

Newburyport Conservation Commission
Minutes of the March 16, 2010 Meeting

1. Call to Order

A regular meeting of the Newburyport Conservation Commission was called to order by Chair Joe Teixeira at 7:00 p.m.

2. Roll Call

In attendance were members Joe Teixeira, Mary Casey, Steve Moore, Paul Healy, Doug Muir and Jannell Zarba and conservation agent Mary Reilly.

3. Minutes

Paul Healy moved to approve the minutes of the March 2, 2010 meeting as amended. Doug Muir seconded the motion. The motion was unanimously approved.

4. Requests for Certificates of Compliance, Requests for Determination and Requests for Minor Modifications

Kenneth Cmar

16 Reservation Terrace

Request for Determination of Applicability

The applicant is proposing to extend an existing second-story deck. The existing footings will be used and brackets will be used to extend the deck. There will be no work done on the ground.

Paul Healy moved to issue a Negative 2 Determination with the conditions that all trash will be removed and there will be no disturbance to the vegetation. Doug Muir seconded the motion. The motion was unanimously approved.

Elizabeth Nietsch

247 Water Street

Request for Determination of Applicability

The applicant is proposing to extend an existing porch. The porch is currently 12 feet deep and will be extended four feet towards the water. A six-foot wide deck will be added on two sides.

The work is in the riverfront area and is approximately 30 feet from the seawall. Heavy equipment will not be used. The applicant must provide more detailed plans that show the footprint of the deck and porch and the location of the footings. A site visit will take place on Thursday, March 25.

5. Public Hearings

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

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Tom Lawrence

12 L Street
Notice of Intent
DEP File #051-0837

Mary Rimmer appeared for the applicant. She said the lot has been well cared for and there has not been much disturbance. There does not seem to be a way to achieve a 1:1 mitigation. The applicant has already raised the proposed height of the house to allow more light to reach underneath it. There are a few areas in which the beach grass can be supplemented. Trees and shrubs can be planted for habitat value and to shade the beach grass. Pitch pine can be planted to screen the house and define the boundaries of the site. Some red cedars can be added to supplement those that currently exist on the site. Black cherry will be added as it has a high wildlife value. Steve Moore said the house is in the middle of the site, which fragments the habitat. Moving the house back will create a larger area of continuous beach grass in front of it. The applicant will revise the plans to include the relocation of the house, elevations, and a planting plan. Steve Moore moved to continue the public hearing to April 6. Paul Healy seconded the motion. The motion was unanimously approved.

Cheryl LeBlanc

10 Julia Street
Notice of Intent
DEP File #051-0841

The applicant is proposing to install a room above an existing deck. There is to be no work done on the ground. The applicant has submitted more detailed plans, as had been requested by DEP, which has issued a file number but has not made any comments. Steve Moore moved to close the public hearing. Paul Healy seconded the motion. The motion was unanimously approved.

Department of Public Services

North Reservation Terrace Roadway
Notice of Intent
DEP File # 051-0840

The applicant requested a continuance. Paul Healy moved to grant a continuance to April 6. Steve Moore seconded the motion. The motion was unanimously approved.

Thomas Melaragni

6 Louise Street
Notice of Intent
DEP File #051-0842

The applicant requested a continuance. Paul Healy moved to grant a continuance to April 6. Steve Moore seconded the motion. The motion was unanimously approved.

Paul Healy moved to close the public hearings. Joe Teixeira seconded the motion. The motion was unanimously approved.

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6. Orders of Conditions

Cheryl LeBlanc

10 Julia Street

Notice of Intent

DEP File #051-0841

Paul Healy moved to issue an Order of Conditions. Doug Muir seconded the motion. The motion was unanimously approved.

7. Other Business

Members discussed the Commission's budget. Filing fees under the Wetlands Protection Act go into the Commission's budget and may only be spent on enforcing the Wetlands Protection Act and administration. The Mayor must approve of the use of the funds. The funds have been used for training, MACC conference and legal fees related to the landfill. In 2005 permission was granted to take portion of the conservation agent's salary from these funds for one year. Mary Reilly suggested developing procedures on how the money is to be used, such a requiring a vote for training that costs over a certain amount. She suggested that Joe Teixeira write a letter to the Mayor requesting the money only be used for the Wetlands Protection Act. There would be filing fees with the new ordinance, which would go into a parallel account. The discussion will be continued at a future meeting.

8. Adjournment

The meeting was adjourned at 8:45 p.m.