

## **Newburyport Conservation Commission**

December 3, 2013

City Council Chambers

Minutes

### **1. Call to Order**

A meeting of the Newburyport Conservation Commission was called to order by Chair Joe Teixeira at 6:45 p.m.

### **2. Roll Call**

In attendance were members Joe Teixeira, Mary Casey, Steve Moore, Paul Healy and Jim O'Brien. Also in attendance was Julia Godtfredsen.

### **3. Minutes**

Steve Moore moved to approve of the minutes of the November 19 meeting as submitted. Paul Healy seconded the motion. The motion was unanimously approved.

### **4. General Business**

#### **Conservation Restriction for 249 High Street**

Doug Muir expressed his thoughts about a placement of a conservation restriction on the property to the other members of the Commission in an email in which he suggested a deed restriction might be an alternative. The members discussed the characteristics of the two types of restrictions. A conservation restriction might be preferable because the Commission would have a role in its enforcement. The enforcement would not be a burden to the Commission and would be within the wishes of the property owner. It was also thought that a deed restriction might expire after 30 years. While the parcel of land for which the restriction is being considered is relatively small, it has value as a habitat and the property could possibly be threatened by a Section VI-C development. Julia Godtfredsen will look into any restrictions that have been placed on the neighboring condos, where a wooded area extends beyond the small, fenced backyards.

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

#### **Joseph Verrengia**

11 Julia Street

Request for Determination of Applicability

Jim House spoke on behalf of the applicant, who is proposing work on a structure that would not change its footprint. A two-foot trench would be dug by hand for the installation of underground electrical service. Mary Casey moved to issue a Negative 3 Determination with the conditions that 1) no sand shall be removed from the site, 2) any disturbed vegetation shall be replaced and 3) if the bulkhead is removed it shall be taken off of the island and the area shall be filled with clean, beach grade sand. Steve Moore seconded the motion. The motion was unanimously approved.

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**Scott Lambert**

8 Barker Street

Request for Determination of Applicability

Tom Hughes appeared for the applicant, who is proposing to remove a second-floor deck and replace with a larger structure with a new stairway and first-floor landing. The existing pilings would be removed and additional pilings installed. The landing would be elevated two feet above grade. The vegetation displaced by the landing will be replicated at a 1:1 ratio elsewhere on the site. The second floor deck would be located partially over pavers and a driveway. Due to its elevation it would not impact any vegetated areas.

The RDA includes a request to allow the landscape plan to be submitted at a later date. The landscape plan would include the planting of vegetation, the removal of a large area of pavers, the installation of gravel and the rebuilding and relocation of a shed. Paul Healy commented that the relocation of a shed would be beyond the scope of an RDA and a separate RDA should be filed for the removal of the pavers from the front of the property, as details on this work have not been provided. Mr. Hughes withdrew the shed and pavers from the RDA and will seek approval for this work under a separate filing.

Paul Healy moved to issue a Negative 3 Determination with the conditions that 1) the applicant shall submit information on the square footage of vegetation that will be impacted by the landing and on the location of the replication area, 2) no sand shall be removed from the site, 3) any disturbed vegetation shall be replaced at a 1:1 ratio 4) any pavers removed in conjunction with the deck work shall be taken off of the island, 5) clean, beach grade sand shall be used in any areas where it would be required by the project and 6) the relocation of the shed and the removal of the pavers from the front of the property shall be handled under a separate filing. Steve Moore seconded the motion. The motion was unanimously approved.

**Mark L. Janos**

16 Bradbury Lane

Request for Certificate of Compliance

DEP File #051-267, 051-091, 051-0175 and 051-029

Julia Godtfredsen said DEP File #051-0175 and #051-267 were issued to the City for street and infrastructure work and do not apply to 16 Bradbury Lane. The property was a part of the subdivision to which DEP Files #051-029 and 051-091 apply. No specific conditions pertain to the property, which is separated from the nearest wetland by a street. The property was not subject to an Enforcement Order that had been issued for two lots in the subdivision. Steve Moore moved to issue a Certificate of Compliance for DEP File #051-029 and 051-091. Mary Casey seconded the motion. The motion was unanimously approved.

**Joan Danglemaier**

2 Savory Street

Correction to Certificate of Compliance

Julia Godtfredsen corrected the Certificate of Compliance to include the ongoing conditions from the original Order of Conditions pertaining to the phragmites control project. Paul Healy moved to accept the corrected Certificate of Compliance. Steve Moore seconded the motion. The motion was unanimously approved.

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**6. Public Hearings**

None

**7. Orders of Condition**

None

**8. Enforcement**

None

**9. Adjournment**

Paul Healy moved to adjourn the meeting at 8:20 p.m. Steve Moore seconded the motion. The motion was unanimously approved. The next meeting of the Conservation Commission will be held on January 7, 2014.