

Newburyport Conservation Commission
August 1, 2023
Online Meeting
Minutes

1. Call to Order

Chair Joe Teixeira called an online meeting of the Newburyport Conservation Commission to order at 6:45 p.m.

2. Roll Call

In attendance were members Joe Teixeira, Charlie Aloviseti, David Vine, Carole Wagan, Dan Warchol, Steve Moore and Bill Mullen. Conservation Administrator Julia Godtfredsen was also in attendance.

3. Minutes

Steve Moore moved to approve the minutes of the July 18, 2023, meeting. Carole Wagan seconded the motion. The motion was approved by a 6-0 vote (Steve Moore, yes; David Vine, yes; Carole Wagan, yes; Dan Warchol, yes; Joe Teixeira, yes; Charlie Aloviseti, yes; Bill Mullen, abstain).

4. Old and New Business

Plum Island Updates

The next MRBA meeting is scheduled for August 4.

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

City of Newburyport

388 High Street

Request for Determination of Applicability

Julia Godtfredsen said that due to errors in the public notice and an article in *The Daily News*, the matter should be postponed to the next meeting.

Steve Moore moved to continue the request to the August 15 meeting. Bill Mullen seconded the motion. The motion was approved by a 7-0 vote (Steve Moore, yes; David Vine, yes; Carole Wagan, yes; Dan Warchol, yes; Joe Teixeira, yes; Charlie Aloviseti, yes; Bill Mullen, yes).

6. Public Hearings

Carole Wagan moved to open the public hearings. Steve Moore seconded the motion. The motion was approved by a 7-0 vote (Steve Moore, yes; David Vine, yes; Carole Wagan, yes; Dan Warchol, yes; Joe Teixeira, yes; Charlie Aloviseti, yes; Bill Mullen, yes).

a) Newburyport Manager, LLC

0 Brown's Wharf

Notice of Intent

DEP File #051-1074

Paul Avery presented the applicant. He said a letter from Natural Heritage has been submitted. The entire project is within the 200-foot riverfront area and therefore it was not possible to show its boundary on the plans. The plans were revised to include the location of the underground utilities and the debris control system. Temporary fencing will be installed along the railing to prevent debris from entering the river during construction. A connection for public access has also been added to the plans. Signage has not been proposed, but the applicant would be willing to install signs indicating the area is open to the public if the Commission requires it. Julia Godtfredsen said Chapter 91 requirements have been met through the easement for the Rail Trail and the Commission does not have the jurisdiction to mandate signage.

David Vine asked about the flowable fill. Mr. Avery said marine grade plywood would be installed on the inside of the bulkhead to prevent material from escaping.

Steve Moore moved to close the public hearing. Carole Wagan seconded the motion. The motion was approved by a 7-0 vote (Steve Moore, yes; David Vine, yes; Carole Wagan, yes; Dan Warchol, yes; Joe Teixeira, yes; Charlie Aloviseti, yes; Bill Mullen, yes).

b) City of Newburyport

388 High Street

Notice of Intent

Julia Godtfredsen said that due to errors in the public notice and an article in *The Daily News*, the matter should be postponed to the next meeting.

Carole Wagan moved to continue the public hearing to the August 15 meeting. Steve Moore seconded the motion. The motion was approved by a 7-0 vote (Steve Moore, yes; David Vine, yes; Carole Wagan, yes; Dan Warchol, yes; Joe Teixeira, yes; Charlie Aloviseti, yes; Bill Mullen, yes).

c) Tucker McCarthy

31 Overlook Road

Notice of Intent

Tom Hughes represented the applicant, who is proposing to remove a single-family home in the AO zone that is supported by sonotubes. It would be replaced with a new structure on pilings over the same footprint. The existing deck and porch would be removed. The parking area would remain in its existing location and stairs would be added on that side of the new structure. The lot coverage would be slightly decreased and the amount of vegetation of the site would be increased. A DEP file number has not yet been received. The applicant was asked to add elements of a landscaping design, such as the location of a patio and the edges of driveway, to the plan.

Carole Wagan moved to continue the public hearing to the August 15 meeting. Steve Moore seconded the motion. The motion was approved by a 7-0 vote (Steve Moore, yes; David Vine, yes; Carole Wagan, yes; Dan Warchol, yes; Joe Teixeira, yes; Charlie Aloviseti, yes; Bill Mullen, yes).

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Carole Wagan moved to close the public hearings. Steve Moore seconded the motion. The motion was approved by a 7-0 vote (Steve Moore, yes; David Vine, yes; Carole Wagan, yes; Dan Warchol, yes; Joe Teixeira, yes; Charlie Aloviseti, yes; Bill Mullen, yes).

7. Enforcement/Violations

None

8. Order of Conditions

Newburyport Manager, LLC

0 Brown's Wharf

DEP File #051-1074

Steve Moore moved to issue an Order of Conditions for 0 Brown's Wharf with the special conditions that: 1) the Conservation Administrator shall be notified when the debris prevention system has been installed and no work shall take place on site before this time, 2) work shall cease immediately and the Conservation Administrator shall be notified if the use of the flowable fill results in any leakage into the Merrimack River and 3) the location of any signage associated with public access on the river side of the structure shall be provided to the Commission Administrator for incorporation into the plans. Joe Teixeira seconded the motion. The motion was approved by a 7-0 vote (Steve Moore, yes; David Vine, yes; Carole Wagan, yes; Dan Warchol, yes; Joe Teixeira, yes; Charlie Aloviseti, yes; Bill Mullen, yes).

9. Other Business

Julia Godtfredsen said the City's peer reviewer has been asked to assess the conditions at the landfill to determine if the stormwater system is functioning properly. The City's legal team is preparing to send a summary of issues and photographs of the trees to New Ventures. The LLC will be asked to provide the required maintenance. DEP will be copied on the correspondence.

A site visit to Lower Atkinson Common, 388 High Street, is scheduled for August 29 at 4:00 p.m.

10. Adjournment

Steve Moore moved to adjourn the meeting at 7:42 p.m. Carole Wagan seconded the motion. The motion was approved by a 7-0 vote (Steve Moore, yes; David Vine, yes; Carole Wagan, yes; Dan Warchol, yes; Joe Teixeira, yes; Charlie Aloviseti, yes; Bill Mullen, yes).