

Newburyport Conservation Commission

September 2, 2014

City Council Chambers

Minutes

1. Call to Order

Chair Joe Teixeira called a meeting of the Newburyport Conservation Commission to order at 6:45 p.m.

2. Roll Call

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

3. Minutes

Paul Healy moved to approve the minutes of the August 19, 2014 meeting as submitted. Jim O'Brien seconded the motion. The motion was unanimously approved.

4. General Business

Wet Meadows

The wet meadows have been tilled, which is not allowed under the agricultural license. Julia Godtfredsen will contact Matt Kozazcki.

9 Malcolm Hoyt Drive

At the November 12, 2013 meeting the Commission voted to issue an ORAD for 9 Malcolm Hoyt Drive with the condition that the buffer zone to the BVW was not to be mowed. However, mowing to the edge of the wetland has continued. Julia Godtfredsen sent a Notice of Violation and will ask a representative to attend the next meeting.

Coastal Resiliency Grant

Julia Godtfredsen said the City did not obtain funding from the CZM program last year but did receive feedback on the application. The grant is being offered again and the City plans to submit a revised proposal.

5. Public Hearings

Doug Muir moved to open the public hearings. Steve Moore seconded the motion. The motion was unanimously approved.

Elizabeth Baumann

21 Shore Street

Notice of Intent

DEP File #051-0917

The applicant said she is experiencing significant erosion on her property, which could create a safety hazard and jeopardize the foundation of the house. DEP had responded that further information would be needed for the Notice of Intent to be approved. In order to be able to act more quickly, the applicant wishes to install sand and rip rap rather than extend the seawall, as had been originally proposed. Julia Godtfredsen explained the work would not be allowed

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without a plan. She suggested the applicant request an Emergency Certification, which would allow sand to be installed immediately while the Notice of Intent is being revised.

Doug Muir moved to continue the public hearing to September 16. Steve Moore seconded the motion. The motion was unanimously approved.

Doug Muir moved to issue an Emergency Certification for the installation of beach grade sand and a fiber mat to restore the grade to the contour that existed in 1994 when the seawall was constructed. Paul Healy seconded the motion. The motion was unanimously approved.

Gary Swerling, Packaging Realty Trust

3 Opportunity Way

Abbreviated Notice of Resource Area Delineation

Julia Godtfredsen said flags were properly installed at the wetland boundary. Doug Muir moved to issue an ORAD for 3 Opportunity Way. Paul Healy seconded the motion. The motion was unanimously approved.

Steve Moore moved to close the public hearings. Dan Warchol seconded the motion. The motion was unanimously approved.

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

Kevin McGee

390R Merrimac Street

Request for Determination of Applicability

The applicant wishes to install a gravel walkway to the river, which would be constructed by hand. He would also like to add a capstone to an existing stone wall and extend an existing deck. The work on the deck would be outside of the mean high water line and would be exempt under the ordinance because it is an accessory structure to a single-family home. Paul Healy moved to issue a Negative 2 Determination. Dan Warchol seconded the motion. The motion was unanimously approved.

7. Orders of Conditions

None

8. Enforcement

None

9. Adjournment

Steve Moore moved to adjourn the meeting at 7:45 p.m. Paul Healy seconded the motion. The motion was unanimously approved. The next meeting of the Conservation Commission will be held on September 16, 2014.