

Newburyport Conservation Commission

September 6, 2011
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, Dan Warchol, Paul Healy, Doug Muir and James O'Brien and Planning Director Andy Port.

3. Minutes

Paul Healy moved to approve the minutes of the August 16, 2011 meeting as submitted. Dan Warchol seconded the motion. The motion was approved with Doug Muir abstaining.

4. General Business

Mayor's Proposal for a Single Conservation Agent

Joe Teixeira said there was nothing new to report on the issue.

Plum Island Beach Access

Joe Teixeira said he met with Mayor Holaday about the significant rocks that were contained in the sand that was delivered to Plum Island. Red Hartnett has now begun sifting the sand. Andy Port said the wooden walkways would be installed in three to four weeks, with the installation of the gangway occurring at a later date.

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

City of Newburyport

Harborwalk

Request for Certificate of Compliance

DEP File # 051-0790

Andy Port said the extension of the Harborwalk between Cashman Park and the Route 1 Bridge is complete and the vegetation has become established. Doug Muir moved to issue a Certificate of Compliance. Paul Healy seconded the motion. The motion was unanimously approved.

Thomas Litle

6 Bayne Lane

Minor Change to Order of Conditions

DEP File #051-0868

Verne Fisher appeared for the applicant, who wishes to change the location of the pool and the fence. The pool would be moved ten feet forward, increasing its distance from the large rock, the tree and the wetland. The grass would be removed from the hillside and the area would be planted with native shrubs. The fence would be moved to the perimeter of the property. Paul Healy moved to accept the minor modification as shown on the plans dated September 2. Jim

O'Brien seconded the motion. The motion was unanimously approved.

Arwood Machine

95 Parker Street

Request for Certificate of Compliance

DEP File #051-0412

Bill Decie appeared for the applicant, who discovered after purchasing the property that an Order of Conditions was outstanding. Andy Port visited the site and said the work appears to comply with the plan of record. Paul Healy moved to issue a Certificate of Compliance. Doug Muir seconded the motion. The motion was unanimously approved.

Joan Dangelmaier

2 Savory Street

Request for Certificate of Compliance

DEP File #051-0817

Bill Decie appeared for the applicant. At the March 3, 2009 meeting the Commission issued an Order of Conditions with the special condition that a plan stamped by a professional engineer is submitted upon the completion of the work. The two floats have been installed and the as-built plan has been submitted. Paul Healy moved to issue a Certificate of Compliance. Doug Muir seconded the motion. The motion was unanimously approved.

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

6. Public Hearings

Michael Arcidi, Port Associates Limited Partnership

4-6 Hale Street

Request for Minor Modification

DEP File #051-0867

Tom Hughes appeared for the applicant. DEP visited the site after issuing a Superceding Order of Conditions. The agency required that there be additional pre-treatment devices for the TSS removal and two small check dams were added as a result. DEP also determined that conditions #39-40 pertaining to the invasive species management plan be removed from the Order of Conditions on the grounds that the work should be handled under a separate Notice of Intent. Mr. Hughes said DEP has approved the revised engineering plan and would withdraw its appeal if the conditions were removed. He said the applicant would not go forward with the plan to control the invasive species but the project still includes a 2:1 replication for wetland impacts and the applicant is providing a substantial mitigation package beyond typical measures. Andy Port said the removal of the invasive species management plan would have provided for an improved resource area and its elimination results in a reduction in the benefit of the project. Cynthia Welch-Philippino, 14 Coltin Drive, asked how the vegetation that buffers her property would be handled. Mr. Hughes explained the applicant would not be taking any measures to control the invasive species. Joe Linehan, 13 Coltin Drive, asked about areas for holding storm water and possible mosquito breeding. Steve Sawyer said the storm water is being held in multiple areas that are designed to drain dry. He said the plan would result in a significant

improvement over the existing conditions. Doug Muir moved to approve the minor modification. Paul Healy seconded the motion. The motion was unanimously approved.

7. Certificates of Compliance, Requests for Determinations, Requests for Minor Modifications Continued

New Ventures Associates, LLC

Crow Lane Landfill

Request for Approval of Wetlands Restoration and Replication Plan

Joe Teixeira recused himself from the discussion. Mary Rimmer asked the Commission to submit a letter to DEP indicating it approves of the restoration and replication plan or otherwise commenting on it. Andy Port said all access should be made along the drive unless approval has otherwise been received. He would like the work to be approved by the recycling center personnel in order that a conflict is not created. All debris should be removed from the City land when the work is complete and the site restored to its original condition. Doug Muir said he does not think two treatments would be enough for the phragmites. Mary Rimmer said the proposed treatment would make a noticeable impact and would make it easier for the City to control the phragmites, but the phragmites would come back if the City does not take responsibility for controlling the invasive species. Paul Healy suggested that the Commission go on record as stating this is a long-term issue and a lengthier maintenance program is recommended without naming a party to be responsible. Andy Port said he does not want the removed material to be placed in the City compost facility. Mary Rimmer said the budget does not include funds for trucking the material. She suggested it might be burned. Andy Port said this might not be acceptable to the neighbors. It was decided the City should negotiate how the disposal of the material is to be handled. Paul Healy moved to issue a letter to DEP stating the Commission approves of the plan with the conditions that were discussed. Doug Muir seconded the motion. The motion was approved with Joe Teixeira abstaining.

8. Enforcement

None

9. Orders of Conditions

None

10. Other Business

The draft ordinance will be discussed at the next meeting.

11. Adjournment

Paul Healy moved to adjourn the meeting at 8:15 p.m. Dan Warchol seconded the motion. The motion was unanimously approved.