

Newburyport Conservation Commission

November 1, 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, Jim O'Brien and Doug Muir and Planning Director Andy Port.

3. Minutes

Steve Moore moved to approve the minutes of the October 18, 2011 meeting as submitted. Doug Muir seconded the motion. The motion was unanimously approved.

4. General Business

Wetlands Ordinance

Andy Port said he would email the final version of the Wetlands Ordinance to the Commissioners when he has finished making all of the changes. He will draft a letter to the City Council requesting that the item be added to its agenda. The letter will indicate that the regulations are still in draft form and are being included for informational purposes only. Paul Healy moved that the Wetlands Ordinance be submitted to the City Councilors that would sponsor it. Doug Muir seconded the motion. The motion was unanimously approved.

Approval of Minor Expenditures

Joe Teixeira said he had forgotten to request reimbursement for mileage for the MACC conference. He said this made him realized that it would be useful for the Chair or Agent to have the ability to authorize minor expenditures for the payment of general invoices, such as the MACC dues. Paul Healy moved that the Chair or Conservation Agent be authorized to approve expenditures under \$500. Steve Moore seconded the motion. The motion was unanimously approved.

Commissioner's Draft Action Plan for Regulatory Reform at MassDEP

DEP is considering ways its processes and procedures might be streamlined. The changes might include a limited project status for wind or solar projects. Doug Muir said he reviewed the draft action plan and he thinks the consolidation of some of the permitting is good idea. Joe Teixeira said he is concerned that turbines would be allowed around wetlands. Andy Port said the local zoning ordinance would not be impacted by changes at DEP. It was decided there are no immediate concerns about the draft action plan as it is in its preliminary phases.

Woodman Property 61A Notice and Tripartite Agreement

Andy Port said a 61A Notice was filed for the Woodman Property on Storey Avenue. As a part of an agreement that was signed by the Woodman Trust, the City and the Developer, the land at

the rear of the property would be given to the City for open space. The City Council is now considering a zoning change for two residential parcels on Storey Avenue that would allow a CVS to be constructed there. If the proposal fails the developer would still be required to transfer the land to the City. The agreement includes the provision of parking and trail access to the open space. Dan Warchol asked if the City would consider adding an athletic field to the site. Andy Port said this has been discussed but the area is very wet and would probably not be the best location for a field.

Oleo Conservation Restriction

Andy Port said he expects the restriction to be signed within the next few weeks.

15 Perry Way Building Expansion

An informal discussion was held with Steve Sawyer about a possible expansion at 15 Perry Way. The business is outgrowing its facilities and the owner must decide to expand or move. Mr. Sawyer asked the Commission members to review the plans and consider what the major concerns might be. He will attend to next meeting for an informal discussion on whether or not the project might be viable. He said an expansion would include a 2:1 replication, the relocation of the large detention pond and the use of permeable pavement. Flooding in the area is a major concern. Dan Warchol said in order for the project to be viable the peak flow would have to be reduced and not just matched. Mr. Sawyer said he intends to discuss the benefits of a green roof with the owner.

Phillips Drive Enforcement Order

Steve Moore asked about the Phillips Drive enforcement order. Andy Port said there has not been a response in some time and he would request that information be received by the next meeting.

Beach Access

Steve Moore asked about the agreement for the walkway at 55th Street. Andy Port said the Commission has received the agreement that is to be used. The only change that has been made to the agreement concerns the parties that would be responsible for removing the walkway. City Councilor Allison Heartquist and another resident of 55th Street have agreed to be responsible as the abutters are not in residence throughout the year. Steve Moore said he would like to receive a copy of the signed agreement. Joe Teixeira said the ramps at 53rd and 55th Streets have had sections taken out of them and the condition is nearing what it previously was, although the coir bags are still in a good condition. Dan Warchol said this is the time in which advance planning for beach access for next season should be done.

12 L Street

Request for Minor Amendment

Andy Port said plans were submitted today for a minor adjustment to the footprint of the structure at 12 L Street. The item will be placed on the agenda for the next meeting.

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

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Union Specialties
3 Malcolm Hoyt Drive
Request for Certificate of Compliance
DEP File #051-0792

Andy Port said he visited the site. He said that according to the plan water flowing from the pavement near the loading dock water to be captured and conveyed to a catch basin. There is a hump in the asphalt and only half of the water flows to the catch basin. The rest flows towards the loading dock and into a swale. It is then carried directly into the detention basin without first going to the catch basin. Paul Healy said the applicant should be asked to attend a meeting to explain the difference between the proposed plans and the existing conditions. Commission members recalled that before the construction the catch basin was too high to capture any water. A site visit will take place on Thursday, November 3 at 5:00 p.m. Steve Moore moved to continue the request to November 15. Dan Warchol seconded the motion. The motion was unanimously approved.

6. Public Hearings

None

7. Enforcement

Paul Healy asked about the removal of pavement on Plum Island. Joe Teixeira said a part of the City street was removed and the area filled with stone. He was concerned that the work was done without a permit. Dan Warchol agreed that while a permit should have been obtained, if an Enforcement Order were to be issued, the resident would be required to return the area to its original condition, which is not something the Commission would desire. Paul Healy suggested that a Notice of Violation might be issued to call attention to the proper procedures. Dan Warchol said he would not be in favor of this action as the Commission has lately had some public relations issues with regards to Plum Island. It was agreed that the Commission would let the City handle the matter.

8. Orders of Conditions

None

9. Adjournment

Steve Moore moved to adjourn the meeting at 7:40 p.m. Doug Muir seconded the motion. The motion was unanimously approved.