

Newburyport Conservation Commission
September 3, 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 6:45 p.m.

2. Roll Call

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

3. Minutes

Paul Healy moved to approve the minutes of the August 20, 2019, meeting as submitted. Steve Moore seconded the motion. The motion was unanimously approved.

4. Plum Island Updates

The next meeting of the MRBA is scheduled for Friday, September 6. One expected topic of discussion is the plan to nourish the dune along Reservation Terrace. The plan must be revised because the dune is now narrower, which would make the operation of the equipment unsafe. Additional survey work might be needed and an increased amount of sand might be added on the beach side. The work is scheduled to begin on September 9.

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

Darryl Forgione, DCR

Reservation Terrace
Request for Extension
DEP File #051-0959

A special condition of the permit to nourish the dune on Reservation Terrace allows for the ongoing addition of plant material and sand in the project area. The applicant intends to add more sand to the dune in the fall due to continued erosion along Reservation Terrace. Paul Healy moved to issue a three-year extension of the Order of Conditions. Steve Moore seconded the motion. The motion was unanimously approved.

James Heiss, University of Massachusetts

244 Merrimac Street (Cashman Park)
Request for Determination of Applicability

No new information was received and the applicant did not attend the meeting. David Vine moved to continue the request to the September 17 meeting. Steve Moore seconded the motion. The motion was unanimously approved.

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City of Newburyport Parks Department

149 High Street

Request for Determination of Applicability

The promenade along High Street at the Bartlet Mall is to be extended to Auburn Street. The work would necessitate the redesign of the playground and basketball court. A portion of the basketball court is within the 100-foot buffer zone of the Frog Pond. Paul Healy moved to issue a Negative 3 Determination with the condition that a construction sequence, erosion control plan and stockpile location shall be submitted to the Conservation Administrator for approval prior to the start of work. Steve Moore seconded the motion. The motion was unanimously approved.

Karen Amundsen

87 North Reservation Terrace

Request for Certificate of Compliance

DEP File #051-0726

The construction of a house on pilings was never undertaken and the Order of Conditions has elapsed. A new Notice of Intent would be required for any work on the site. Paul Healy moved to issue an Order of Conditions indicating the Order of Conditions is invalid. Steve Moore seconded the motion. The motion was unanimously approved.

Kevin and Kim Conway

11 61st Street

Request for Minor Modification

Lisa Mead represented the applicant, who is requesting a variance for a utility room that is larger than permitted under the regulations. The applicant would be able to reduce the size of the room from its current 5'9" by 7'0" to 4'8" by 4'0". The regulations state that utility rooms are to be no larger than 3'6" by 3'6". Attorney Mead said the distance between the water and sewer pipes would prevent the size of the room from being further reduced. The Commission members pointed out the pipes could be reconfigured so that they would be closer together near the ground. The applicant will submit a plan for a utility room that would measure 3'6" x 3'6" for its lowest 2.5 feet at a minimum. It shall widen out to accommodate the pipes as high up as possible.

Alexandra and Gregory Coir

2 Lancey Court

Request for Certificate of Compliance

DEP File #051-0613

In 2010, the Commission issued a partial Certificate of Compliance. Some of the work was not done according to the plans and the applicant was advised to file a Notice of Intent for the deviations. Julia Godtfredsen visited the site and reported the deviations were minor and did not adversely impact the resource area. Some were not jurisdictional and others would be exempt under the regulations because they are accessories to a single-family home and are in the outer part of the buffer zone. Steve Moore moved to issue a Certificate of Compliance. Paul Healy seconded the motion. The motion was unanimously approved.

245 Northern Boulevard

Informal Discussion

Tom Hughes asked that an item not on the agenda be considered. The owners of the Oliver House wish to install a utility shelf on sonotubes for a generator and two air conditioning units. Because the shelf would increase the footprint, the applicant is proposing to reduce the size of the patio and driveway as compensation. The Commission members must also review a pathway, shed and fence that were not a part of the approved plans. A more detailed plan must be submitted for review at the September 17 meeting. The plan must show the dimensions and elevation of the shed and the shelf.

6. Public Hearings

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

5 Stanley Tucker Drive

The variance request was only just received and the Commission members have not yet had the chance to review it. Dan Warchol moved to continue the public hearing to the September 17 meeting. David Vine 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. The site is in the AO zone, where no development or redevelopment is permitted. The fully vegetated lot has no water or sewer hook-ups and is not listed as a buildable site. An Order of Conditions was sought in 2017 and was denied. The applicant appealed to DEP and the appeal was dismissed because the applicant had not requested a variance. The variance request has now been submitted but is not complete. In addition, the Commission members had requested that the applicant receive a Zoning Board variance before submitting a Notice of Intent, which has not been done.

Several neighbors attended the public hearing and submitted photographs showing that cars have been parking on the lot, which damages the vegetation. Julia Godtfredsen will communicate with the applicant about the matter.

The applicant did not attend the meeting and did not request a continuance. Steve Moore moved to continue the public hearing to the September 17 meeting. David Vine seconded the motion. The motion was unanimously approved.

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

7. Enforcement

9 Doe Run Drive

Joe Teixeira recused himself from the discussion. The property owner attended the meeting. She will provide a drawing for the next meeting that shows the proposed location of plantings to

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restore the wetland area. She will also submit photographs of the area from which the pool was removed.

229 Northern Blvd.

The property owner removed the pool but has not yet filed a Notice of Intent for the shed and deck that were installed without a permit. He will be asked to attend the next meeting.

8. Orders of Conditions

None

9. Adjournment

Dan Warchol moved to adjourn the meeting at 8:08 p.m. Steve Moore seconded the motion. The motion was unanimously approved.