

**Newburyport Conservation Commission**  
**October 3, 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 and Bill Mullen. Charlie Aloviseti and Steve Moore were absent. Conservation Administrator Julia Godtfredsen was also in attendance.

**3. Minutes**

Bill Mullen moved to approve the minutes of the September 5, 2023, meeting. Dan Warchol seconded the motion. The motion was approved by a 5-0 vote (David Vine, yes; Carole Wagan, yes; Dan Warchol, yes; Joe Teixeira, yes; Bill Mullen, yes).

**4. Old and New Business**

**Plum Island Updates**

At the September 29 MRBA meeting, the Army Corp. presented its maintenance report on the south jetty. Modeling is being conducted to determine if the construction of a weir would break up the gyre that is causing erosion. The results of the modeling should be available in the spring. It is estimated that the newly placed sand would last for three years.

DCR is in the process of removing some sections of the boardwalk between the parking lot and Plum Island Point under the emergency certification.

**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. He visited the site with Julia Godtfredsen, who agreed that revised plans had been submitted with a reduced planting area. Beach grass had been planted at the rear of the property, but the area is largely bare at this time. Mr. Hughes said the beach grass was eaten by rabbits. The applicant is in the process of ordering additional plants. He said the area is well delineated by rabbit fencing. The plants were not installed in the exact location as was shown on the plans, but the full amount of vegetation that was required has been planted. The Order of Conditions required for the vegetation to be monitored for two growing seasons. Mr. Hughes said the plants were installed in the fall. He will request a full Certificate of Compliance at the end of the next summer if the new materials have become well established

by that time. He added that the dog run was in place prior to the submission of the Notice of Intent, but the applicant has agreed to move it.

Carole Wagan moved to issue a partial Certificate of Compliance for 3 57<sup>th</sup> Street. Dan Warchol seconded the motion. The motion was approved by a 5-0 vote (David Vine, yes; Carole Wagan, yes; Dan Warchol, yes; Joe Teixeira, yes; Bill Mullen, yes).

**b) Stanton Sacks**

**15 73<sup>rd</sup> Street**

**Request for Determination of Applicability**

Tom Hughes represented the applicant. He said the house has been damaged by erosion and has no structural support on its side facing the river. The applicant is proposing to add helical piles and support posts with bracing along the old foundation line. The house would be boarded up with plywood. The work is intended to keep the house structurally intact by protecting it from the elements and to keep out trespassers.

Carole Wagan moved to issue a Negative Two Determination for 15 73<sup>rd</sup> Street. Joe Teixeira seconded the motion. The motion was approved by a 5-0 vote (David Vine, yes; Carole Wagan, yes; Dan Warchol, yes; Joe Teixeira, yes; Bill Mullen, yes).

**c) Newburyport Manager, LLC**

**0 Brown's Wharf**

**Request for Amendment**

**DEP File #051-1074**

Paul Avery represented the applicant. He said as work progressed on the project that the Commission approved in August, it was found that some deviations from the plans would be necessary. The applicant is required to make the second floor of the restaurant accessible. Forty square feet would be added to the east side of the structure for the installation of a lift. One handicapped parking space would be created near the addition.

The applicant is proposing to replace the approved cable and baluster railing adjacent to the bulkhead with a glass panel system. A gap at the bottom of the railing would allow water to flow freely if necessary. A similar glass system is in place at the Tuscan Sea Grille. The change to the plans would be acceptable provided the glass is the same as was used at that restaurant.

The applicant is also proposing to replace the pavers approved for the outdoor seating area with concrete. The two materials would both act as impervious surfaces and therefore would represent a significant change.

The applicant is proposing to change the approved wood platform that was to connect to the existing marina gangway to a concrete walkway located to the east of the restaurant's seating area. The change in location would allow pedestrians to access the gangway without walking through the seating area.

Finally, the applicant is proposing to install an underground electrical conduit from the power pole in the parking lot to the marina gangway.

David Vine moved to approve the request for amendment. Dan Warchol seconded the motion. The motion was approved by a 5-0 vote (David Vine, yes; Carole Wagan, yes; Dan Warchol, yes; Joe Teixeira, yes; Bill Mullen, yes).

**6. Public Hearings**

Dan Warchol moved to open the public hearings. David Vine seconded the motion. The motion was approved by a 5-0 vote (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**

The applicant requested a continuance. Dan Warchol moved to continue the public hearing to the November 21 meeting. Carole Wagan seconded the motion. The motion was approved by a 5-0 vote (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 5-0 vote (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. Other Business**

The first meeting in November would coincide with election day. Dan Warchol moved to cancel the November 7 meeting. David Vine seconded the meeting. The motion was approved by a 5-0 vote (David Vine, yes; Carole Wagan, yes; Dan Warchol, yes; Joe Teixeira, yes; Bill Mullen, yes).

**10. Adjournment**

Carole Wagan moved to adjourn the meeting at 7:17 p.m. Dan Warchol seconded the motion. The motion was approved by a 5-0 vote (David Vine, yes; Carole Wagan, yes; Dan Warchol, yes; Joe Teixeira, yes; Bill Mullen, yes).