

Newburyport Conservation Commission

August 6, 2013

City Council Chambers

Minutes

1. Call to Order

A meeting of the Newburyport Conservation Commission was called to order by Chair Joe Teixeira at 6:55 p.m.

2. Roll Call

In attendance were members Joe Teixeira, Dan Warchol, Jim O'Brien, Steve Moore, Mary Casey, Paul Healy and Doug Muir. Also in attendance was Julia Godtfredsen.

3. Minutes

Dan Warchol moved to approve the minutes of the July 16, 2013 meeting as submitted. Doug Muir seconded the motion. The motion was unanimously approved.

4. General Business

Discussion of Land Subject to Coastal Storm Flowage

Commission members discussed the desirability of adding a regulation for land subject to coastal storm flowage. One area of concern is the possible loss of flood storage in the event of sea level rise. The adoption of a regulation would not prevent work from taking place but would require the applicant to work with the Commission to avoid adverse impacts to neighboring properties. The Commission members will review materials distributed by Joe Teixeira before discussing the issue further.

Discussion of Proposed Plastic Bag Ordinance

Sheila Taintor of the Citizens for Sustainable Bagging discussed the ordinance to ban plastic bags that the group intends to put before the City Council. She asked the Commission members to support the draft ordinance. Members commented that they wish to have more details about the way in which the ban would work and how the ban has been implemented in other communities.

They said that while the plastic bags greatly impact the environment they might favor voluntary compliance or an incentive program over a ban. Paul Healy moved that a letter be sent to the City Council stating that while the Commission does not endorse the ban, it would support a reasonable and practical effort to minimize the use of plastic bags, as a reduction in their use would have a positive impact on the environment. Steve Moore seconded the motion. The motion was approved with Dan Warchol voted in opposition. Julia Godtfredsen will draft a letter for approval at the next meeting.

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

Victor Cole and Heather Batchelder

5 Plum Island Turnpike

Minor Modification

DEP File #051-0765

Newburyport Conservation Commission
August 6, 2013

Julia Godtfredsen said the Building Commission has requested that one step be added to the deck for safety purposes. Paul Healy moved to approve the minor modification. Steve Moore seconded the motion. The motion was unanimously approved.

6. Public Hearings

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

City of Newburyport, Bartlet Mall Commission

149 High Street

Notice of Intent

Julia Godtfredsen said the applicant had filed both a Notice and Intent and a Request for Determination of Applicability, which might account for the failure of DEP to issue a file number. The applicant has requested to withdraw the NOI and asked the Commission to vote on the RDA as submitted. No changes to the plans have been made. Doug Muir moved to close the public hearing. Dan Warchol seconded the motion. The motion was unanimously approved. Doug Muir moved to issue a Negative 3 Determination with the conditions that the disrupted area is reseeded, the erosion control be maintained for the duration of the project and the Commission be informed if any additional work is needed in the Frog Pond. Dan Warchol seconded the motion. The motion was unanimously approved.

Department of Public Services

570 Merrimac Street

Notice of Intent

DEP File #051-0898

Julia Godtfredsen said the applicant has received a letter from Natural Heritage but has requested a continuance because the test pits have not yet been dug. Paul Healy moved to continue the public hearing to August 20. Steve Moore seconded the motion. The motion was unanimously approved.

Mary Casey moved to close the public hearings. Doug Muir seconded the motion. The motion was unanimously approved.

7. Enforcement

372 Merrimac Street

Julia Godtfredsen said the swales have been cleaned and the areas adjacent to the parking lot have been seeded. She said she visited the site during a rainstorm and the water was flowing correctly. Engineering drawings are being prepared that document the elevations of the bottoms of the swales and culverts. She intends to review the work with the representatives of the property owner later in the week. Rob Germinara, 2 Ashland Street, said the swales had been property cleaned but then were lined with stone, which is causing water to be retained.

8. General Business

Steve Moore said he observed that a barge being used for the I-95 work had been driven into the resource area near Spring Lane in order to be loaded. He added that the City has not yet

Newburyport Conservation Commission
August 6, 2013

addressed the sedimentation near the water plant. He also said that phragmites have not yet been removed from a property on Low Street and a site that was approved for the construction of an office building on Parker Street is being used as a parking lot.

9. Adjournment

Steve Moore moved to adjourn the meeting at 8:05 p.m. Jim O'Brien seconded the motion. The motion was unanimously approved.