

Newburyport Conservation Commission
September 17, 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 6:45 p.m.

2. Roll Call

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

3. Minutes

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

4. Plum Island Updates

At the last MRBA meeting, a topic of discussion was studies about the placement of dredged sand on beaches. The possibility of adding sand to the beach from the Merrimack River is being explored. The sand from the Charos beach has been placed on the dune at Reservation Terrace. Some of the funds for the project were set aside for planting. Waiting until spring to plant might be the best course of action.

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

Joseph Smith

7 65th Street

Request for Determination of Applicability

The applicant is requesting to place a 6' x 12' shed on an existing driveway and to install an open rail fence. Chicken wire would be attached to the fence to keep dogs in the yard. Steve Moore moved to issue a Negative 3 Determination with the conditions the shed shall be placed on the driveway and elevated one foot and the fence shall be of the post and rail style. David Vine seconded the motion. The motion was unanimously approved.

James Heiss, University of Massachusetts

244 Merrimack Street (Cashman Park)

Request for Determination of Applicability

The information the Commission members requested at a previous meeting was sent by email. The monitoring wells would be placed on the bottom of the river and the data loggers would be located on the shore. The Harbormaster, Parks Director and owners of 354 Merrimack Street and 356 Merrimack Street have given their permission for the project. Paul Healy moved to issue a Negative 2 Determination. Doug Muir seconded the motion. The motion was unanimously approved.

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Lauren Palermo

245 Northern Blvd.

Request for Minor Modification

DEP File # 051-0990

Tom Hughes presented the proposed modifications to the plan for a single-family home on pilings. The additional items would include a fence, walkway, propane tanks, shed and utility shelf. The size of the patio and driveway were reduced to offset the additional impacts. The utility shelf would be elevated four feet to allow vegetation to grow beneath it. The shed would be elevated 2.4 feet above grade. The proposed concrete footings for the shed are not allowed under the ordinance. Steve Moore moved to approve the minor modification with the condition that the applicant shall submit a revised plan that substitutes helical or wooden piles for the concrete footings. Paul Healy seconded the motion. The motion was unanimously approved.

Gary Litchfield

3 H Street

Request for Extension

DEP File #051-0957

Tom Hughes represented the application, who requested an extension of at least one year. The Building Department is currently reviewing the plans. Paul Healy moved to issue a two-year extension. David Vine seconded the motion. The motion was unanimously approved.

Steve Moore moved to open the public hearings. Doug Muir seconded the motion. The motion was unanimously approved.

6. Public Hearings

Nicole Young Nadeau

6 Bayne Lane

Notice of Intent

DEP File #051-1011

The applicant requested an extension. Steve Moore moved to issue an extension to the October 15 meeting. David Vine seconded the motion. The motion was unanimously approved.

5 Stanley Tucker Drive, LLC

5 Stanley Tucker Drive

Notice of Intent

DEP File #051-1016

The applicant seeking a variance for a bridge that would cross a wetland to allow vehicular access between 3 and 5 Stanley Tucker Drive. The applicant is proposing to improve the stormwater system, install buffer zone planting and replicate 180 square foot of wetlands as mitigation for impacts to the 25-foot no-disturb zone. The improved plantings and drainage, and the elimination from the public street of vehicles used to move materials from one site to the next would provide a public interest. An alternative plan was investigated and was found to have greater wetland impacts. The location of the bridge was adjusted to allow the retention of two mature trees. Steve Moore moved to close the public hearing. David Vine seconded the motion. The motion was unanimously approved.

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Frederick Habeeb

5 75th Street

Notice of Intent

DEP File # 051-1020

The applicant did not attend the meeting or request a continuance. If the applicant does not attend the October 1 meeting or request a continuance, the Commission might choose to vote on the Notice of Intent at that meeting. Doug Muir moved to continue the public hearing to the October 1 meeting. Steve Moore seconded the motion. The motion was unanimously approved.

Land Subject to Coastal Storm Flowage Regulations

The Commission members discussed language for the regulations relating to the projection for sea level rise. A study by the City of Boston indicates a rise of 3.6' above base flood elevation by 2070 is within the middle of the range of possible scenarios. A legal notice will be published and the item will be placed on the agenda for the October 1 meeting.

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

7. Enforcement

9 Doe Run Drive

Joe Teixeira recused himself from the discussion. The owner has not submitted the promised photographs of the area from which the pool was removed.

227 Northern Blvd.

The property owner has hired Tom Hughes to prepare a Notice of Intent for the shed and deck.

8. Orders of Conditions

5 Stanley Tucker Drive, LLC

5 Stanley Tucker Drive

DEP File #051-1016

Doug Muir moved to adopt the findings as amended, approve the variance request and issue an Order of Conditions. Paul Healy seconded the motion. The motion was unanimously approved.

9. Adjournment

Steve Moore moved to adjourn the meeting at 8:17 p.m. Paul Healy seconded the motion. The motion was unanimously approved.