

Newburyport Conservation Commission
April 18, 2023
Online Meeting
Minutes

1. Call to Order

Vice Chair Steve Moore called an online meeting of the Newburyport Conservation Commission to order at 6:49 p.m.

2. Roll Call

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

3. Minutes

Dan Warchol moved to approve the minutes of the March 21, 2023, meeting. David Vine seconded the motion. The motion was approved by a 4-0 vote (Steve Moore, yes; Charlie Aloviseti, yes; Dan Warchol, yes; David Vine, yes).

4. Old and New Business

Plum Island Updates

The dredging work has been completed. Approximately 13 acres of sand was deposited on the beach but the area is relatively flat, with the average elevation being only 2.5 meters. The contractor must submit an as-built plan showing the profiles. This spring, Greg Moore of UNH will begin a project to plant dune grass in the area through a grant from the U.S. Fish and Wildlife Service.

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

Massachusetts Electric Company d/b/a National Grid

95 Water Street

Request for Extension Permit

DEP File #051-0964

An Order of Conditions was issued in January 2017 for the project to repair the seawall and bulkhead. An extension was issued in January 2020 that was to have expired in January 2022 but was extended to April 25, 2023 due to the state of emergency. The applicant is seeking a one-year extension to April 25, 2024. The plantings that were installed in the summer of 2022 failed and time is needed for new plant materials to become established. This spring, the area will be planted with a native species of grass.

Dan Warchol moved to issue a one-year extension for the Order of Conditions for 95 Water Street to April 25, 2024. David Vine seconded the motion. The motion was approved by a 4-0 vote (Steve Moore, yes; Charlie Aloviseti, yes; Dan Warchol, yes; David Vine, yes).

6. Public Hearings

David Vine moved to open the public hearings. Dan Warchol seconded the motion. The motion was approved by a 4-0 vote (Steve Moore, yes; Charlie Aloviseti, yes; Dan Warchol, yes; David Vine, yes).

Craig Pessina, Hale Business Park Realty Trust

21 Malcolm Hoyt Road

Notice of Intent

DEP File #051-1067

Tom Hughes represented the applicant. He said Phil Christensen has reviewed the stormwater details and the Planning Board has approved the project. Upon completion of the work, there would be 50,113 square feet of buffer on City land and 28,730 square feet of buffer on the project site. Of the lot as it exists now, 14.2% would be altered. After the land has been given to the City, 39% of the remaining lot would be altered.

A footbridge would be installed at the narrowest part of the stream. The flat bridge would be approximately 12 feet in length and wide enough for a four-foot mower. It would be supported by concrete blocks on either side of the stream. The pathway is not meant to be a public trail. It would be established for the purpose of providing access for the maintenance and inspection of the property. The Commission members requested that the applicant install marker posts along the boundary of the City property and the 25-foot no-disturb zone.

David Vine moved to close the public hearing. Dan Warchol seconded the motion. The motion was approved by a 4-0 vote (Steve Moore, yes; Charlie Aloviseti, yes; Dan Warchol, yes; David Vine, yes).

Dan Warchol moved to close the public hearings. David Vine seconded the motion. The motion was approved by a 4-0 vote (Steve Moore, yes; Charlie Aloviseti, yes; Dan Warchol, yes; David Vine, yes).

7. Enforcement/Violations

None

8. Order of Conditions

Craig Pessina, Hale Business Park Realty Trust

21 Malcolm Hoyt Road

DEP File #051-1067

Dan Warchol moved to grant a Variance to the local ordinance for an impact of greater than 20% to the buffer zone on the site based on the conveyance of a portion of the property to the City for the benefit of the public. David Vine seconded the motion. The motion was approved by a 4-0 vote (Steve Moore, yes; Charlie Aloviseti, yes; Dan Warchol, yes; David Vine, yes).

Dan Warchol moved to issue an Order of Conditions for 21 Malcolm Hoyt Road with the special conditions that 1) prior to the initiation of work on the site, the applicant shall convey ownership of the rear lot as referenced on the project plans to the City of Newburyport for conservation purposes and prior to the transfer of the property to the City, the applicant shall establish by mowing the proposed maintenance and monitoring pathway leading from Malcolm

Hoyt Road to the upland island within the site and such pathway shall include a bridge to provide access to the site by a mower of approximately four feet in width, 2) the applicant shall install permanent markers at the boundaries of the City property as well as the boundary of the 25-foot no-disturb zone and these markers shall be presented to the Commission on a monument plan for review and approval and shall be established in the field prior to the completion of work on the site and 3) as the project has impacted greater than 20% of the pre-existing buffer zone on the site, no additional expansion of the footprint or impact of the buffer zone shall be permitted in perpetuity. David Vine seconded the motion. The motion was approved by a 4-0 vote (Steve Moore, yes; Charlie Aloviseti, yes; Dan Warchol, yes; David Vine, yes).

9. Adjournment

David Vine moved to adjourn the meeting at 7:32 p.m. Dan Warchol seconded the motion. The motion was approved by a 4-0 vote (Steve Moore, yes; Charlie Aloviseti, yes; Dan Warchol, yes; David Vine, yes).