

Newburyport Conservation Commission
May 21, 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 6:46 p.m.

2. Roll Call

In attendance were members Joe Teixeira, Steve Moore, Paul Healy, Doug Muir and Dan Warchol (arrived at 7:16). Dan Bourdeau and David Vine were absent. Conservation Administrator Julia Godtfredsen was also in attendance.

3. Minutes

Paul Healy moved to approve the minutes of the May 7, 2019, meeting as submitted. Steve Moore seconded the motion. The motion was approved.

4. Old and New Business

None

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

Christopher Horan, Manager, Port Valley, LLC

10 Ashland Street

Request for Determination of Applicability

Tom Hughes represented the applicant, who has submitted an RDA for landscaping associated with a newly renovated single-family home located in the buffer zone to a BVW. Some of the proposed work would be located within the 25-foot no-disturb zone in an area that is currently lawn. Julia Godtfredsen said she is concerned that the no-disturb zone would be further encroached upon. Mr. Hughes responded that it would be unlikely the steep slope would be mowed and the native shrubs that would be planted would discourage a further expansion of the lawn into the wetland.

Comments from the public were allowed. Rob Germinara, 2 Ashland Street, said he would like five dead trees on the site to be removed because he fears they would fall onto his property. If the applicant were to choose to remove the trees, the work would be exempt.

Steve Moore moved to issue a Negative 3 Determination with the conditions that the erosion control at the base of the slope shall be supplemented with a silt fence and no changes shall be made to the landscaping plan within the 25-foot no-disturb zone without prior approval from the Commission. Joe Teixeira seconded the motion. The motion was unanimously approved.

6. Public Hearings

Steve Moore moved to open the public hearings. Paul Healy seconded the motion. The motion was unanimously approved.

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Kevin Martin

5 65th Street

Notice of Intent

The applicant is proposing to replace a deck at the front of the structure with a larger one on pilings. The size of the new deck is at the 20% threshold for reconstruction in the AO zone. The deck would cover some existing vegetation, which would be replaced by native materials planted in a bare area to the left of the driveway and in the right corner at the rear of the site. The two decks at the rear of the structure would be rebuilt on their existing footprints. Steve Moore moved to close the public hearing. Paul Healy seconded the motion. The motion was unanimously approved.

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

7. Other Business

3H and 1 G Streets

The decks on two houses were not constructed according to the approved plans. The decks are larger and have regular stairs instead of spiral ones. Skirting has also been placed to the ground around the structures. The Orders of Conditions for the properties required that the two sites be entirely vegetated around the footprint of the house. A partial solution might be that the stairs would be converted to spiral ones or a landing could be added, with the lower steps placed under the deck. The decks, however, would still be too large. A real estate closing is scheduled for 1 G Street on May 24. A Notice of Violation will be issued. The property owner must submit an amended plan in which the required amount of vegetation would be installed. If the Commission does not approve the plan, the size of the deck must be reduced. The Commission will not take action on 3 H Street at this time and the property owner will work to remedy the situation. He agreed to remove the lattice around both structures.

Dan Warchol moved to issue a Notice of Violation for 1 G street. Steve Moore seconded the motion. The motion was unanimously approved.

8. Orders of Conditions

Kevin Martin

5 65th Street

Steve Moore moved to issue an Order of Conditions for 5 65th Street with the special conditions that 1) all proposed landscape planting shall be done prior to or within the growing season immediately following the completion of construction and the vegetation shall be monitored for two growing seasons and replaced as necessary to ensure compliance with the approved plans, and 2) because the property is located in FEMA AO Zone and the project has increased the footprint by 20%, there shall be no further expansion of the footprint of the structure or decks into perpetuity. Doug Muir seconded the motion. The motion was unanimously approved.

9. Adjournment

Steve Moore moved to adjourn the meeting at 8:10 p.m. Doug Muir seconded the motion. The motion was unanimously approved.