

**Newburyport Conservation Commission**  
**May 17, 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 Carole Wagan, Steve Moore, Joe Teixeira, Dan Warchol, Paul Healy and David Vine. Conservation Administrator Julia Godfredsen was also in attendance.

**3. Minutes**

Paul Healy moved to approve the minutes of the May 3, 2022, 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; Paul Healy, yes; David Vine, yes).

**4. Old and New Business**

**Plum Island Updates**

The erosion control system on Reservation Terrace was impacted by a recent high tide and the coir bags have been exposed. The beach is lower than it was previously but the system appears to be working.

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

**City of Newburyport**

**59 Low Street**

**Request for Determination of Applicability**

Tom Hughes represented the applicant. The Commission members visited the site and the plans were updated according to the conditions observed in the field. Mr. Hughes said the swale by the street has the characteristics of an intermittent stream. It is up-gradient of the resource area. A DEP exception applies to the swale and it is jurisdictional only under the local ordinance. The swale has its own buffer zone system that does not merge with the State buffers.

Steve Moore moved to issue a Positive 2A Determination. 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; Paul Healy, yes; David Vine, 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; Paul Healy, yes; David Vine, yes).

**Raymond R. Kingman, Jr.**

**10 75<sup>th</sup> Street**

**Notice of Intent**

**DEP File #051-1060**

Tom Hughes represented the applicant and requested a continuance. The plans have been submitted but have not yet been circulated. Paul Healy moved to continue the public hearing to the June 7 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; Paul Healy, yes; David Vine, yes).

Carole Wagan moved to close the public hearings. 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; Paul Healy, yes; David Vine, yes).

### **7. Order of Conditions**

None

### **8. Enforcement**

**3 Q Street**

Tom Hughes said coastal engineer Lisa O'Donnell evaluated the wall and submitted a letter on her findings. She determined that the block wall is a gravity wall. Filter fabric and stone was placed behind the wall's surface, which would prevent the migration of sediment through it. The work done was not detrimental and could be marginally beneficial.

Joe Teixeira said he remains concerned that work was done on City property without approval. Steve Moore asked about adding a new snow fence. Tom Hughes said the snow fence was a part of the approved work and the mitigation will take place.

Julia Godtfredsen will determine if the City has concerns about the work that was done to the portion of the wall on its property. She will then draft a letter for approval at the next meeting accepting the letter from the coastal engineer and lifting the Enforcement Order while making it clear that no additional work may be done without a permit.

### **9. Adjournment**

Carole Wagan moved to adjourn the meeting at 7:29 p.m. 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; Paul Healy, yes; David Vine, yes).