

Newburyport Conservation Commission
April 6, 2021
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 Steve Moore, Paul Healy, David Vine, Joe Teixeira, Ron DiCola, Dan Warchol and Carole Wagan. Conservation Administrator Julia Godtfredsen was also in attendance.

3. Minutes

Steve Moore moved to approve the minutes of the March 16 meeting. Paul Healy seconded the motion. The motion was approved by a 7-0 vote (Steve Moore, yes; Paul Healy, yes; David Vine, yes; Joe Teixeira, yes; Ron DiCola, yes; Dan Warchol, yes; Carole Wagan, yes).

4. Old and New Business

Plum Island Updates

- A presentation of the DCR Sediment Management Study will take place at the MRBA meeting scheduled for Friday, April 9.
- The Army Corp is planning to nourish the beach along Reservation Terrace with sand dredged from the mouth of the river by the spring of 2022. Work on the MEPA study has begun. The Notice of Intent should be received in the next one or two months.
- Four homeowners have expressed serious interest in the FEMA buyout program. In December, the City will apply for funding to purchase these properties through MEMA. As the new owner, the City would convert the properties to conservation land.
- Tom Hughes said the Charos family has received some of the permits necessary for dredging along its beach and under its docks. The Army Corp has requested additional information. It appears that approval might be received. The work would be a consistent source of a small amount of sand for beach nourishment.

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

Paul and Shelly Kochanski

3 H Street

Request for Minor Modification

DEP File #051-0957

The applicant is proposing to install a hot tub underneath an existing deck. The sand in a 49 square-foot area would be smoothed and crushed stone would be installed. The applicant said there is no existing vegetation under the deck. A 10' x 3' stone walkway would be

installed between the stairs to the deck and the hot tub. The applicant is also proposing to install a post and rope fence along the boundary of the property at H Street and Old Point Road to protect the beach grass from vehicles. Additional native plantings would be installed throughout the lot.

Steve Moore moved to approve the Minor Modification with the condition the applicant shall provide a plan to the Conservation Administrator that indicates the locations and species of the plant materials that are to be installed. Dan Warchol seconded the motion. The motion was approved by a 7-0 vote (Steve Moore, yes; Paul Healy, yes; David Vine, yes; Joe Teixeira, yes; Ron DiCola, yes; Dan Warchol, yes; Carole Wagan, yes).

Sylvester Electric

11 63rd Street

Request for Determination of Applicability

The applicant is proposing to install a small generator that would be placed on an eight square-foot concrete pad. The pad would be located in a vegetated area adjacent to an existing pathway. The applicant was asked to install eight square-foot of native vegetation in an area that would not be impacted by the exhaust from the generator. It was recommended that a base of six inches of crushed stone be placed under the concrete pad to prevent vibrations. The plans must be amended to include the planting area and the crushed stone.

The photographs submitted with the application show that the property is bordered by a non-compliant solid fence. Julia Godtfredsen will contact the property owners about the fence.

Dan Warchol moved to continue the Request for Determination of Applicability to the April 20 meeting. Paul Healy seconded the motion. The motion was approved by a 7-0 vote (Steve Moore, yes; Paul Healy, yes; David Vine, yes; Joe Teixeira, yes; Ron DiCola, yes; Dan Warchol, yes; Carole Wagan, yes).

Lisa Mead

3-7 Colby Farm Lane

Request for Minor Modification

DEP File #051-1015

Lisa Mead requested to modify the location of the approved trail in order that it might be more removed from both the house and the wetlands. The proposed location would follow the erosion control line. Julia Godtfredsen said the section of the path near the road should be a greater distance from the wetland. She will meet with the contractor in the field to stake the location of the fence in this area.

Ms. Mead also requested the approval of the design of the sign for the entrance to the trail and the signs that would be placed on every third section of the split-rail fence that borders the conservation land.

Paul Healy moved to approve the design of the signs and the relocation of the trail as a Minor Modification. Steve Moore seconded the motion. The motion was approved by a 7-0 vote (Steve Moore, yes; Paul Healy, yes; David Vine, yes; Joe Teixeira, yes; Ron DiCola, yes; Dan Warchol, yes; Carole Wagan, yes).

6. Public Hearings

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

Robert Condon

11 76th Street

Notice of Intent

Tom Hughes represented the applicant, who was issued an Enforcement Order after performing work without a permit. Photographs and MIMAP were used to recreate the pre-existing conditions. At the front of the property, the wood porch had been removed and was replaced with a non-complaint entry comprised of boards on cinder blocks.

Mr. Hughes said some work improved upon the pre-existing conditions. A solid deck was removed and pavers were replaced with gravel. The applicant wishes to install a new deck but it is unclear how it could be constructed two feet above grade given the height of the door.

A fence along the boundary of the property that appears to have been open at the bottom two feet was replaced with a non-compliant fence. This fence has been removed and the applicant is to provide information on its replacement. An at-grade platform was installed and must be removed. One large and several small evergreens were removed from the front of the property. Two deciduous trees were added, but it is not known if they will survive in this location.

Mr. Hughes was in agreement that there has been a net loss of vegetation on the site. He said there is currently 658 square feet of vegetation, where there was previously 802 square feet. He intends to increase the amount of vegetation to 918 square feet. There has also been a loss of habitat. He should plan to include vertical plant materials, such as red cedar, that would provide habitat value.

Mr. Hughes asked the Commission members to attend a site visit. Dan Warchol said that the applicant has not yet provided a plan, and without this, a site visit would be premature. The non-compliant elements that are to be removed have been identified, but decisions have not been made about the fence or vegetation.

Dan Warchol moved to continue the public hearing to the April 20 meeting. Steve Moore seconded the motion. The motion was approved by a 7-0 vote (Steve Moore, yes; Paul Healy, yes; David Vine, yes; Joe Teixeira, yes; Ron DiCola, yes; Dan Warchol, yes; Carole Wagan, yes).

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

7. Order of Conditions

None

8. Enforcement

None

9. Adjournment

Dan Warchol moved to adjourn the meeting at 8:20 p.m. Steve Moore seconded the motion. The motion was approved by a 7-0 vote (Steve Moore, yes; Paul Healy, yes; David Vine, yes; Joe Teixeira, yes; Ron DiCola, yes; Dan Warchol, yes; Carole Wagan, yes).