

Newburyport Conservation Commission
August 2, 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 Joe Teixeira, Dan Warchol, Steve Moore and Charlie Aloviseti. Carole Wagan and David Vine were absent. Conservation Administrator Julia Godtfredsen was also in attendance.

3. Minutes

Steve Moore moved to approve the minutes of the July 19, 2022, meeting. Dan Warchol seconded the motion. The motion was approved by a 4-0 vote (Dan Warchol, yes; Joe Teixeira, yes; Steve Moore, yes; Charlie Aloviseti, yes).

4. Old and New Business

Plum Island Updates

The contract for the dredge of the river was awarded and work should begin in late September.

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. Dan Warchol moved to continue the matter to the August 16 meeting. Steve Moore seconded the motion. The motion was approved by a 4-0 vote (Dan Warchol, yes; Joe Teixeira, yes; Steve Moore, yes; Charlie Aloviseti, yes).

Michelle and Vincent McCarty

3-7 Colby Farm Lane (13 Doyle Drive)

Request for Minor Modification

DEP File #051-1015

The developer of the subdivision has not yet requested a Certificate of Compliance. The owner of 13 Doyle Drive has requested a Minor Modification that would pertain to his lot. He has installed a shed and patio pavers without a permit and is seeking approval for the installation of a 13' x 7' plunge pool. Julia Godtfredsen said the accessory structures to a single-family home would be allowable under the Ordinance. They were installed in the outer part of the 100-foot buffer zone in an area that was lawn. She also noted that the sunroom and deck were constructed in a slightly different configuration from the approved plans.

The salt-water pool would be heated and used year round. It is not likely the pool would be drained but it might be necessary to backwash the filter system. Julia Godtfredsen recommended that the water be put in the storm drain.

Jessica Stone, 8 Doyle Drive, said that details about how the draining of a pool might impact abutters should be known before approval is granted. It was pointed out that her lot is on the opposite side of the development and would not be impacted by the pool.

Steve Moore moved to approve the Request for Minor Modification for 3-7 Colby Farm Lane. Dan Warchol seconded the motion. The motion was approved by a 4-0 vote (Dan Warchol, yes; Joe Teixeira, yes; Steve Moore, yes; Charlie Aloviseti, yes).

6. Public Hearings

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

Arthur and Sandy Manley 257-259 Water Street Notice of Intent DEP File #051-1066

Lisa Mead and Tom Hughes represented the applicant, who is proposing to remove a deck, bench and attached shed from a property located in the VE zone. The two-family structure would be converted to single-family use. Mr. Hughes said the structure would increase in volume rather than floor area. The height of the ceilings would be increased. A slope of a roof would be flattened to allow for the construction of a deck. The mechanicals are currently in the basement and would be elevated above the floodplain.

Attorney Mead said there would be no increase in living area. The structure is in the Joppa Historic District. It would be detrimental to place the structure on pilings. The Newburyport Historical Commission determined the structure would remain historic after the completion of the proposed renovations.

The applicant is proposing to install lawn grass in the area of the reduced footprint. Steve Moore said he would prefer for native plantings to be installed. Julia Godtfredsen added that any non-flat surface would be beneficial in breaking up the wave energy. The applicant agreed to install shrubs and native plants.

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

City of Newburyport 24 Merrimac Street Notice of Intent

Laura Laich presented the plans for an expanded Market Landing Park. The resource areas are the 25-foot no-disturb zone, the 100-foot buffer to the coast bank, land subject to coastal storm flowage and the 200 foot riverfront area.

The area of the expansion is degraded waterfront. A goal of the project is to make the area more resilient and reduce the coastal storm flooding in the park. The plans considered 50” of sea level rise. Green space would be added and the amount of impervious surface would be reduced. The elevation of the berms would be increased. Protective measures would be used to save 46 existing trees.

The first phase of the construction would involve the park space along the river. This phase would begin next spring and would continue through mid-June of 2024. The parking lots would be reconfigured in the second phase of the project and the restroom facility would be constructed in the third phase. Planning Director Andy Port said the City will be working with the contractor to minimize the impact to the public’s use of the waterfront during construction.

Joe Teixeira said he is concerned about the flood waters flowing along the walkways, as they will be lower than berm. Andy Port said it would be necessary to meet the existing grades at the edges of the property and within the Waterfront Trust’s park.

Steve Moore asked about provisions for handling contaminated soil if more is found than expected. Andy Port said efforts are being made to excavate the minimum amount of soil possible. He said there is much data from prior testing on the site.

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

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

7. Enforcement/Violations

150 Northern Boulevard

Julia Godtfredsen issued a Notice of Violation for the installation of a patio and the resurfacing of a driveway. Garry Muratore said he was not aware of the Ordinance. He is willing to convert of the existing unmanicured lawn to native species. He will submit a plan for a 2:1 mitigation.

Cooper North Pasture

Julia Godtfredsen drafted a letter to the property owners regarding their encroachment on the Cooper North Pasture. The letter will be sent from the Mayor’s Office, as the issue relates to property ownership rather than wetlands. Essex County Greenbelt has been notified about the matter.

8. Order of Conditions

Steve Moore moved to issue an Order of Conditions for 257-259 Water Street with the special condition that prior to the issuance of an occupancy permit, the applicant shall submit a plan for the installation of shrubs or other native species with pollinator value in an area that is equal in size to that of the structures to be removed. Dan Warchol seconded the motion. The motion was approved by a 4-0 vote (Dan Warchol, yes; Joe Teixeira, yes; Steve Moore, yes; Charlie Aloviseti, yes).

City of Newburyport
24 Merrimac Street

Steve Moore moved to issue an Order of Conditions for 24 Merrimac Street with the special conditions that 1) prior to the start of construction, the applicant shall submit a construction staging plan with final erosion controls, a stormwater pollution prevention plan and a construction sequencing plan and 2) the Conservation Commission shall be notified in writing about any contaminated soils that are found on the site. Joe Teixeira seconded the motion. The motion was approved by a 4-0 vote (Dan Warchol, yes; Joe Teixeira, yes; Steve Moore, yes; Charlie Aloviseti, yes). The motion was approved by a 4-0 vote (Dan Warchol, yes; Joe Teixeira, yes; Steve Moore, yes; Charlie Aloviseti, yes).

9. Other Business

Dan Warchol moved to appoint Joe Teixeira as the interim CPC member. Steve Moore seconded the motion. The motion was approved by a 3-0 vote (Dan Warchol, yes; Joe Teixeira, present; Steve Moore, yes; Charlie Aloviseti, yes).

10. Adjournment

Steve Moore moved to adjourn the meeting at 8:17 p.m. Dan Warchol seconded the motion. The motion was approved by a 4-0 vote (Dan Warchol, yes; Joe Teixeira, yes; Steve Moore, yes; Charlie Aloviseti, yes).