

Newburyport Conservation Commission

September 24, 2013

City Council Chambers

Minutes

1. Call to Order

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

2. Roll Call

In attendance were members Joe Teixeira, Dan Warchol, Steve Moore, Paul Healy, Jim O'Brien and Doug Muir. Also in attendance was Julia Godtfredsen.

3. Minutes

Paul Healy moved to approve of the minutes of the September 3 meeting as amended. Steve Moore seconded the motion. The motion was unanimously approved.

4. General Business

Land Subject to Coastal Storm Flowage

The meeting scheduled for a discussion by relevant City department heads of sea level rise and its possible effects on Newburyport was postponed so members of the Building Department might be able to attend. Bill Sargent, who has written books on sea level rise, is scheduled to give a talk on October 9 at the Newburyport Public Library.

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

Joan Danglemaier

2 Savory Street

Correction to Certificate of Compliance

The discussion was tabled, as the applicant has not yet submitted the necessary materials.

Jennifer Cookke

17 Barker Street

Request for Determination of Applicability

Brett Emery of Emery Construction Corp. appeared for the applicant, who is proposing to remove an asphalt driveway. He said equipment used to respond to a fire in the structure damaged the pavement. The damage to the house was confined to its interior and no modifications to the exterior were necessary. The size of the driveway will remain the same. Filter fabric and washed peastone will be installed and the perimeter of the driveway will be lined with cobblestones. Paul Healy moved to issue a Negative 3 Determination with the conditions that all asphalt shall be removed and disposed of properly and no more than the minimum amount of sand shall be removed during the process. Steve Moore seconded the motion. The motion was unanimously approved.

Newburyport Conservation Commission
September 24, 2013

Thomas M. Melaragni

3 Kate Street

Request for Minor Modification

DEP #051-0786

An Order of Conditions had been issued to the previous owner of the property. The applicant, the new owner, found that different sets of plans had been submitted to the Commission and the ZBA. The plans that were submitted to the Commission included a pool on a second floor deck that the applicant does not wish to install. He has requested that the plans that were approved by the ZBA replace those in the Commission's file. Doug Muir moved to approve the minor modification. Steve Moore seconded the motion. The motion was unanimously approved.

Kairos Environmental, Inc.

526 Merrimac Street

Request for Certificate of Compliance

DEP File #051-0890

Bill Decie appeared for the applicant and said the only deviation from the approved plans was the configuration of the floats. A float that had been removed from the water and left on the shore has now been removed. Paul Healy moved to issue a Certificate of Compliance. Steve Moore seconded the motion. The motion was unanimously approved.

Strem Chemical

6 Mulliken Way

Minor Modification to RDA

Eric Botterman appeared for the applicant. A new architect has made changes to the plan and some of the pad locations have been changed. The change results in a decrease in the amount of coverage on the site. Steve Moore moved to approve the minor modification. Doug Muir seconded the motion. The motion was unanimously approved.

Warren Russo

182 Northern Boulevard

Request for Minor Modification

DEP File #051-0883

Tom Hughes appeared for the applicant. Mr. Russo wishes to reduce the size of the approved garage from 24' x 36' to 24' x 30' and not make the planned reduction to the size of the existing deck. The change would result in a net reduction in lot coverage of 64 square feet. Mr. Hughes requested that the changes be documented through the as-built plans. He must indicate the changes in a more detailed way on a copy of the previously submitted plan and sign and date the document. Dan Warchol moved to approve the Minor Modification contingent on the receipt of the detailed plan. Steve Moore seconded the motion. The motion was unanimously approved.

David Lager

47 Harbor Street

Request for Modification to RDA

The applicant has requested to modify the RDA for the repair of a seawall but did not attend the meeting. Julia Godtfredsen said the rotted boards at the base of the seawall must be replaced. It

Newburyport Conservation Commission
September 24, 2013

would not be possible to remove the necessary amount of rock by hand to gain the necessary access the area. The applicant wishes to remove the rocks with an excavator and return them to their original location after the boards have been replaced. More information is needed on the excavator and the access and storage areas. The work would considerably change the scope of the project and a Notice of Intent might now be necessary. The applicant will be asked to attend a next meeting to discuss the project. Doug Muir moved to continue the request to October 1. Steve Moore seconded the motion. The motion was unanimously approved.

6. Public Hearings

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

William Ring, Jr.

9 78th Street

Notice of Intent

The applicant is proposing to remove two existing sheds and replace them with a combination garage and storage shed. The structure would be placed on pilings two feet above grade. The ramp would be stored in the garage. The amount of lot coverage would be increased by 64 square feet. Beach grass would be planted in all bare areas plus the areas where brick and the sheds are to be removed. The applicant must indicate the locations where the beach grass would be planted on the plan. A DEP file number has not yet been received. Steve Moore moved to continue the public hearing to October 1. Doug Muir seconded the motion. The motion was unanimously approved.

Verne Ellis and Susan Stonee

10 77th Street

Notice of Intent

DEP File #051-9000

Tom Hughes appeared for the applicants, whom he said wish to focus their attention at the present time on the structure and not the landscaping. He said the applicants would like the permit to include the option of adding edging along the patios and walkways and supplementing the screening with plant materials from an approved list. The mitigation plant materials are to be installed and would not be included with the optional work. Steve Moore moved to close the public hearing. Dan Warchol seconded the motion. The motion was unanimously approved.

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

7. Orders of Conditions

Verne Ellis and Susan Stonee

10 77th Street

Notice of Intent

DEP File #051-9000

Doug Muir moved to issue an Order of Conditions. Steve Moore seconded the motion. The motion was unanimously approved.

8. Enforcement

Stephen Richards

1 Shandel Drive

Julia Godfredsen said the property owner has not been responsive to her requests to provide a planting plan. She said a restoration plan had been submitted in response to a Notice of Violation but property owner did not follow through with the work. Instead different plant materials were installed. The wetland seed mix did not take and the phragmites have taken over the site. The Commission members signed an Enforcement Order that requires a Notice of Intent for the restoration of the native materials and the removal of invasive species is filed by November 1. The property owner will be notified the Commission has the authority to fine him up to \$300 per day beginning November 2.

9. General Business

The November 5 meeting will be rescheduled to November 12 due to the election.

10. Adjournment

Paul Healy moved to adjourn the meeting at 8:20 p.m. Steve Moore seconded the motion. The motion was unanimously approved.