

Newburyport Conservation Commission
June 16, 2020
Online Meeting
Minutes

1. Call to Order

Chair Joe Teixeira called a meeting of the Newburyport Conservation Commission to order at 6:45 p.m.

2. Roll Call

In attendance were members Steve Moore, Joe Teixeira, Paul Healy, Jane Sender, Ron DiCola, David Vine and Dan Warchol. Conservation Administrator Julia Godtfredsen and Planning Director Andy Port were also in attendance.

3. Minutes

Paul Healy moved to approve the minutes of the May 19, 2020, meeting as submitted. Steve Moore seconded the motion. The motion was approved by a 4-0 vote (Joe Teixeira, yes; Steve Moore, yes; David Vine, yes; Paul Healy, yes; Jane Sender, abstain; Dan Warchol, absent; Ron DiCola, absent).

Paul Healy moved to approve the minutes of the June 2, 2020, meeting as submitted. Steve Moore seconded the motion. The motion was approved by a 4-0 vote (Joe Teixeira, yes; Steve Moore, yes; David Vine, abstain; Paul Healy, yes; Jane Sender, yes; Dan Warchol, absent; Ron DiCola, absent).

4. Old and New Business

Plum Island Updates

Julia Godtfredsen said DCR had postponed the installation of the Mobi mats at two of the main routes to the beach and is now in the process of scheduling the work. A meeting is scheduled for June 17 to discuss closing the accessways between 71st Street and 77th Street where the erosion was severe and allowing an informal path near 79th Street.

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

None

6. Public Hearings

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

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Geordie Vining

Parker Street

Notice of Intent

DEP File #051-1035

The Commission members visited the site to view the wetlands that would be impacted by the plan to extend the Rail Trail along the northern edge of Parker Street between State Street and Shepard's Auto Center. An employee of the hardware store located at the corner of State Street spoke to the members during the site visit about his concerns about potential impacts to a drainage pipe that leads from the business's parking lot. The pipe was not found during the survey work and Geordie Vining could not locate it on any plans. A note was added to the plan that the pipe shall be extended into the drainage system if it is located. It is thought the water flows behind the upland island. The project would not interfere with this.

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

Michael and Kerrin Costello

249-251 Water Street

Notice of Intent

DEP File #051-1033

Tom Hughes and Steve Sawyer presented the revised plans. The outer foundation wall and filled patio have been removed from the plans. A deck would instead be installed in this location. Rocks would be added under the deck to dissipate water energy during a flood. The stairs would have open risers to allow for the flow of water. The second-floor addition would be supported on piles. Sloped granite edging was substituted for the curbing around the patio. Grades were adjusted so that water would not flow off the site. Area drains and backflow preventers would allow water to flow back into the river instead of ponding behind the seawall. The revised plans meet the performance standards and a variance would not be required.

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

Roy Catignani, Sports Medicine North Orthopedic Surgery, Inc. c/o ConServ Group, Inc

20 Henry Graf Jr. Road

Notice of Intent

DEP File #051-1034

The plans were updated based on comments from the Planning Board and Conservation Commission. Some parking spaces were removed and a concrete pad was added for a bike rack. The City Engineer recommended the applicant omit the walls that were planned at the entrance. The area instead would be re-graded and the swale widened, which would increase its storage capacity. An invasive species control plan was submitted along with an O and M plan with dimensions and notes to provide guidance for mowing. The conservation mix shall be mowed every six months and the wildflower meadow mix shall be mowed annually after September 30.

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The peer reviewer signed off on the stormwater plans and the Planning Board approved the application.

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

Mark and Kim Mikitka

37 Reservation Terrace

Notice of Intent

Tom Hughes represented the applicant, who is proposing to add 210 square feet of living space to a single-family home in the AE zone. A second floor would be added over the parts of the home that are currently one story. A first-floor sunroom would be demolished and a one-story addition would be constructed on the same footprint and would extend over the area of an existing deck. The square footage would not be increased by more than 25%. The improvements would increase the market value by just under 50%. The artificial turf would be replaced with a clamshell patio. The basement stairs would be rebuilt, an outdoor shower would be added and the driveway would be straightened slightly. The shower and patio would be located in areas that are currently disturbed. The narrative indicated that any existing vegetation disturbed during construction would be replaced in kind. There is a large amount of lawn grass on the site. A condition will be made that this may not be replaced in kind if damaged. Vegetation native to Plum Island must be planted in its place. The areas near the structure that are currently mulch would be a good location to add vegetation. The Commission members agreed to issue an Order of Conditions with the provision that the landscape plan is submitted for review and approval prior to the issuance of a building permit.

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

Christopher Horan, Seacoast Homes, LLC

192 Northern Boulevard

Notice of Intent

Tom Hughes represented the applicant, who is proposing to construct a single-family home on pilings on an undeveloped lot in the AE zone. He said the lot is grandfathered and has sewer access. The site is largely vegetated. Mr. Hughes said the proposal would increase the amount of vegetation by 129 square feet. The Commission members want to receive more information on the way in which the amount unvegetated area was calculated. The applicant must provide updated calculations and a landscape plan that shows the areas of proposed new vegetation. The applicant should install a fence to protect the site along the edges of the roadway. A site visit will take place on Friday, June 19 at 1:00 p.m.

The hearing was opened to comments from the public. Lynn and Joe Smith, 7 65th Street, said the parcel is a small one and they are concerned about another new structure being added on the street. Wildlife has been disrupted and they are concerned about flooding. They said no construction should take place until the impact of the other new buildings has been determined.

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Kevin and Nicole Martin, 5 65th Street, said the applicant should not be able to include in the calculations the portions of the site where the vegetation has been lost due to parking by the contractors working on the neighboring sites. They are also concerned about flooding. Barbara Smith said she had been told by the developer this parcel would remain open. She is opposed to a seventh house being added to the street.

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

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

7. Enforcement

None

8. Order of Conditions

Geordie Vining

Parker Street

DEP File #051-1035

Paul Healy moved to issue an Order of Conditions with the special conditions that: 1) the construction of the replication area shall be overseen by a certified wetland scientist and the area shall be monitored annually for two years to ensure a 75% coverage of wetland species and if this is not achieved after two years, a report shall be provided that specifies necessary alterations to the wetland replication area including any additional plantings required and 2) any changes to the stormwater management design related to the identification of the outfall pipe from Kelly's Home Center shall be presented to the Commission for review and approval. David Vine seconded the motion. The motion was approved by a 7-0 vote (Joe Teixeira, yes; Steve Moore, yes; Jane Sender, yes; Ron DiCola, yes; Paul Healy, yes; David Vine, yes; Dan Warchol, yes).

Michael and Kerrin Costello

249-251 Water Street

DEP File #051-1033

Paul Healy moved to issue an Order of Conditions for 249-251 Water Street. Steve Moore seconded the motion. The motion was approved by a 5-0 vote (Joe Teixeira, yes; Steve Moore, yes; Jane Sender, abstain; Ron DiCola, abstain; Paul Healy, yes; David Vine, yes; Dan Warchol, yes).

Roy Catignani, Sports Medicine North Orthopedic Surgery, Inc. c/o ConServ Group, Inc

20 Henry Graf Jr. Road

DEP File #051-1034

Paul Healy moved to issue an Order of Conditions for 20 Henry Graf Jr. Road with the special condition that any removal of invasive species on the site within the wetland areas or buffer zones shall be accomplished in accordance with the invasive species management and control

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plan and shall be overseen by certified wetland scientist who shall submit an annual report for two years. Steve Moore seconded the motion. The motion was approved by a 5-0 vote (Joe Teixeira, yes; Steve Moore, yes; Jane Sender, abstain; Ron DiCola, abstain; Paul Healy, yes; David Vine, yes; Dan Warchol, yes).

Mark and Kim Mikitka

37 Reservation Terrace

Jane Sender moved to issue an Order of Conditions for 37 Reservation Terrace with the special conditions that: 1) any damage to vegetation on the site including lawn grass shall be replaced not with lawn grass but with species native to Plum Island and 2) prior to the issuance of a building permit, a landscaping plan that includes pathways, plantings, materials and the removal of mulch shall be submitted for review and approval. Dan Warchol seconded the motion. The motion was approved by a 7-0 vote (Joe Teixeira, yes; Steve Moore, yes; Jane Sender, yes; Ron DiCola, yes; Paul Healy, yes; David Vine, yes; Dan Warchol, yes).

9. General Discussion

Steve Moore suggested that the minimum size to be considered as an unvegetated area should be four square feet. Julia Godtfredsen will consult with CZM on the wording of an explanation that could be incorporated into the guidelines for Plum Island.

10. Adjournment

Steve Moore moved to adjourn the meeting at 9:20 p.m. Paul Healy seconded the motion. The motion was unanimously approved.