

**Newburyport Conservation Commission**  
**July 19, 2022**  
**Online Meeting**  
**Minutes**

**1. Call to Order**

Chair Joe Teixeira called an online meeting of the Newburyport Conservation Commission to order at 6:48 p.m.

**2. Roll Call**

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

**3. Minutes**

Carole Wagan moved to approve the minutes of the July 5, 2022, meeting. David Vine seconded the motion. The motion was approved by a 4-0 vote (David Vine, yes; Dan Warchol, absent; Joe Teixeira, yes; Carole Wagan, yes; Steve Moore, yes; Charlie Aloviseti, absent).

**4. Old and New Business**

**Plum Island Updates**

Julia Godtfredsen reported that while the elevation of the beach near Reservation Terrace continues to lower a little at a time, the conditions are relatively stable. The coir bags are still in place. Two bids were received for the dredging project that were within the estimated budget.

**Bartlet Mall Frog Pond**

No update was provided.

**Cooper North Pasture**

It appears that two property owners on Doe Run Drive have encroached on the land on which Essex County Greenbelt holds a conservation restriction. Julia Godtfredsen will speak with Andy Port about the responsibility for enforcement. The item will be on the agenda for the next meeting.

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

**The Daly Group**

**3-7 Colby Farm Lane and 181-183 Low Street**

**Request for Certificate of Compliance**

**DEP File #051-1015**

The applicant requested a continuance. Carole Wagan moved to continue the matter to the August 2 meeting. Steve Moore seconded the motion. The motion was approved by a 4-0 vote (David Vine, yes; Dan Warchol, absent; Joe Teixeira, yes; Carole Wagan, yes; Steve Moore, yes; Charlie Aloviseti, absent).

## **6. Public Hearings**

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

### **Chris Skiba, Newburyport Development**

#### **0 Brown's Wharf**

#### **Notice of Intent**

#### **DEP File #051-1064**

Paul Avery represented the applicant and described the changes that have been made to the wharf adjacent to the Tuscan Grille. The area is to be used for outdoor dining as Captain Joe's at the Tuscan Grille. The boat storage has been removed from the wharf and it has been resurfaced with white stone. A food truck and a shipping container that serves as a bar have been installed. Picnic tables and Adirondack chairs have been added, along with containers that hold posts supporting string lights. Power and water to the food truck and the bar is being provided by cables that have been laid on the ground with a plastic covering to prevent tripping.

Joseph Faro said the structures are temporary. The waste water could be held in plastic tanks and pumped out, such as is done on a boat. The water would be taken off site to an appropriate facility

Joe Teixeira asked if plans have been made for the event of a coastal storm. Mr. Faro said the structures could be removed from the site relatively quickly. The food truck is a trailer that is on wheels. The items would be stored during the off season at the Tuscan Village in Salem, NH.

Chris Skiba said he has not yet received any response regarding the Chapter 91 license. He said the proposal would make the area more accessible to the public in the summer months, which would be a significant public benefit. David Vine said he believes a modification of the license would be necessary. The Commission will permit the temporary structures to be used through October 2022. The use in future seasons will be dependent on the receipt of Chapter 91 license documentation.

The hearing was opened to comments from the public. Ginny, who identified herself as the owner of Interlocks, said the project would be a good addition to the waterfront. Brett Legebvre, Horton's Yard, said he is in favor of the proposal.

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

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

## **7. Order of Conditions**

### **Chris Skiba, Newburyport Development**

#### **0 Brown's Wharf**

**DEP File #051-1064**

Dan Warchol moved to issue an Order of Conditions for 0 Brown's Wharf with the special conditions that: 1) the temporary structures associated with Captain Joe's are permitted to remain in place until November 1, 2022 and prior to the installation of these structure in 2023, evidence shall be provided to the Commission of either the approval of the DEP Waterways Chapter 91 Office or ongoing negotiations with the Chapter 91 Office, 2) a progress report on discussions with DEP Waterways with regards to the Chapter 91 license shall be provided to the Commission by November 1, 2022, and 3) an operations and management plan for Captains Joe's shall be prepared and provided to the Commission for review and approval and shall include procedures for the evacuation of the site before, during and/or after a severe coastal storm should it be necessary due to flooding. Steve Moore seconded the motion. The motion was approved by a 6-0 vote (David Vine, yes; Dan Warchol, yes; Joe Teixeira, yes; Steve Moore, yes; Charlie Aloviseti, yes; Carole Wagan, yes).

**8. Adjournment**

Steve Moore moved to adjourn the meeting at 7:52 p.m. Carole Wagan seconded the motion. The motion was approved by a 6-0 vote (David Vine, yes; Dan Warchol, yes; Joe Teixeira, yes; Steve Moore, yes; Charlie Aloviseti, yes; Carole Wagan, yes).