

Newburyport Conservation Commission
March 7, 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, Steve Moore, Bill Mullen, Carole Wagan and Charlie Aloviseti. David Vine and Dan Warchol were absent. Conservation Administrator Julia Godtfredsen was also in attendance.

3. Minutes

Bill Mullen moved to approve the minutes of the February 7, 2023, meeting. Joe Teixeira seconded the motion. The motion was approved by a 4-0 vote (Bill Mullen, yes; Joe Teixeira, yes; Steve Moore, absent; Charlie Aloviseti, yes; Carole Wagan, yes).

4. Old and New Business

Plum Island Updates

The dredge project has been put on hold. The contractor needs a new piece of equipment to respond to the conditions at the mouth of the river. An extension has been granted for the work to continue past April 1 with the condition that a piping plover monitor shall be on site. It does not appear that the expected amount of sand would be obtained from the dredge. It seems sand would be placed on the beach only as far as 75th Street. The sand might be supplemented with that from the large pile in the parking lot at Captain's Fishing Parties. In the first phase of the dredge, 10% of the total expected amount of sand was placed on the beach. This appears to have been lost, along with some additional sand, making the conditions perhaps worse than before the work began.

Letter of Support

Julia Godtfredsen drafted the letter of support the Open Space Committee requested and the Commission approved in concept at the February 7 meeting. Steve Moore moved to approve the letter of support for the Colby Farm Meadow CPA application. Carol Wagan seconded the motion. The motion was approved by a 5-0 vote (Bill Mullen, yes; Joe Teixeira, yes; Steve Moore, yes; Charlie Aloviseti, yes; Carole Wagan, yes).

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

TMM Realty Trust

3 Louise Street

Request for Certificate of Compliance

DEP File #051-1039

Jeff Hofman represented the applicants. He said the garage ramp lets light and water through and the area beneath it is almost completely vegetated. In order to meet the mitigation requirements, it was only necessary for 35% of this area to be vegetated. The driveway was made wider than was shown on the approved plans to provide space for an additional vehicle, but the total amount of vegetation on the site is significantly greater than that which was required.

Steve Moore moved to issue a Certificate of Compliance for 3 Louise Street. Carol Wagan seconded the motion. The motion was approved by a 5-0 vote (Bill Mullen, yes; Joe Teixeira, yes; Steve Moore, yes; Charlie Aloviseti, yes; Carole Wagan, yes).

3 Stanley Tucker Drive, LLC

3 Stanley Tucker Drive

Request for Extension

DEP File #051-1014

Jeff Roelofs represented the applicant. Prior to the pandemic, the business received permits to expand its facilities. Most of the business' orders were cancelled due to Covid and many employees are now working remotely. The business has been downsized and its facilities have been reorganized. The applicant is in the process of attempting to sell its property at 3 Stanley Tucker Drive to an entity that is interested in constructing the approved addition. The Order of Conditions would have expired on September 5, 2022, but was extended 462 days through COVID legislation to December 11, 2023. The applicant wishes to retain the right to proceed with the work approved for the property and is requesting a three-year extension of the Order of Conditions to December 11, 2026. The Order of Conditions would run with the land.

Steve Moore moved to approve the Request for Extension for 3 Stanley Tucker Drive. Carol Wagan seconded the motion. The motion was approved by a 5-0 vote (Bill Mullen, yes; Joe Teixeira, yes; Steve Moore, yes; Charlie Aloviseti, yes; Carole Wagan, yes).

K & B Zampell Realty, Inc.

17 Malcolm Hoyt Road

Request for Extension

DEP File #051-1012

Jeff Roelofs represented the applicant. Prior to the pandemic, the business received permits to expand its facilities. Most of the business' orders were cancelled due to Covid and many employees are now working remotely. The business has been downsized and its facilities have been reorganized. The applicant is currently leasing its facility at 17 Malcolm Hoyt Road. The Order of Conditions would have expired on September 5, 2022, but was extended 462 days through COVID legislation to December 11, 2023. The applicant wishes to retain the right to expand the building and complete the associated work either for itself or its tenant and is requesting a three-year extension of the Order of Conditions to December 11, 2026.

Steve Moore moved to approve the Request for Extension for 17 Malcolm Hoyt Road. Carol Wagan seconded the motion. The motion was approved by a 5-0 vote (Bill Mullen, yes; Joe Teixeira, yes; Steve Moore, yes; Charlie Aloviseti, yes; Carole Wagan, yes).

6. Public Hearings

Carole Wagan moved to open the public hearings. Steve Moore seconded the motion. The motion was approved by a 5-0 vote (Bill Mullen, yes; Joe Teixeira, yes; Steve Moore, yes; Charlie Aloviseti, yes; Carole Wagan, yes).

Craig Pessina, Hale Business Park Realty Trust
21 Malcolm Hoyt Road
Notice of Intent
DEP File #051-1067

Tom Hughes represented the applicant and requested an extension. He said the stormwater system has been redesigned in response to DEP comments. Changes were made to the circulation system after the Fire Department determined access would be needed around the entire building. One entrance off of Hale Street had been previously planned. A second accessway has been added. The revised plans are to be reviewed at the April 5 Planning Board meeting.

Mr. Hughes reviewed the planting plan. At the request of the Planning Board, a snow storage area was added that would be planted with salt-tolerant grasses. He said he still must add to the plans a footbridge over the stream and a mowed path to the upland area.

Bill Mullen asked if gravel could be used instead of bituminous paving. He also said that in the original Notice of Intent, the project had been combined with 23 Hale Street and that calculations are needed for this site only. Mr. Hughes said these figures will be provided. The updated plans and narrative will reflect any additional hardscape recreated by the second accessway. He added that gravel would require more maintenance than bituminous. He said that the development is a small one, without a lot of pavement. The water would be collected and treated before flowing into the stormwater management area.

Steve Moore moved to continue the public hearing to the April 4 meeting. Carole Wagan seconded the motion. The motion was approved by a 5-0 vote (Bill Mullen, yes; Joe Teixeira, yes; Steve Moore, yes; Charlie Aloviseti, yes; Carole Wagan, yes).

Steve Moore moved to close the public hearings. Bill Mullen seconded the motion. The motion was approved by a 5-0 vote (Bill Mullen, yes; Joe Teixeira, yes; Steve Moore, yes; Charlie Aloviseti, yes; Carole Wagan, yes).

7. Enforcement/Violations

None

8. Order of Conditions

None

9. Adjournment

Carole Wagan moved to adjourn the meeting at 7:42 p.m. Bill Mullen seconded the motion. The motion was approved by a 5-0 vote (Bill Mullen, yes; Joe Teixeira, yes; Steve Moore, yes; Charlie Aloviseti, yes; Carole Wagan, yes).