

**Newburyport Conservation Commission**  
January 7, 2020  
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 Paul Healy, Steve Moore, Joe Teixeira, Doug Muir and David Vine. Dan Warchol was absent. Dan Bourdeau has resigned from the Commission. Conservation Administrator Julia Godtfredsen was also in attendance.

**3. Minutes**

Paul Healy moved to approve the minutes of the December 3, 2019, meeting as submitted. Steve Moore seconded the motion. The motion was unanimously approved.

**4. Old and New Business**

**Plum Island Updates**

The next MRBA meeting is scheduled for Friday, January 10.

Paul Healy, Joe Teixeira and Steve Moore attended an informative presentation on storm surge.

**5. Informal Discussions**

**5 Helena Street**

Michael Seekamp described the plan to construct an addition on a Plum Island cottage. The addition would cover the footprint of an existing deck and a new deck would be constructed that would extend into the 25-foot no-disturb zone. The heavily vegetated area is adjacent to a saltmarsh. A variance would be needed for the work. The Commission members thought it would be unlikely that the overriding public interest standard could be met.

**20 Graf Road**

Tom Hughes presented the plan to relocate a medical facility to a disturbed site in the industrial park. The entire lot is within the buffer zone. The Commission members were concerned about the amount of impervious surface and the number of parking spaces being proposed for the three-story building. The proposal does not include any no-impact development techniques. The applicant would need to improve stormwater management and should add trees to the site to increase habitat value. The project would be an ideal one for a green roof.

**6. Certificates of Compliance, Requests for Determinations, Requests for Minor Modifications**

**Low Street Redevelopment, LLC, Bernie Christopher**

255R Low Street

Request for Certificate of Compliance

DEP File #051-0984

Steve Sawyer said the work has been completed and was done according to the plan. Paul Healy moved to issue a Certificate of Compliance for 255R Low Street. Doug Muir seconded the motion. The motion was unanimously approved.

**United States Postal Service (USPS)**

12 Malcolm Hoyt Road

Request for Determination of Applicability

Mike Clarke of the BSC Group described the changes to the plan for overlaying the pavement in the parking lot at the Postal Service facility. The silt fence has been replaced with filter socks. The Postal Service has agreed to plant five red maples along the perimeter of the walkway. He confirmed that the pavement is compliant with ADA requirements. Paul Healy moved to issue a Negative 2 Determination. Steve Moore seconded the motion. The motion was unanimously approved.

**Gary Litchfield, C&L Homes**

3 H Street

Request for Minor Modification

DEP File #051-0957

Tom Hughes represented the applicant, who constructed the deck associated with a new single-family home larger than was shown on the permitted plans. The stairs were incorporated into the footprint of the two-story deck and vegetation was planted under it. As a result of the change the amount of vegetation was greater than had originally been proposed. Paul Healy moved to accept the changes as a minor modification with the condition the split-rail fence installed to delineate the planting area shall remain in place in perpetuity. Doug Muir seconded the motion. The motion was unanimously approved,

**Gary Litchfield, C&L Homes**

1 G Street

Request for Minor Modification

DEP File #051-0966

Tom Hughes represented the applicant, who constructed the deck associated with a new single-family home larger than was shown on the permitted plans. The stairs were incorporated into the footprint of the two-story deck and vegetation was planted under it. As a result of the change the amount of vegetation was greater than had originally been proposed. Paul Healy moved to accept the changes as a minor modification with the condition the split-rail fence installed to delineate the planting area shall remain in place in perpetuity. Steve Moore seconded the motion. The motion was unanimously approved.

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**National Grid**

95 Water Street

Proposed Minor Modifications

DEP File #051-0964

The area behind the revetment at the substation was eroded when it was washed over during recent storms. To repair the damage and prevent further erosion, the applicant is proposing to install 3" to 6" stones with geotextile fabric beneath them. In addition, the applicant installed rip rap in an area that was seeded but the vegetation failed to become established. The applicant is now proposing to remove some of the stones and plant bayberry, beach plum and switchgrass in their place. The rip rap would be sprayed with seed mix. Steve Moore requested that seaside goldenrod be added for color. The applicant requested a two-year extension to complete the work. The extension would allow for a one-year monitoring period for the vegetation.

Paul Healy moved to issue a two-year extension. David Vine seconded the motion. The motion was unanimously approved.

Steve Moore moved to accept the changes as a minor modification. Paul Healy seconded the motion. The motion was unanimously approved.

**Jeffrey and Donna Sprague**

15 63<sup>rd</sup> Street

Request for Certificate of Compliance

DEP File #051-0945

Tom Hughes represented the applicants, who installed a peastone driveway that is larger than approved and extended into an area that was to be planted. The applicant is proposing to plant beach grass along the leading edge of the deck in compensation. The Commission members requested that 50 to 60 square feet of beach grass instead be planted along the front of the property rather than under the deck. The Certificate of Compliance will not be issued until the planting has been satisfactorily completed. Steve Moore moved to continue the request to the May 19 meeting. David Vine seconded the motion. The motion was unanimously approved.

**John and Mary Gene Clavin**

8 Harrison Street

Request for Determination of Applicability

Tom Hughes represented the applicants, who are proposing to construct an addition to a single-family home. A portion of the property is within Land Subject to Coastal Storm Flowage. The additional living space would be on the second story, above an existing deck. Steve Moore moved to issue Negative 2 Determination. Paul Healy seconded the motion. The motion was unanimously approved.

**Scott and Tina Devivo**

10 Mulliken Way

Request for Determination of Applicability

Tom Hughes represented the applicants, who submitted an RDA for the construction of a trench at a doggie daycare within the 25-foot no-disturb zone. The plans have changed and instead of the trench the applicant is proposing to install artificial turf with a curb over the existing

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pavement. Steve Moore moved to issue a Negative 2 Determination. David Vine seconded the motion. The motion was unanimously approved.

**7. Public Hearings**

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

**Paul Hogg, Harbormaster**

Northern Boulevard, Plum Island Point

Notice of Intent

Paul Hogg received confirmation from City Engineer Jon-Eric White that the shed could be raised on an additional cinderblock. Reeds Ferry will elevate the shed to two feet above grade, secure it and install a wood ramp. The Order of Conditions will be issued after plans have been submitted showing the elevation of the shed and the placement of the new ramp. Steve Moore moved to continue the public hearing to the January 21 meeting. Paul Healy seconded the motion. The motion was unanimously approved.

**Three Boston Way, LLC**

3 Boston Way

Notice of Intent

The public hearing was not opened because the legal notice was not published in the newspaper.

David Vine moved to close the public hearings. Paul Healy seconded the motion. The motion was unanimously approved.

**8. Order of Conditions**

None

**9. Enforcement**

**9 Doe Run Drive**

Joe Teixeira recused himself from the discussion. Marc Emmons provided photographs of the area from which an above-ground swimming pool was removed. He will provide a list of the plant materials that were installed. Julia Godtfredsen will confirm the appropriateness of the species planted and visit the site.

**10. Adjournment**

Steve Moore moved to adjourn the meeting at 8:50 p.m. Paul Healy seconded the motion. The motion was unanimously approved.