

Newburyport Conservation Commission
October 1, 2019
Senior Community Center, 331 High Street
Minutes

1. Call to Order

Chair Joe Teixeira called a meeting of the Newburyport Conservation Commission to order at 6:49 p.m.

2. Roll Call

In attendance were members David Vine, Paul Healy, Joe Teixeira, Dan Warchol and Doug Muir. Steve Moore and Dan Bourdeau were absent. Conservation Administrator Julia Godtfredsen was also in attendance.

3. Minutes

Doug Muir moved to approve the minutes of the September 17, 2019, meeting as amended. Paul Healy seconded the motion. The motion was unanimously approved.

4. Plum Island Updates

The dune nourishment project has been completed and the planting will take place in the spring.

5. Other Business

The Commission members will schedule a site visit for the completed green roof at Bradford and Bigelow, which was installed to fulfill the public benefit requirement for a variance. A public education program must be implemented before the Certificate of Compliance will be issued.

DCR intends to submit a Notice of Intent for work on the dam at the flowering pond at Maudslay State Park and has requested that the Commission member visit the site prior to the opening of the public hearing. A site visit will take place on Monday, October 28 at 4:30 p.m.

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

Charles Palmisano

16 Pheasant Run Drive (Lot 26)

Request for Certificate of Compliance

DEP File #051-0048

The Order of Conditions for a single-family home in the Kelleher's Crossing subdivision was issued 1983. Paul Healy moved to issue a Certificate of Compliance. Doug Muir seconded the motion. The motion was unanimously approved.

Newburyport Conservation Commission

October 1, 2019

Bernardini Law, PC

136 Hale Street (Lot 98)

Request for Certificate of Compliance

DEP File #051-0029

The single-family home in the Kelleher's Crossing subdivision was constructed in 1979. There are no wetlands near the property. Paul Healy moved to issue a Certificate of Compliance. David Vine seconded the motion. The motion was unanimously approved.

7. Public Hearings

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

Frederick Habeeb

5 75th Street

Notice of Intent

DEP File #051-1020

Paul Healy recused himself from the discussion. Matt Steinel of Millennium Engineering represented the applicant. An Order of Conditions for the property had previously been denied and an appeal to DEP was not successful. A new Notice of Intent has been submitted. The site would not be buildable without a variance and a completed variance request has not been submitted. In addition, the Commission members requested that the applicant complete the zoning process before they consider the application. This is a right granted to Conservation Commissions under the Massachusetts General Laws. The applicant expects to be on the agenda for the December 10 meeting of the ZBA. Doug Muir moved to continue the public hearing to December 17. Dan Warchol seconded the motion. The motion was unanimously approved.

Regulations for Land Subject to Coastal Storm Flowage

The Commission members discussed revisions to the draft regulations. A legal notice has been posted and the item will be on the agenda for the October 15 meeting.

Doug Muir moved to close the public hearings. Joe Teixeira seconded the motion. The motion was unanimously approved.

8. Enforcement

227 Northern Blvd.

A pool, shed and deck were constructed without Conservation Commission approval. The property owner removed the pool and is willing to replant the area in which it was located. The Commission members will visit the site on Thursday, October 2 at 5:30 p.m. to view the shed and deck. It might be possible for the work to be addressed under an RDA.

9. Adjournment

Paul Healy moved to adjourn the meeting at 8:45 p.m. Doug Muir seconded the motion. The motion was unanimously approved.