

Newburyport Conservation Commission
April 16, 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 Joe Teixeira, Steve Moore, Paul Healy, Dan Bourdeau and David Vine. Dan Warchol arrived at 7:10. Doug Muir was absent.

3. Minutes

Paul Healy moved to approve the minutes of the April 2, 2019, meeting. David Vine seconded the motion. The motion was approved.

4. Old and New Business

Plum Island Updates

The emergency dune nourishment project for Reservation Terrace has been put on hold until the fall due to the lack of a sufficient amount of sand to construct the berm and the inability to find a reliable piping plover monitor.

5. Enforcement

5 Doe Run

Notice of Violation

Joe Teixeira recused himself from the discussion. The property owners attended the meeting and said they removed four trees and seven shrubs in order to replace a deteriorating fence. They recently purchased the property and were not aware it is in the wetlands. The Commission members recommended the owners indicate the location of the new fence on their survey plan, along with the location of eight red maples that would be planted as mitigation. It would not be necessary for the wetlands to be delineated. The property owners will submit an RDA.

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

None

7. Public Hearings

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

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Michael Kane, Ganton, LLC c/o The Kane Company

341 Merrimac Street

Notice of Intent

DEP File #051-1007

The applicant requested a continuance. Dan Bourdeau moved to continue the public hearing to the May 7 meeting. Steve Moore seconded the motion. The motion was unanimously approved.

Jan-Wilhelm and Janina Schwarte

263 Water Street

Notice of Intent

DEP File #051-1008

Tom Hughes and Joel Quick represented the applicants, who are proposing to renovate a 1719 house located in the FEMA V zone. Under FEMA and WPA, the applicants would be required to elevate the house on pilings above the base flood elevation due to the extent of the proposed work. The applicants have received an exemption from this requirement from the Board of Building Regulation and Standards (BBRS) because of the historic nature of the house. The official determination has not yet been received. The Newburyport Historical Commission voted that the side and rear additions to the structure are not historically significant and could be removed.

The applicant is proposing to remove the impervious patio and replace it with a larger one of permeable materials. A second patio would be added as well. Both patios would be located within the 25-foot no-disturb zone. The Commission members questioned if the impacts to the buffer zone have been minimized and if the proposed buffer plantings would be of an adequate size to compensate for these impacts. Steve Moore commented that the stairway leads directly into the saltmarsh.

The second story of the mudroom would be supported by piers and the first floor would have breakaway walls. The Commission members asked how storm waters might impact the components of the plumbing and electrical systems in this room. They asked about damage that might be done to the surrounding area if the panels were to become unattached. They also expressed their concerns about the depth of the foundation and its proximity to the seawall. David Vine commented that the project does not meet the standards for work in the V zone.

A site visit will take place on Monday, April 22 at 3:00 p.m. The applicant was asked to stake the corners of the proposed addition. Paul Healy moved to continue the public hearing to the May 7 meeting. Steve Moore seconded the motion. The motion was unanimously approved.

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

8. Adjournment

Steve Moore moved to adjourn the meeting at 8:13 p.m. Paul Healy seconded the motion. The motion was unanimously approved.