

**Newburyport Conservation Commission**  
Minutes of the February 8, 2011 Meeting

**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, Paul Healy, Steve Moore, Dan Warchol, Jannell Zarba, Doug Muir and Mary Casey and Conservation Agent Mary Reilly.

**3. Minutes**

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

Paul Healy moved to approve the minutes of the December 21, 2010 meeting. Steve Moore seconded the motion. The motion was unanimously approved.

**4. General Business**

Paul Healy moved to approve the following expenditures: \$95 for Jannell Zarba for the 2010 MACC conference and \$80 (\$40 each) for the MACC handbook on CD for Joe Teixeira and Mary Reilly. Steve Moore seconded the motion. The motion was unanimously approved.

**5. Ratification of Emergency Certification on Plum Island**

The Emergency Certification expired on January 27. The work had not been completed by that time. A second Emergency Certification was issued and is set to expire on February 15. Tim Tracy said the work is going well but has been slowed by the weather. He said the helical anchors were not used at the end of the bags as anticipated because the design was changed to be wider and flatter. He requested that the Emergency Certification be extended through the date of the next commission meeting to prevent the applicants from having to pay for equipment that is idle. The Commission is scheduled to meet again on February 15. Doug Muir moved to ratify the Emergency Certification and extend it by one day to February 16. Dan Warchol seconded the motion. The motion was unanimously approved.

Dan Warchol moved to recess the meeting and open the public hearings. Mary Casey seconded the motion. The motion was unanimously approved.

**6. Public Hearings**

**Tim Tracy**

28 53<sup>rd</sup> Street and Multiple Lots

Notice of Intent

DEP File #051-0860

Paul Healy noted that while the Commission was removed from the narrative as the party to determine when the dune is stable as requested, a replacement was not named. Steve Moore

asked who would be the responsible party for the restoration of the staging area. Paul Healy suggested that a maintenance plan for the access area be a condition of the Order of Conditions for the future Notice of Intent. The current Notice of Intent is limited to work that already has been done and should include maintenance for the Maslanka property only. The haybales that were washed away from the Tracy and Hemani properties are sitting on the beach and the applicants may want to reuse them. This work should be added to the second Notice of Intent. Natural Heritage and DEP issued comments. The Order of Conditions cannot be issued until Tim Tracy addressed these comments. Commission members decided the two Notices of Intent could be combined into one. Paul Healy said it would still be expected for the narrative to be completed by the February 15 meeting. As-built plans are to be submitted for the work that has been done. Mary Reilly said the application must be thorough in its description about the work that has been done, the work on the coir bags that is currently being done, the maintenance that is planned for the future, the repair work that is to be done in March and the planting of beach grass that is to be done in the spring. Steve Moore pointed out that there would not be enough time to review the material submitted on February 14 for the February 15 meeting and the public hearing would have to be continued to the March 1 meeting. Paul Healy said the Emergency Certification required a February 14 submittal and this deadline should be enforced. The applicant must submit the narrative, plans and a list of additional permits that would be needed by February 14. Doug Muir moved to continue the public hearing to February 15. Paul Healy seconded the motion. The motion was unanimously approved.

Mary Casey moved to close the public hearings. Steve Moore seconded the motion. The motion was unanimously approved.

#### **7. Modification to Order of Conditions for 7 Spring Lane**

Changes were made to the plans as a result of comments made by Christiansen and Sergi during a peer review for the Planning Board. AECOM must submit a request for a Minor Modification to the Order of Conditions and will be asked to attend the next meeting.

#### **8. Crow Lane Landfill**

Commission members, with the exception of Joe Teixeira, signed a letter to the City Council supporting the use of city property for the restoration and replication area.

#### **9. Enforcement**

None

#### **10. Orders of Conditions**

None

#### **11. Other Business**

Mary Reilly incorporated the changes into the draft Wetland Protection Ordinance and Wetlands Regulations. MACC will be asked to review the documents at the same time as Commission members are conducting their final review.

Mary Reilly and Joe Teixeira submitted comments on the draft flood study.

February 8, 2011

Commission members discussed potential changes to the City's charter that are being considered by the Charter Commission. The changes relate to the Mayor's involvement with boards and the way in which chairs are appointed. Joe Teixeira will ask the chairs of the Planning and Zoning boards for their opinion on the potential changes.

**12. Adjournment**

Paul Healy moved to adjourn the meeting at 9:00 p.m. Steve Moore seconded the motion. The motion was unanimously approved.