equipment to be used and the method for the disposal of the removed material. Joe Teixeira asked that the map be submitted as a PDF and the locations of the 11 areas of work be indicated on it. He suggested that a bagged mower be used or the swales raked after mowing so that the material does not clog the swales.

Paul Healy moved to continue the public hearing to September 4. Steve Moore seconded the motion. The motion was unanimously approved.

### **Newburyport Wetlands Protection Regulations**

Commission members reviewed comments made by Tom Hughes and incorporated some of the suggested changes into the regulations. It was decided that the Commission might require one-foot contour intervals at its discretion in areas such as the industrial park where the additional information might be necessary, but for most applications two-foot contour intervals would be adequate. In the AO and V zones, sheds must be located a minimum of two feet above grade. Sheds may be located one foot above grade outside of these zones. All sheds are to be anchored to the ground.

Doug Muir moved to close the public hearing. Steve Moore seconded the motion. The motion was unanimously approved. Doug Muir moved to adopt the regulations with the changes discussed. Steve Moore seconded the motion. The motion was unanimously approved.

### **6. Adjournment**

Steve Moore moved to adjourn the meeting at 8:15 p.m. Jim O'Brien seconded the motion. The motion was unanimously approved.