

## **Newburyport Conservation Commission**

August 2, 2016

Senior/Community Center Board Room

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 Paul Healy, Steve Moore, David Vine, Dan Bourdeau and Joe Teixeira. Dan Warchol and Doug Muir were absent.

### **3. Minutes**

Paul Healy moved to approve the minutes of the June 21, 2016 meeting as submitted. David Vine seconded the motion. The motion was unanimously approved.

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

#### **Plum Island Updates**

DCR has hired GZA to investigate temporary solutions to dune erosion. The next MRBA meeting is scheduled for September 9.

#### **Dredging at Plum Island Point**

The dredging was interrupted during peak boating season. The emergency certification was extended through September 2. A great deal of sand has already been stockpiled and dewatering began immediately. The as-built plans that will be developed at the completion of the work will serve as the basis for future filings.

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

#### **First Republic Corp. of America**

190 Merrimac Street

Request for Minor Modification

DEP File #051-0797

Lisa Mead represented the applicant. In the plans approved in 2008, a historic barn was to be moved from the Towle property to Cashman Park to be used for public restrooms. The barn will now be left in place and converted to housing. A foundation had been installed at Cashman Park to accommodate the barn. The applicant will construct a new restroom facility in the same location but on a smaller foundation. The existing foundation will be left in place and buried.

Paul Healy moved to accept the plan as a Minor Modification. Dan Bourdeau seconded the motion. The motion was unanimously approved.

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**6. Public Hearings**

Steve Moore moved to recess for the public hearings. David Vine seconded the motion. The motion was unanimously approved.

**Ronald Guertin, Carr Island, LLC**

386 Merrimac Street

Notice of Intent

The applicant requested the opening of the public hearing be delayed until the August 16 meeting.

**C&L Homes, LLC**

3 H Street

Notice of Intent

Tom Hughes represented the applicant, who is proposing to construct a single-family home with two driveways on a vacant lot. Parking would be situated under the structure. Decks would be added on two ends of the house. The plans call for more vegetation to be planted than would be disturbed. Three pitch pines would be removed and replaced in kind or with other native trees. The applicant wishes to notify the Commission about the location of the trees before construction begins.

Joe Teixeira opened the hearing to comments from the public. Katherine Preftes, 6 H Street, has concerns about construction taking place in a fragile ecosystem and said the removal of the deeply rooted pines would have a negative impact on the stability of the dunes. Helen Garber, 127 Old Point Road, said the property is one of the last natural stretches of land on Plum Island, the trees on the site should be protected, the proposed structure would be too close to the neighboring house and existing structures on the island should be renovated rather than new homes being built. Carol Turnquist, 5 I Street, said the dune should be protected and the root system of the mature trees help to prevent erosion. She added the project would increase traffic and disrupt the quiet ambiance of the neighborhood.

Joe Teixeira said while he might agree with many of the comments made, the authority of the Commission is limited to the enforcement of the Wetlands Protection Act and the local ordinance. The Commission cannot deny an owner the use of his property.

A site visit will take place on Tuesday, August 9 at 7:00 p.m. A DEP file number has not yet been received. For the next meeting the applicant will confirm the size of the existing trees and will provide more information on the planting plan and the way in which the existing trees would be protected during construction. The Commission members wish to see the plans for the structure's facades.

Paul Healy moved to continue the public hearing to the August 16 meeting. Dan Bourdeau seconded the motion. The motion was unanimously approved.

Steve Moore moved to close public hearings. David Vine seconded the motion. The motion was unanimously approved.

**7. Orders of Conditions**

None

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**8. Enforcement/Violations**

17 82nd Street

David Vine recused himself from the discussion. Aerial photos show the owner has been removing beach grass from the front of his property. A deck was also installed without a permit. Paul Healy moved to issue a Notice of Violation for the construction of the deck and the removal of beach grass and to require the property owner to attend the next meeting to discuss remedies. Steve Moore seconded the motion. The motion was unanimously approved.

**216 Northern Blvd.**

The property owner has not yet submitted plans to bring a fence into compliance with the local ordinance. Steve Moore moved to issue an Enforcement Order and fine the property owner \$100 per day if the fence is not in compliance by September 6. Dan Bourdeau seconded the motion. The motion was unanimously approved.

**9. Adjournment**

Steve Moore moved to adjourn the meeting at 8:00 p.m. Paul Healy seconded the motion. The motion was unanimously approved. The next meeting will be scheduled for Tuesday, August 16, 2016.