

Newburyport Conservation Commission

October 18, 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, Steve Moore, Dan Warchol, Paul Healy and Doug Muir and Planning Director Andy Port.

3. Minutes

Paul Healy moved to approve the minutes of the October 4, 2011 meeting as submitted. Steve Moore seconded the motion. The motion was unanimously approved.

4. General Business

Virginia Lane Swale Restoration

Steve Moore recused himself from the discussion. Some members of the Commission visited the site. Andy Port said the City plans to file a Notice of Intent for the work. Fabric would be placed in the channel of the swale to prevent vegetation from growing but the fabric would not prevent the infiltration of water. Joe Teixeira said there is an intermittent stream in the area that shows on USGS maps. It is a major feeder of the Little River and the water flows down stream to the industrial park. He said that while he understands the City's need to address the issue, there are regulations that must be followed and the presence of an intermittent stream might impact the ability of the work to be done. Andy Port said he does not think the intermittent stream would be a deciding factor. Paul Healy said work had previously been allowed in the area and he does not think the presence of an intermittent stream would make a difference in this case. Dan Warchol said the water should be slowed down as much as possible. Andy Port said there are several steps that must take place: the residents must sign an agreement to allow the work to be done, the City Council must approve of the funding and the Conservation Commission must approve of the work.

55th Street Beach Access Walkover

Andy Port said he drafted an agreement for the gangway and he is waiting for comments from the Harbormaster. The Harbormaster would be responsible for notifying the DPS and Planning Department when a storm is expected in order that the gangway might be lifted. Tony Funari must sign the agreement and two abutters will be asked to sign it as well.

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

Donald and Joyce Marchand

13 67th Street

Request for Certificate of Compliance

DEP File #051-0808

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Doug Muir visited the site. He said the beach plum trees are very small and shrub-like. There are permanent steps in the walkway from the side to back yards and the plan had called for a flexible walkway in that area. Andy Port said he is not concerned by the deviation from the plans in terms of the walkway, as he would not have the time each year to determine that the walkway has been removed. Doug Muir moved to issue a Certificate of Compliance. Dan Warchol seconded the motion. The motion was approved with Paul Healy voting in opposition.

Strem Chemicals, Inc.

6 Mulliken Way

Request for Determination of Applicability

Strem Chemical has acquired the property at 6 Milliken Way. The existing shell will be retained and the work that will be done is primarily on the building's interior. The only work within the 100-foot buffer zone is the addition of concrete pads in an area that is already paved. Paul Healy moved to issue a Negative Two Determination. Steve Moore seconded the motion. The motion was unanimously approved.

6. Public Hearings

None

7. Enforcement

None

8. Orders of Conditions

None

9. Other Business

Draft Ordinance and Regulations

Andy Port said he is working to incorporate the comments he received from Commission members into the draft ordinance and regulations. He plans to have completed this task by the next meeting in order that Commission members might then vote to send the documents to the City Council. Joe Teixeira said there are at least two members of the City Council that would be willing to sponsor the proposed ordinance. He is preparing a power point presentation. Section VI-B2, which pertains to setbacks near the vernal pool, must be made clearer.

10. Adjournment

Steve Moore moved to adjourn the meeting at 7:35 p.m. Paul Healy seconded the motion. The motion was unanimously approved.