

## **Newburyport Conservation Commission**

November 18, 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, Doug Muir, Dan Warchol, Jim O'Brien, Paul Healy and Steve Moore. Julia Godtfredsen was also in attendance.

### **3. Minutes**

Doug Muir moved to approve the minutes of the October 21, 2014 meeting as submitted. Dan Warchol seconded the motion. The motion was unanimously approved.

### **4. Old and New Business**

#### **Informal Discussion**

21 Shore Street

Tom Hughes represented the applicant. He said the some of the sand that was added through an Emergency Certification has eroded. He described plans to extend the existing seawall and bury it with sand in order to protect the home. His research on bioengineering solutions for seawalls showed that most were done for non-saltwater environments and he does not believe a soft solution would be successful. He found marsh mats often fail because they wash away in storms. He favors the extension of the wall because it would best protect the house but he would be willing to consider alternatives, such as the installation of riprap at the bottom of the slope.

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

#### **Packaging Specialties, Inc.**

3 Opportunity Way

Request for Certificate of Compliance

DEP File #051-0073

Sarah Bellino represented the applicant. The Order of Conditions for a subdivision in the industrial park was issued in 1984 and extended many times. The last extension was granted in 1998 for the installation of plant materials and the removal of a detention basin deemed to be unnecessary. The engineer of record at that time has submitted a statement that the remainder of the work had been completed according to the Order of Conditions. Julia Godtfredsen researched the old records and said that over the years work had moved forward without violations.

Steve Moore moved to issue a Certificate of Compliance. Jim O'Brien seconded the motion. The motion was unanimously approved.

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**Virginia Barnes**

12 L Street

Request for Certificate of Compliance

DEP File #051-0837

The applicant has requested a partial Certificate of Compliance in order to receive a Certificate of Occupancy. Julia Godtfredsen said she visited the site in July, after the construction of the house was completed, and found the work was done according to the plans. The applicant had requested an amendment to remove poison ivy from the site and replace it with dune grass. This work is to be completed in the spring of 2015.

Doug Muir moved to issue a partial Certificate of Compliance. Steve Moore seconded the motion. The motion was unanimously approved.

**Kevin and Debra Raftery**

245 Northern Boulevard

Request for Certificate of Compliance

DEP File #051-0818

An Order of Conditions had been issued for the demolition of the Oliver House and the reconstruction of the guest cottage at its rear. Kevin Raftery described the deviations that were made from the approved plan. Work has been completed on guest cottage, the address of which is 0 Harbor Street. The location of the shed has been changed and it has been placed on pilings. The paving material was changed from crushed stone to crushed shells and the gravel strip around the cottage has not yet been installed. Mr. Raftery does not intend to complete the remainder of the project. Barker Street, which is a paper street he is seeking to have removed, separates 0 Harbor Street from 245 Northern Boulevard. He has received approval from the Zoning Board to separate 245 Northern Boulevard into two lots. The closing for the front lot is scheduled for December 16, while the rear lot is not for sale. The new owners of the front lot would not be able to complete the remainder of the project, as the newly created lot would not be large enough to accommodate a structure the size of the Oliver House.

The Commission members discussed whether a full or partial Certificate of Compliance should be issued. The changes to the original project are significant but if Mr. Raftery were to file an amendment, a better notification would be required and the Certificate of Compliance could not be issued before the closing.

Steve Moore moved to issue a Certificate of Compliance with the condition the applicants shall submit a plan showing the new lot lines and an amended cover letter stating they do not intend to complete the project and the plans for the front portion of the site have been abandoned. Doug Muir seconded the motion. The motion was unanimously approved.

**First Republic Corporation of America**

260 Merrimac Street

Request for Extension of Order of Conditions

DEP File #051-0737

Sarah Bellino said the applicant intends to proceed with the project at the Towle property. The Order of Conditions was issued in 2007. The extensions issued under the Permit Extension Act are set to expire on December 27, 2014.

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Dan Warchol moved to extend the Order of Conditions to December 27, 2015. Doug Muir seconded the motion. The motion was unanimously approved.

**6. Public Hearings**

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

**Geordie Vining, Newburyport Planning Department**

Clipper City Rail Trail Phase 2

Notice of Intent

DEP File #051-0920

The applicant requested an extension. Dan Warchol moved to continue the public hearing to December 2, 2014. Steve Moore seconded the motion. The motion was unanimously approved.

**Christopher Horan**

17 J Street

Notice of Intent

Tom Hughes represented the applicant, who wishes to construct a second story on an existing home. He is also proposing to install a deck, add a carport and reconfigure an existing gravel driveway. Mr. Hughes distributed the plans that were amended based on comments from the public at the last meeting. Two turn-around areas were added to the driveway and the amount of impact was recalculated. The planting areas were better defined. A letter from Natural Heritage has been received. Mr. Hughes said the project would result in an improvement over the existing conditions and is compliant with the regulations. The Commission members discussed the objection of DEP to footings on the coastal dune. The Office of the Building Inspector has stated that sonotubes are common on Plum Island and are acceptable under the building code.

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

**Mark Wojcicki, Wojcicki Holdings, LLC**

143A State Street

Notice of Intent

John Paulson of Atlantic Engineering represented the applicant, who is proposing to demolish an existing single-family home and the construct a larger home in a different location on the site. The property is at the edge of the steep slope of a ravine. The wetlands have not been flagged because they are not on the property owned by the applicant. A significant portion of the lot is within the buffer zone. The Commission members will visit the site and requested that the corners of the structure and the estimated boundary of the no-disturb zone be staked before they do.

Patsy Galligher, 147 State Street, asked if any trees near the pond would be removed. She was told that any work of that nature would require Commission approval. Barbara Oswald, 158 State Street, expressed concern about actions future property owners might take at the rear of the property. The Order of Conditions might include a perpetual condition that no work or removal of vegetation shall take place without a permit.

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Doug Muir moved to continue the public hearing to December 2. Steve Moore seconded the motion. The motion was unanimously approved.

**Geordie Vining, Newburyport Planning Department**

25 and 27R Water Street and 22 Merrimac Street

Notice of Intent

Mary Rimmer and Steve Sawyer presented the plans for a Harbormaster's and Transient Boaters' Facility. The two-story structure would be constructed on pilings 3.4 feet above grade. The site is within the 200-foot Riverfront Area. The project involves the redevelopment of a previously developed riverfront area. The project improves the existing conditions in that a net decrease of 1,496 square feet of impervious pavement would result. The project would also result in an improvement to the management of stormwater because the existing structure is at ground level, while the new structure would be elevated above flood level. Storm vents would be installed in the structure. Steve Moore moved to close the public hearing. Dan Warchol seconded the motion. The motion was unanimously approved.

**Alfred Salvato, Salvato Realty Trust**

5 60<sup>th</sup> Street

Notice of Intent

The applicant is proposing to construct an addition to a single-family home, along with a deck and stairs. The new footprint would be 389 square feet larger than the existing, which is less than a 20% increase. The new structures would be elevated four feet above grade. The project area is densely vegetated with beach grass. The applicant is proposing to plant additional beach grass in an area of the site that is currently mainly sand. The plans call for a stone driveway. Dan Warchol moved to close the public hearing. Doug Muir seconded the motion. The motion was unanimously approved.

**Elizabeth Baumann**

21 Shore Street

Notice of Intent

DEP File #051-0917

The applicant requested an extension. Steve Moore moved to continue the public hearing to December 2. Doug Muir 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.

**7. Orders of Conditions**

**Christopher Horan**

17 J Street

Steve Moore moved to issue an Order of Conditions with the standard special Plum Island conditions. Dan Warchol seconded the motion. The motion was unanimously approved.

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**Geordie Vining, Newburyport Planning Department**

25 and 27R Water Street and 22 Merrimac Street

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

**Alfred Salvato, Salvato Realty Trust**

5 60<sup>th</sup> Street

Dan Warchol moved to issue an Order of Conditions with the special condition that the applicant shall submit a revised plan showing the driveway is to be of a permeable material rather than stone. Steve Moore seconded the motion. The motion was unanimously approved.

**8. Adjournment**

Steve Moore moved to adjourn the meeting at 9:45 p.m. Dan Warchol seconded the motion. The motion was unanimously approved. The next meeting of the Conservation Commission will be held on December 2, 2014.