

**Newburyport Conservation Commission**  
June 18, 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 6:46 p.m.

**2. Roll Call**

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

**3. Minutes**

David Vine moved to approve the minutes of the June 4, 2019, meeting as submitted. Dan Bourdeau seconded the motion. The motion was approved.

**4. Plum Island Updates**

- The focus of the MRBA held on June 14 was upstream sewage releases.
- A neighborhood public meeting has been scheduled for June 19 to discuss the pathways to the beach from Reservation Terrace that have been closed due to erosion.
- Karen Majahad, 6 59<sup>th</sup> Street, said she is concerned about safety on the narrow road where an area of beach grass between two condo units is being used for parking. Julia Godtfredsen will visit the site.

**5. Other Business**

**57 Low Street**

Andy Port described the City's plans to purchase a garage owned by the Massachusetts National Guard for use by Newburyport Youth Services. The site has been delineated. The construction of a gym and parking area would likely result in an intrusion into the 25-foot no-disturb zone and would require a variance. A replication area could potentially be located in an upland area at the rear of the site. The installation of interpretive signage and the use of the building by Youth Services could provide the public benefit required for the variance.

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

**Kenneth Cmar**

10 78<sup>th</sup> Street

Request for Determination of Applicability

The applicant is proposing to install a roof deck on a two-story structure and footings for an access stairway. A portion of a first-floor deck that had been installed by a previous owner without a permit would be removed. The remainder of the site is lawn. The applicant would be prohibited from adding loam or expanding the lawn into the area from which the deck is to be removed. Doug Muir moved to issue a Negative 3 Determination with the conditions that

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concrete footings shall not be used for the stairway and only beach-grade sand and beach grass or native shrubs shall be added to the area from which the deck is to be removed. Dan Bourdeau seconded the motion. The motion was unanimously approved.

**7. Public Hearings**

Doug Muir moved to open the public hearings. Dan Bourdeau seconded the motion. The motion was unanimously approved.

**Terry and Mark Robertson**

1 Jefferson Court

Notice of Intent

Tom Hughes represented the applicant, who is proposing to make several changes to an existing home in the riverfront area. The existing garage would be converted to living space and a new garage would be added at the opposite end of the structure. The driveway would be relocated and a turn-around added, requiring the removal of a tree. The existing driveway would be converted to a patio and native plant materials would be added in an area that is currently lawn. Paul Healy moved to close the public hearing. David Vine seconded the motion. The motion was unanimously approved.

**5 Stanley Tucker Drive, LLC**

5 Stanley Tucker Drive

Notice of Intent

**3 Stanley Tucker Drive, LLC c/o Zampell Refractories, Inc.**

3 Stanley Tucker Drive

Notice of Intent

DEP File #051-1014

**K & B Zampell Realty, Inc.**

17 Malcolm Hoyt Road

Notice of Intent

DEP File #051-1012

The public hearings for three adjacent properties were opened together. Work on the sites had previously been approved but the permits have expired. Peter Ogren of Hayes Engineering represented the applicant, who is proposing to expand the building at 17 Malcolm Hoyt Road to provide additional storage space. The expansion would be take place in an area that is currently lawn and pavement. The size of the parking area would not be increased. The applicant is proposing to manage stormwater through a rooftop storage system. A building expansion is always being proposed for 3 Stanley Tucker Drive. The related work proposed for 5 Stanley Tucker Drive would require a variance. The applicant requested a continuance to the July 18 meeting in order to receive comments from the Planning Board peer reviewer. A site visit will take place on June 26 at 2:00 p.m. Doug Muir moved to continue the public hearing to the July 16 meeting. 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

Paul Healy moved to approve a withdrawal of the Notice of Intent without prejudice. Dan Bourdeau seconded the motion. The motion was unanimously approved.

**Nicole Young Nadeau**

6 Bayne Lane

Notice of Intent

DEP File #051-1011

No further information has been received from the applicant, who requested an extension at the previous meeting in order to address comments from Natural Heritage. Doug Muir moved to continue the public hearing to the July 2 meeting. David Vine seconded the motion. The motion was unanimously approved.

Doug Muir moved to close the public hearings. Dan Bourdeau seconded the motion. The motion was unanimously approved.

**8. Enforcement**

None

**9. Orders of Conditions**

**Terry and Mark Robertson**

1 Jefferson Court

DEP File #051-1013

Paul Healy moved to issue an Order of Conditions with the special condition that at the end of every workday the contractor shall remove any project-related debris or soils tracked onto the roadways and all erosion control shall be inspected prior to and immediately after predicted rainstorms and shall be monitored on a regular basis. David Vine seconded the motion. The motion was unanimously approved.

**10. Other Business**

**North End Boat Club**

The plan to install a portable deck would not impact any resource areas. Paul Healy moved to authorize the Conservation Administrator to issue a letter permit and refund the filing fee. David Vine seconded the motion. The motion was unanimously approved.

**Land Subject to Coastal Storm Flowage**

The Commission members had no further comments on the draft regulations for land subject to coastal storm flowage. A public hearing will be scheduled for an upcoming meeting.

**11. Adjournment**

Paul Healy moved to adjourn the meeting at 9:05 p.m. Joe Teixeira seconded the motion. The motion was unanimously approved.