

Newburyport Conservation Commission
November 5, 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 6:47 p.m.

2. Roll Call

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

3. Minutes

Paul Healy moved to approve the minutes of the October 15, 2019, meeting as submitted. David Vine seconded the motion. The motion was unanimously approved.

4. Plum Island Updates

It is estimated that three-quarters of the sand that was recently placed on the berm along Reservation Terrace has been lost.

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

Philip J. Capolupo

354 Merrimac Street

Request for Certificate of Compliance

DEP File #051-0543

An Order of Conditions was issued in 2001 for a boardwalk, gangway and floats. The Army Corp. approved a plan in 2002 for a different configuration with an additional float. The Commission members agreed that the change is a minor one that would not have a negative impact on the river. Steve Moore moved to issue a Certificate of Compliance. Paul Healy seconded the motion. The motion was unanimously approved.

Kevin J. Lagasse, Trustee, Basin Realty Trust

14 Gloria Street

Request for Certificate of Compliance

DEP File #051-0591

Tom Hughes represented the applicant. In 2003 two cottages were demolished and a single-family house was constructed in their place. There are several deviations from the approved plans. The house was to be elevated at least two feet above grade. The applicant filed in the area under the front of the house with clam shells over the years so that it is now at grade. Lattice panels extend to the ground on the sides and rear of the house. A wood deck was constructed at grade that extends along the side and rear of the house. The original plan showing the area in

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which vegetation was to be planted was imprecise but the plant materials were never installed. The applicant wishes to address the planting deficit in a Notice of Intent. The Commission members will visit the site on Tuesday, November 12 at 10:00 am. Steve Moore moved to continue the request to November 19. David Vine seconded the motion. The motion was unanimously approved.

Richard A. and Dorothy A. Mugavero

227 Northern Boulevard

Request for Determination of Applicability

The applicant submitted an RDA in response to a Notice of Violation for the installation of a shed, deck and pool in the AO zone without a permit. The pool has been removed. The increased coverage does not exceed the 20% threshold allowed under the ordinance. The applicant is proposing to plant 235 square feet of beach grass as mitigation for the construction of the deck and shed and the destruction of the beach grass under the pool. The concrete foundation of an older shed remains on the site.

Steve Moore moved to issue a Negative 3 Determination with the conditions that 1) prior to May 1, 2020, the applicant shall install the plant materials and remove the concrete foundation for the shed along Barker Street and submit photographs to the Conservation Administrator showing the work has been completed, 2) the plantings shall be monitored for two years for survival and shall be replaced as necessary and 3) any new material brought to the site shall be clean beach grade sand only. David Vine seconded the motion. The motion was unanimously approved.

Karen Damon and David Hamel

496R Merrimac Street

Request for Minor Modification

DEP File #051-0979

Tom Hughes represented the applicants, who constructed a deck in a different location than was shown on the approved plans. The new location is nearer the wetlands and the applicant has proposed the planting of four trees and the removal of invasive species from the no-disturb zone as mitigation. A gravel parking area was installed near the garage that was also not a part of the approved plans. The parking area is on the opposite of the house from the wetlands and would not create any negative impacts. Paul Healy moved to accept the changes as a minor amendment with the condition the applicant shall provide a plan showing the invasive species that are to be removed and the plant materials that will be installed to replace them. Steve Moore seconded the motion. The motion was unanimously approved.

6. Public Hearings

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

Kevin J. Lagasse, Trustee, Basin Realty Trust

14 Gloria Street

Notice of Intent

Tom Hughes represented the applicant, who is proposing to construct a shed on pilings within the area of an existing driveway. There is an outstanding Order of Conditions on the property. The applicant is proposing add plant material to mitigate for deviations from the approved plans. Steve Moore said the plantings should provide habitat value and should not be simply beach grass. Nanette Gabaree, an abutter from 5 Flora Street, asked questions about setbacks. A site visit will take place on Tuesday, November 12 at 10:00 am. Dan Warchol moved to continue the public hearing to November 19. Steve Moore seconded the motion. The motion was unanimously approved.

Paul Hogg, Harbormaster

Northern Boulevard, Plum Island Point

Notice of Intent

The applicant did not attend the meeting. A shed was installed without a permit in an area of existing pavement in the AE zone. The shed is not the required one foot above grade. David Vine moved to continue the public hearing to the November 19 meeting. Steve Moore seconded the motion. The motion was unanimously approved.

Regulations for Land Subject to Coastal Storm Flowage

Julia Godtfredsen amended the document to make it consistent with FEMA regulations. Paul Healy moved to adopt the regulations for land subject to coastal storm flowage. Steve Moore seconded the motion. The motion was unanimously approved.

7. Adjournment

Steve Moore moved to adjourn the meeting at 8:35 p.m. David Vine seconded the motion. The motion was unanimously approved.