

**Newburyport Conservation Commission**  
**September 5, 2023**  
**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, David Vine, Carole Wagan, Dan Warchol, Steve Moore and Bill Mullen. Charlie Aloviseti was absent. Conservation Administrator Julia Godtfredsen was also in attendance.

**3. Minutes**

Carole Wagan moved to approve the minutes of the August 18, 2023, meeting. Steve Moore seconded the motion. The motion was approved by a 4-0 vote (Steve Moore, yes; David Vine, abstain; Carole Wagan, yes; Dan Warchol, absent; Joe Teixeira, yes; Bill Mullen, yes).

**4. Old and New Business**

**Plum Island Updates**

None

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

**a) John Summinski**

**3 57<sup>th</sup> Street**

**Request for Certificate of Compliance**

**DEP File #051-1053**

Tom Hughes represented the applicant. The plans submitted with the Notice of Intent indicate that 1,700 square feet of vegetation was to be planted. Mr. Hughes said on a later-dated plan, the amount of vegetation was reduced to 946 square feet after it was determined that additional space would be needed for recreation. He said the lot was sparsely vegetated prior to construction and the amount of planting required was not great. He will meet with Julia Godtfredsen at the site to review the plans and the planting materials that have been installed. It also appears that the gravel parking area is larger than that which was shown on the approved plans. A dog run has been installed over the planted area and must be moved. The Commission members would be able to issue only a partial Certificate of Compliance, as the plant materials were installed in the spring and a two-year monitoring period is required.

Steve Moore moved to continue the request to the September 19 meeting. Dan Warchol seconded the motion. The motion was approved by 6-0 vote (Steve Moore, yes; David Vine, yes; Carole Wagan, yes; Dan Warchol, yes; Joe Teixeira, yes; Bill Mullen, yes).

**b) City of Newburyport**

**388 High Street**

**Request for Determination of Applicability**

Tom Hughes represented the applicant. He said the wetland is an isolated one that discharges into the municipal stormwater system. It is not jurisdictional under WPA. The Commission members visited the site on August 29.

Steve Moore moved to issue a negative determination that the wetlands as delineated are not subject to the Wetlands Protection Act and a positive determination for the local ordinance. Dan Warchol seconded the motion. The motion was approved by 6-0 vote (Steve Moore, yes; David Vine, yes; Carole Wagan, yes; Dan Warchol, yes; Joe Teixeira, yes; Bill Mullen, yes).

**6. Public Hearings**

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

**a) City of Newburyport**

**388 High Street**

**Notice of Intent**

Kim Turner and Tom Hughes represented the applicant, who is proposing to eliminate a public safety hazard by moving parking off of the street near Lower Atkinson Common. A Variance is needed for impacts to an isolated wetland under the local ordinance. The wetland area is located behind the easternmost ball field, near the end of an existing gravel parking area. The shallow depression discharges into an outlet pipe that connects to the municipal stormwater system. There are 12 existing parking spaces in the gravel lot and 33 angled parking spaces on Merrimac Street. The angled parking creates a safety hazard for drivers and pedestrians. The lack of parking causes congestion on the streets adjacent to the field.

The proposed project involves the expansion of the existing gravel lot. The isolated wetland would be filled and replaced with an engineered stormwater wetland that would collect and treat water and convey it into the municipal stormwater system. An additional parking area would be constructed along Merrimac Street and would be internal to the site.

The project would require the removal of 22 trees. As a mitigation measure, 12 trees would be planted to provide shade and habitat and would increase biodiversity. Native shrubs would be planted along the woodland edge behind Founders Field.

Dan Warchol asked about an O&M plan. Mr. Hughes said the system would be relatively maintenance free. It would be necessary to remove sediment from the forebays and the catch basins would also require some maintenance.

David Vine asked if the trees that would be removed are dead or in poor condition. Mr. Hughes said about half of the trees to be removed are split but some of them are healthy and in good condition. Carole Wagan asked if some trees in the parking area could be retained.

Steve Moore asked if parking could be added near Moulton Street as an alternative. Ms. Turner responded that 12 spaces could be added near the clubhouse, but this would result in the loss of the arbor vitae and the amount of new asphalt would be much greater.

The hearing was opened to comments from the public. Phil Cootey, 24 Phillips Drive, said the plan is the result of years of work with the City. Fields have been lost in other areas of

the city and the space is heavily used. Baseball equipment is unloaded from the rear of vehicles at the edge of the street, which causes a safety hazard. The project addresses the concern for the safety of the users of the park, who are of all ages.

Christine Wallace, 474 Merrimac Street, said the municipal parks are becoming more crowded and the City has been working on a master plan for the fields for many years. The removal of the cars from the street has been a part of that plan. She said she does not support the expansion of the gravel lot. She would like improvements to be made along Merrimac Street for the residents of the area. She does not think the wetland is isolated, as there is a discrepancy between the flags and the GIS plan, where it is identified as a wetland. She is concerned that the removal of the trees and the filling of the wetland would negatively impact drainage. She recommended that the applicant be required to submit a plan and stormwater report that are stamped by a PE.

Ted Jones, 18 Dawe Street, said he is opposed to the plan. He does not think the proposed number of parking spaces is needed. He said too many trees would be removed and the new trees would be saplings, which would need many years to be able to take up as much water as the existing canopy. He said the parking could be reduced by ten spaces and ten mature trees could be saved. The public comment period was closed.

David Vine said he agrees that many trees would be lost for the addition of the spaces at the end of the parking area. Steve Moore said some trees could be retained in this area if the number of spaces were reduced. Mr. Hughes said saplings grow quickly and not all of the existing trees are valuable.

Julia Godtfredsen said that because a stormwater wetland would replace isolated wetland, a stormwater report should be submitted. Ms. Turner said she did not expect that the project would be approved at this meeting. She said she has listened to the comments of the public and the Commission members, and she will reassess the plans.

Steve Moore moved to continue the public hearing to the September 19 meeting. Bill Mullen seconded the motion. The motion was approved by a 6-0 vote (Steve Moore, yes; David Vine, yes; Carole Wagan, yes; Dan Warchol, yes; Joe Teixeira, yes; Bill Mullen, yes).

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

## **7. Enforcement/Violations**

None

## **8. Order of Conditions**

None

## **9. Adjournment**

Steve Moore moved to adjourn the meeting at 7:42 p.m. Joe Teixeira seconded the motion. The motion was approved by a 6-0 vote (Steve Moore, yes; David Vine, yes; Carole Wagan, yes; Dan Warchol, yes; Joe Teixeira, yes; Bill Mullen, yes).