

Newburyport Conservation Commission

August 4, 2015

City Council Hall Auditorium

Minutes

1. Call to Order

Chair Joe Teixeira called a meeting of the Newburyport Conservation Commission to order at 6:45 p.m.

2. Roll Call

In attendance were members Joe Teixeira, David Vine, Dan Warchol, Paul Healy, Doug Muir and Dan Bourdeau.

3. Minutes

Doug Muir moved to approve the minutes of the July 21, 2015 meeting as submitted. David Vine seconded the motion. The motion was unanimously approved.

4. Old and New Business

223 High Street Conservation Restriction

As a part of the special permit process with the Planning Board, the developer at 223 High Street is to donate a portion of the rear of the property to the City. A conservation easement is to be placed on the wooded slope between the development and the new playing fields being constructed at the Nock Middle School. The Planning Department requested that the Conservation Commission hold the restriction. The Commission members asked that Andy Port attend the meeting to clarify the roll of the Commission in the monitoring and enforcement of the restriction. Mr. Port said the Commission would be responsible for enforcing the restriction. He asked the members to vote to authorize the chair to sign the document.

Doug Muir pointed out the restriction has not yet been completed. The metes and bounds have not yet been provided. The description of scenic resources is to be struck from the document. Baseline documentation, including current photographs of existing conditions and a survey, must be included in order for the Commission to be able to monitor the restriction. The owner has a reserved right for composting. The Commission members requested that the composting area be defined on the plan. They also requested that the owner deposit \$5,000 into a monitoring fund.

The restriction as originally presented to the Planning Board was to extend for 99 years. The City does not wish to delay the approval process by revising the restriction at this time, but intends to pursue a permanent restriction in the future. Doug Muir said he would like a permanent restriction to be submitted to the State now, as he does not believe this would cause a delay.

The Commission members decided they do not wish to authorize the chair to sign the restriction at this time due to the number of unresolved issues. Mr. Port will make the developer aware of their concerns and will report to the Commission at the August 18 meeting.

Aerial Photography for Plum Island

The Commission members are interested in tracking changes to Plum Island through aerial photography. David Vine will discuss the issue at the next meeting of the Merrimack River

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Beach Alliance. The Alliance has had photographs taken of the island from a plane after storms. Joe Teixeira will contact the storm surge group, which has arranged for images to be taken by a drone. The photographs from a plane have the advantage of being taken from a higher altitude, but the drone might provide more useful information because a consistent pattern could be followed. The members must decide how much they would be willing to spend on the images and how they might use the information.

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

Balmoral Development, LLC

17 J Street

Request for Minor Modification

DEP File #051-0921

Tom Hughes represented the applicant. He said it was found the owner did not have clear title to sell the entire property. The property line was moved to permit the sale of the house. The shed must be moved from its original location because it would now straddle the property. In addition the location of air conditioning units and propane tanks were not a part of the original proposal. In its new location, a portion of the shed would encroach on the proposed planting area. The sonotubes for the existing shed would be removed and the area would be planted, resulting in a minimal net change of impact. The original amount of impact was 714 square feet and the proposed planting area was to be 1,111 square feet. Dan Warchol moved to approve the minor modification. Doug Muir seconded the motion. The motion was unanimously approved.

6. Public Hearings

None

7. Orders of Conditions

None

8. Enforcement

None

9. Other Business

Business Park Swale Guidelines

Julia Godtfredsen will be asked to draft a swale maintenance policy. All property owners might be required to file an RDA before maintaining their swales, which would provide with them guidelines for future activity. The swales that are connected to wetlands must be distinguished from those created that were created as drainage swales when the industrial park was developed.

9. Adjournment

Doug Muir moved to adjourn the meeting at 9:30 p.m. Dan Warchol seconded the motion. The motion was unanimously approved. The next meeting of the Conservation Commission is scheduled for August 18, 2015.