

Newburyport Conservation Commission
March 1, 2022
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 Dan Warchol, Joe Teixeira, Carole Wagan, Steve Moore and Paul Healy. David Vine was absent. Conservation Administrator Julia Godtfredsen was also in attendance.

3. Minutes

Carole Wagan moved to approve the minutes of the February 15, 2022, meeting. Steve Moore seconded the motion. The motion was approved by a 4-0 vote (Joe Teixeira, yes; Dan Warchol, yes; Carole Wagan, yes; Paul Healy, abstain; Steve Moore, yes).

4. Old and New Business

Plum Island Updates

Julia Godtfredsen said the conditions near Reservation Terrace appear to be stable at the present time.

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

Erin and Paul LaRosa

8 Wildwood Drive

Request for Determination of Applicability

Paul Healy abstained from the matter. The applicant is requesting to install a shed within the 25-foot no-disturb zone. The shed would be located in an area that is currently disturbed and would be elevated on pilings. The plans were slightly modified in order for the shed to be six feet from the property line, as required by the Zoning Ordinance. The shed would be within the existing gravel area and would not result in any new impacts to the wetlands.

Steve Moore moved to issue a Negative 2 Determination. Carole Wagan seconded the motion. The motion was approved by a 4-0 vote (Joe Teixeira, yes; Dan Warchol, yes; Carole Wagan, yes; Steve Moore, yes).

Anthony Bonacorso

182-184 Merrimac Street

Certificate of Compliance

DEP File #051-0003

Jill Mann represented the applicant. The Order of Conditions was issued in 1975. The file contains no information on the project. The property might have been a part of a larger parcel

that was adjacent to the resource area and was later subdivided. The site is in the upland and contains no wetlands. It is not in the flood zone.

Steve Moore moved to issue a Certificate of Compliance. Paul Healy seconded the motion. The motion was approved by a 5-0 vote (Joe Teixeira, yes; Dan Warchol, yes; Carole Wagan, yes; Paul Healy, yes; Steve Moore, yes).

David Sorenson c/o Jeffrey R. Tomlinson, Esq.

3 P Street and O Street

Certificate of Compliance

DEP File #051-0751

The Order of Conditions was issued in 2006. A partial Certificate of Compliance was issued in 2009. The plant materials were to be monitored for two years. Julia Godtfredsen said the site is well vegetated. The beach grass has successfully become established and woody materials are growing in the planting area near the house.

Steve Moore moved to issue a Certificate of Compliance. Paul Healy seconded the motion. The motion was approved by a 5-0 vote (Joe Teixeira, yes; Dan Warchol, yes; Carole Wagan, yes; Paul Healy, yes; Steve Moore, yes).

6. Public Hearings

Carole Wagan moved to open the public hearings. Paul Healy seconded the motion. The motion was approved by a 5-0 vote (Joe Teixeira, yes; Dan Warchol, yes; Carole Wagan, yes; Paul Healy, yes; Steve Moore, yes).

Mark Drago

3 Q Street

Amend Order of Conditions

DEP File #051-1036

Tom Hughes represented the applicant, who had initially proposed to renovate an existing garage in the V zone. The garage was later demolished. Reconstruction is not permitted in the V zone. The applicant is now proposing to construct an accessory structure on the upland portion of the site. The site plan has been revised to show that the boulders have been removed from the planting bed. Also, the size of the proposed patio was reduced and the size of the planting area was increased to provide the required amount of vegetation. A note has been included indicating that the project does not include the wall.

Steve Moore moved to amend the Order of Conditions. Carole Wagan seconded the motion. The motion was approved by a 5-0 vote (Joe Teixeira, yes; Dan Warchol, yes; Carole Wagan, yes; Paul Healy, yes; Steve Moore, yes).

Raymond R. Kingman, Jr.

10 75th Street

Notice of Intent

Tom Hughes represented the applicant, who is proposing to demolish a structure with a solid foundation and its associated garage. The property is located in the AE and AO zones. A new home would be constructed on piles. The storage area under the house would be at least four

feet above the flood elevation. The storage area would be structurally separated from the rest of the building and could be removed without causing damage to it. The applicant would likely choose to demolish the structure in the near future, but does not intend to construct the new house until the beach nourishment project has taken place, at which time more information would be known about the grades on the site. A DEP file number has not yet been issued.

Steve Moore moved to continue the public hearing to the March 15 meeting. Paul Healy seconded the motion. The motion was approved by a 5-0 vote (Joe Teixeira, yes; Dan Warchol, yes; Carole Wagan, yes; Paul Healy, yes; Steve Moore, yes).

Cavan and Nancy Dunn

3 O Street

Notice of Intent

DEP File #051-1059

Paul Healy recused himself from the matter. Mary Rimmer and Scott Brown represented the applicant, who is proposing to make improvements within the footprint of an existing home. An exception would be the addition of a porch and stairs that would be supported on three piles. The second-story deck would be improved and a pitched roof would be added to provide attic storage space. A portion of the existing deck and trellis would be removed. The net lot coverage would be reduced 366 square feet. The property is located outside of the 100-year flood zone. The house has a solid foundation that would not require modification to support the work. Less than 50% of the existing walls would be removed.

Dan Warchol moved to close the public hearing. Steve Moore seconded the motion. The motion was approved by a 4-0 vote (Joe Teixeira, yes; Dan Warchol, yes; Carole Wagan, yes; Steve Moore, yes).

Steve Moore moved to close the public hearings. Joe Teixeira seconded the motion. The motion was approved by a 5-0 vote (Joe Teixeira, yes; Dan Warchol, yes; Carole Wagan, yes; Paul Healy, yes; Steve Moore, yes).

7. Order of Conditions

Cavan and Nancy Dunn

3 O Street

DEP File #051-1059

Dan Warchol moved to issue an Order of Conditions with the standard Plum Island special conditions and the special condition that a planting plan for all areas where the footprint is being eliminated shall be submitted prior to the start of work. Steve Moore seconded the motion. The motion was approved by a 4-0 vote (Joe Teixeira, yes; Dan Warchol, yes; Carole Wagan, yes; Steve Moore, yes).

8. Enforcement

3 Q Street

A new Enforcement Order that applies only to the wall shall be issued to both Mark Drago and John Powers. It would require that Notice of Intent must be submitted by April 19. The wall is on the property of the City and Mr. Drago.

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Paul Healy moved to issue the Enforcement Order. Steve Moore seconded the motion. The motion was approved by a 5-0 vote (Joe Teixeira, yes; Dan Warchol, yes; Carole Wagan, yes; Paul Healy, yes; Steve Moore, yes).

9. Other Business

Regulations

A public hearing on the proposed amendments to the regulations will be on the agenda of the March 15 meeting.

Colby Farm Lane Open Space Pollinator Meadow

Steve Moore said the group of volunteers is interested in moving ahead with the creation of a pollinator garden on City-owned land off of Colby Farm Lane and will prepare a presentation for an upcoming meeting. The land has not yet been transferred to the City but it is expected that the deed will be recorded within the next week.

10. Adjournment

Steve Moore moved to adjourn the meeting at 8:05 p.m. Carole Wagan seconded the motion. The motion was approved by a 5-0 vote (Joe Teixeira, yes; Dan Warchol, yes; Carole Wagan, yes; Paul Healy, yes; Steve Moore, yes).