

## **Newburyport Conservation Commission**

March 3, 2015

City Council Chambers

Minutes

### **1. Call to Order**

Vice Chair Steve Moore called a meeting of the Newburyport Conservation Commission to order at 7:00 p.m.

### **2. Roll Call**

In attendance were members Doug Muir, Dan Warchol, Jim O'Brien, Steve Moore and Paul Healy. Conservation Agent Julia Godtfredsen was also in attendance.

### **3. Minutes**

Doug Muir moved to approve the minutes of the February 3, 2015 meeting as submitted. Jim O'Brien seconded the motion. The motion was unanimously approved.

### **4. Certificates of Compliance, Requests for Determinations, Requests for Minor Modifications**

None

### **5. Public Hearings**

Dan Warchol moved to open the public hearings. Jim O'Brien seconded the motion. The motion was unanimously approved.

#### **Mark Wojcicki, Wojcicki Holdings, LLC**

143A State Street

Notice of Intent

DEP File #051-0926

John Paulson of Atlantic Engineering represented the applicant and summarized the changes that have been made to the plans since the last meeting. He said that while no changes have been made for the portion of the site that is to be developed, the applicant is now proposing to remove all of the vegetation beyond the limit of the lawn with the exception of the viable trees. The vegetation in this area is intertwined with invasive species. The top and sub soils would be removed, new soils would be added and the area would be replanted with native species. An impervious barrier would be added to prevent the invasive species returning to the site from the surrounding area. This proposed work is within the 25-foot no-disturb zone. The planting of native species is an exempt activity in this area and no variance would be needed. Three granite markers would be added to establish the boundaries of a conservation area. Because a deed restriction would expire in 30 years, a perpetual condition referencing the conservation area would instead be included in the Order of Conditions. The deed shall reference the Order of Conditions and a copy of the permit plan showing the boundary of the conservation area shall be attached as an exhibit to the Order of Conditions and the Certificate of Compliance when they are recorded at the Registry of Deeds. This area shall be labeled on the plan as a buffer zone conservation area. Paul Healy moved to close the public hearing. Doug Muir seconded the motion. The motion was unanimously approved.

Newburyport Conservation Commission  
March 3, 2015

**Joshua Holden, Massachusetts Electric Company**

95 Water Street

Notice of Intent

The applicant requested a continuance. Paul Healy moved to continue the public hearing to the March 17, 2015 meeting. Dan Warchol seconded the motion. The motion was unanimously approved.

**Erik and Kerry Ann Metzdorf**

17 55<sup>th</sup> Street

Notice of Intent

Paul Healy moved to grant the request of the applicant that the opening of the public hearing be postponed until the March 17, 2015 meeting. Jim O'Brien seconded the motion. The motion was unanimously approved.

Dan Warchol moved to close the public hearings. Doug Muir seconded the motion. The motion was unanimously approved.

**6. Orders of Conditions**

**Mark Wojcicki, Wojcicki Holdings, LLC**

143A State Street

Dan Warchol moved to issue an Order of Conditions with the special conditions that 1) the granite posts demarcating the boundary between the lawn and the buffer zone conservation area shall be installed immediately after the installation of the plant materials, 2) the deed shall reference the perpetual conditions in the Order of Conditions relating to the conservation area at the rear of the site, 3) a copy of the permit plan showing the boundary of the restricted area shall be attached as an exhibit to the Order of Conditions and the Certificate of Compliance when they are recorded at the Registry of Deeds, 4) a perpetual condition shall require that the Commission approve of any additional planting or clearing in the conservation area, 5) prior to the issuance of the Order of Conditions the applicant shall submit revised plans renaming the conservation area and 6) any trees in the conservation area to be removed must be marked and those trees that do not survive the work to remove the invasive species must be replaced. Jim O'Brien seconded the motion. The motion was unanimously approved.

**7. Other Business**

DEP has appealed the permit issued for 21 Shore Street.

**8. Old and New Business**

**Colby Farm Land Acquisition**

The Parks Commission submitted a CPA application for the acquisition of the Colby Farm property. Paul Healy moved to approve a letter drafted by Julia Godtfredsen to the Community Preservation Committee supporting the acquisition of Lot 8 due to its significance in wetland protection and habitat provision and the open space and recreation opportunities it offers. Doug Muir seconded the motion. The motion was unanimously approved. The Commission discussed

Newburyport Conservation Commission  
March 3, 2015

the desirability of having a member on the Open Space Committee or holding a joint meeting with the committee members.

**9. Adjournment**

Doug Muir moved to adjourn the meeting at 8:15 p.m. Paul Healy seconded the motion. The motion was unanimously approved. The next meeting of the Conservation Commission will be held on March 17, 2015.