

Newburyport Conservation Commission
August 3, 2021
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 Steve Moore, Paul Healy, David Vine, Joe Teixeira, Carole Wagan, Ron DiCola and Dan Warchol. Conservation Administrator Julia Godtfredsen was also in attendance.

3. Minutes

Paul Healy moved to approve the minutes of the July 20, 2021, meeting. Steve Moore seconded the motion. The motion was approved by a 6-0 vote (Steve Moore, yes; Paul Healy, yes; David Vine, yes; Joe Teixeira, yes; Carole Wagan, yes; Ron DiCola, absent; Dan Warchol, yes).

4. Old and New Business

Plum Island Updates

No updates.

Bow Hunting on City Property

A resident has asked about bow hunting on City Property. The conservation restriction for Cooper North Pasture prohibits hunting but the conservation restriction for the Wet Meadows does not expressly prohibit it. The Wet Meadows are generally not used for public passive recreation because of the cattle. The activity could possibly improve wildlife habitat. According to the Code of Ordinances, bow hunting is prohibited on city streets but there does not appear to be a policy that prohibits it in other areas. The resident will be informed that while bow hunting might be permitted on certain public lands, it is prohibited on other public lands. He will be advised to contact Matt Kozazcki about the Wet Meadows and to consult with public safety officials.

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

Daniel Harrington

8 64th Street

Certificate of Compliance

DEP File #051-0356

Tom Hughes represented the applicant. An Order of Conditions was issued in 1995 for the demolition of a house and the construction of a new house on piles in a different location on the

lot. The existing garage was to be relocated. Mr. Hughes said no mitigation planting was required but the area to the north of the proposed structure was to be planted to prevent erosion. He reviewed the deviations from the approved plans. The existing garage was retained and the new house was constructed behind it, in nearly the same location as the existing house. Mr. Hughes said it can be seen from aerial photographs that the work was done between 1995 and 2001 and not much change has occurred between 2001 and 2020. The driveway and decks were not shown on the plan submitted with the Notice of Intent. It does not appear that the location of the driveway was changed from its original location. The area between the new house and the lot line is largely vegetated.

Steve Moore moved to issue a Certificate of Compliance for 8 64th Street. Dan Warchol seconded the motion. The motion was approved by a 7-0 vote (Steve Moore, yes; Paul Healy, yes; David Vine, yes; Joe Teixeira, yes; Carole Wagan, yes; Ron DiCola, yes; Dan Warchol, yes).

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 (Steve Moore, yes; Paul Healy, yes; David Vine, yes; Joe Teixeira, yes; Carole Wagan, yes; Ron DiCola, yes; Dan Warchol, yes).

Lorraine and Michael Riley

2 Spofford Street

Amend Order of Conditions

DEP File #051-0972

The applicant requested a continuance. Steve Moore moved to continue the public hearing to the August 17 meeting. Dan Warchol seconded the motion. The motion was approved by a 7-0 vote (Steve Moore, yes; Paul Healy, yes; David Vine, yes; Joe Teixeira, yes; Carole Wagan, yes; Ron DiCola, yes; Dan Warchol, yes).

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

7. Order of Conditions

None

8. Enforcement

Gloria Braunhardt Bike Path

The work Jerry Mullins was to have completed by June 30 has not been done. In addition, Mr. Mullins continues to perform work without permission and damage City Property. The tops of some saplings have been newly removed. Soil was recently swept from the wooded area to the edge of the path near the Boy Scout overlook. The activities Mr. Mullins has undertaken have not been sanctioned by the Park River Clean Water Association. The Commission might consider issuing a fine, as he has ignored the Notice of Violation. The next step would be to issue an Enforcement Order. Steve Moore pointed out that Mr. Mullins has done some good

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work despite his recent actions, but the Commission has been patient with him. A meeting should perhaps be arranged between Mr. Mullins, Joe Teixeira and Mayor Holaday.

9. Adjournment

Steve Moore moved to adjourn the meeting at 7:34 p.m. David Vine seconded the motion. The motion was approved by a 7-0 vote (Steve Moore, yes; Paul Healy, yes; David Vine, yes; Joe Teixeira, yes; Carole Wagan, yes; Ron DiCola, yes; Dan Warchol, yes).