

Newburyport Conservation Commission
May 3, 2022
Online Meeting
Minutes

1. Call to Order

Chair Joe Teixeira called an online meeting of the Newburyport Conservation Commission to order at 6:50 p.m.

2. Roll Call

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

3. Minutes

Carole Wagan moved to approve the minutes of the April 19, 2022, meeting. Steve Moore seconded the motion. The motion was approved by a 4-0 vote (Steve Moore, yes; Carole Wagan, yes; Dan Warchol, yes; Joe Teixeira, yes; David Vine, abstain; Paul Healy, abstain).

4. Old and New Business

Plum Island Updates

The next MRBA meeting is scheduled for June 10 at PITA Hall. The dredging project has not yet been put out to bid.

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

Friends of Plum Island Lighthouse

263 Northern Blvd.

Request for Determination of Applicability

Bill Cooper described the plan to install a kiosk that would provide information on the history of the lighthouse. The 8' x 8' structure would be supported by two 6' x 6' posts that would extend six feet into the ground.

Paul Healy moved to issue a Negative 2 Determination. Steve Moore seconded the motion. The motion was approved by a 6-0 vote (Steve Moore, yes; Carole Wagan, yes; Dan Warchol, yes; Joe Teixeira, yes; David Vine, yes; Paul Healy, yes).

City of Newburyport

59 Low Street

Request for Determination of Applicability

The City has purchased the parcel. The Commission has not formally reviewed the wetland line. Tom Hughes reviewed the differences between his wetland flags and the flags from previous delineation. At the rear of the property, he expanded the wetland delineation to the fence. He said the National Guard had parked on the swale between the two portions of the property, which compressed the ground and spread the hydrology to the parking area. He found some wetlands occurring in parallel stripes caused by tires. He will review the swale near the street

and add flags if needed. He said this would likely be treated as a man-made drainage swale in a similar way to the swales in the industrial park.

Steve Moore said little of the property exists outside of the no-disturb zone. He asked if there would be an area suitable for mitigation. Mr. Hughes said there would be an opportunity to remove invasive species from the site. He said adding any stormwater management to the site would improve its ecological function. The focus to date has been on the determination of the wetland line rather than site development.

A site visit was scheduled for Monday, May 9, at 5:00 p.m. City Councilors will be invited to attend. Carole Wagan moved to continue the matter to the May 17 meeting. Steve Moore seconded the motion. The motion was approved by a 6-0 vote (Steve Moore, yes; Carole Wagan, yes; Dan Warchol, yes; Joe Teixeira, yes; David Vine, yes; Paul Healy, yes).

6. Public Hearings

Carole Wagan moved to open the public hearings. Paul Healy seconded the motion. The motion was approved by a 6-0 vote (Steve Moore, yes; Carole Wagan, yes; Dan Warchol, yes; Joe Teixeira, yes; David Vine, yes; Paul Healy, yes).

Raymond R. Kingman, Jr.

10 75th Street

Notice of Intent

DEP File #051-1060

The applicant requested a continuance. Steve Moore moved to continue the public hearing to the May 17 meeting. Dan Warchol seconded the motion. The motion was approved by a 6-0 vote (Steve Moore, yes; Carole Wagan, yes; Dan Warchol, yes; Joe Teixeira, yes; David Vine, yes; Paul Healy, yes).

Michael and Michelle Ywuc

11 Flora Street

Notice of Intent

Julia Godtfredsen provided an update on the proposal to construct an addition within the footprint of an existing deck on a single-family home in the AE zone and to add a new deck. The plans have been revised based on comments made at a previous meeting. The site plan shows that the mulched landscape bed would be removed and beach grass would be planted in beach-grade sand in this area. Natural Heritage approved the project. DEP asked the applicant to address the riverfront standards. The basin has not previously been considered to be a part of the river. The applicant added the riverfront area to the plans and the riverfront standards were addressed in the narrative.

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

Steve Moore moved to close the public hearings. David Vine seconded the motion. The motion was approved by a 6-0 vote (Steve Moore, yes; Carole Wagan, yes; Dan Warchol, yes; Joe Teixeira, yes; David Vine, yes; Paul Healy, yes).

7. Order of Conditions

Michael and Michelle Ywuc

11 Flora Street

Dan Warchol move to issue an Order of Conditions with the standard Plum Island and the special conditions that 1) prior to the start of work, the limit of work shall be delineated with snow fencing and erosion control shall be installed along the temporary construction-access boardwalk as depicted, 2) the mulched landscape area at the rear of the site shall be replaced with native plantings and beach-grade sand as described on approved the site plan and all mulch shall be removed from the island and 3) any vegetation disturbed during work, including that in the staging and construction-access areas, shall be replaced with native vegetation. Steve Moore seconded the motion. The motion was approved by a 5-0 vote (Steve Moore, yes; Carole Wagan, yes; Dan Warchol, yes; Joe Teixeira, yes; David Vine, yes; Paul Healy, abstain).

8. Enforcement

3 Q Street

The coastal engineer has promised to provide her report by May 10. Joe Teixeira said he has an issue with a structure being added to City property. The Commission should consider that the bluestone wall is higher than the current wall and should not be considered a new standard. He also said DEP would not have input if the work were to be handled under an RDA rather than an NOI. Julia Godtfredsen said she recently attended a DEP webinar at which it was stated that situations such as this should be handled under an Enforcement Order, rather than a NOI.

9. Other Business

Julia Godtfredsen will contact Tom Hughes about 159 Northern Boulevard. It is planting season, but the installation of plant materials has not begun. Also, the split-rail fence has also not been installed.

10. Adjournment

Carole Wagan moved to adjourn the meeting at 8:10 p.m. Dan Warchol seconded the motion. The motion was approved by a 6-0 vote (Steve Moore, yes; Carole Wagan, yes; Dan Warchol, yes; Joe Teixeira, yes; David Vine, yes; Paul Healy, yes).