

Newburyport Conservation Commission
October 4, 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, Charlie Aloviseti and Bill Mullen. 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 September 22, 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; Bill Mullen, absent).

4. Old and New Business

Plum Island Updates

H&L Contracting has begun bringing equipment for the dredge to the Plum Island parking lot. The beach between the parking lot and the south jetty will be closed for public access until around March. The dredging work should be done before then, but added time will be needed for installing plantings and walkways. Greg Moore of UNH has received a large grant from the Hurricane Sandy program for fencing and planting in an area that includes Plum Island.

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

Chris Skiba, Newburyport Development

35-43 Water Street

Request for Determination of Applicability

The applicant requested a continuance. Steve Moore moved to continue the request to the October 18 meeting. Dan Warchol seconded the motion. The motion was approved by a 5-0 vote (Dan Warchol, yes; Joe Teixeira, yes; Steve Moore, yes; Charlie Aloviseti, yes; Bill Mullen, yes).

Gary Litchfield

3 H Street

Request for Certificate of Compliance

DEP File #051-0967

The applicant constructed a new home on pilings parking below. A gravel pathway and a hot tub on wood planks were added through a minor modification. Some deviations were made from the

approved plans. Instead of spiral stairs, a stairway was added under the deck. The driveway was made narrower and two propane tanks were added.

The garage doors extend all the way to the ground. It is not certain if this was a part of the approved plans. For other properties on the island, the applicant was required to remove the bottom panels of the doors. An occupancy permit was issued, but the developer had not requested a partial Certificate of Compliance. Therefore, while the installation of plant materials was the only outstanding work, the requested Certificate applies to both the house and the landscaping. The hearing was continued to allow the Administrator the opportunity to review the elevation plans.

Steve Moore moved to continue the request to the October 18 meeting. Bill Mullen seconded the motion. The motion was approved by a 4-0 vote (Dan Warchol, yes; Joe Teixeira, yes; Steve Moore, yes; Charlie Aloviseti, absent; Bill Mullen, yes).

Gary Litchfield

1 G Street

Request for Certificate of Compliance

DEP File #051-0966

The applicant constructed a new home on pilings parking below. A gravel pathway and a hot tub on wood planks were added through a minor modification. Some deviations were made from the approved plans. Instead of spiral stairs, a stairway was added under the deck. The driveway was made narrower and two propane tanks were added.

The garage doors extend all the way to the ground. In addition, the vegetation is sparse and it appears that large areas have not been planted. If the plant materials were installed, they did not survive and did not spread

Dan Warchol moved to continue the request to the October 18 meeting. Steve Moore seconded the motion. The motion was approved by a 5-0 vote (Dan Warchol, yes; Joe Teixeira, yes; Steve Moore, yes; Charlie Aloviseti, yes; Bill Mullen, yes).

Michael and Kerrin Costello

249-251 Water Street

Request for Minor Modification

Tom Hughes represented the applicant, who now wishes to have lawn on the property. One patio would be installed instead of two smaller ones. Two shrubs would be eliminated from the plans, and the number of perennials would be reduced. Large cobbles would be placed along the back of the wall to improve drainage. A flush curb would mark the right side property line. The pavers that were to run from the street to the back of the property would be removed and replaced with crushed stone. The amount of impervious surface would be less than what was originally proposed. A clean plan will be submitted.

Steve Moore moved to approve the Request for Minor Modification. Dan Warchol seconded the motion. The motion was approved by a 5-0 vote (Dan Warchol, yes; Joe Teixeira, yes; Steve Moore, yes; Charlie Aloviseti, yes; Bill Mullen, yes).

6. Public Hearings

Dan Warchol moved to open the public hearings. Steve Moore seconded the motion. The motion was approved by a 5-0 vote (Dan Warchol, yes; Joe Teixeira, yes; Steve Moore, yes; Charlie Aloviseti, yes; Bill Mullen, yes).

Jeffrey Bailly
6 Jefferson Court
Notice of Intent
DEP File #051-1068

Bill Manuell represented the applicant, who is proposing to rebuild an at-grade wood deck at a property along the Merrimack River. The existing deck is located in the lawn of a vacant property. The deck would be rebuilt in the same footprint over the existing concrete foundation. It is not expected that there would be any disturbance to the ground. The applicant is also proposing to replace the existing float system with a new pier, ramp and float. A concrete pad would be poured at the top of the embankment. Stairs would be added that would lead to a 16-foot-long platform that would be supported by a concrete pad and two concrete footings with steel columns that would be affixed to the bedrock. A 4' x 36.5' ramp would lead from the platform to a 6' x 10' float. Three 8' x 16' floats would be placed in the river.

A letter from Natural Heritage letter was received. No time-of-year restrictions were placed on the property. The use of helical piles is proposed, which would not have an impact on habitat. If bedrock is encountered, the helical piles would be replaced with an attachment such as an eye bolt. As mitigation for the loss of the pine tree, six native shrubs would be planted on the side of the slope.

Bill Mullen said the size of the dock is excessive. This is the purview of the Harbor Commission, which is responsible for issuing a Watersheet Permit.

Steve Moore moved to close the public hearing. Dan Warchol seconded the motion. The motion was approved by a 5-0 vote (Dan Warchol, yes; Joe Teixeira, yes; Steve Moore, yes; Charlie Aloviseti, yes; Bill Mullen, yes).

Philip Cootey
22 Philips Drive
Notice of Intent

Tom Hughes represented the applicant, who is proposing to construct an addition to a single-family home in the buffer zone. A new deck would be added and an existing deck would be expanded. An existing play structure would be removed. Philips Drive is a loop and water drains towards the center of the loop at the rear of the properties. The limit of work outside of the 25-foot no-disturb zone. The project would result in the alteration of 1,100 square feet in the outer buffer zone. The proposed erosion control was indicated on the plans. No stockpiling would take place in the no-disturb zone.

Dan Warchol moved to close the public hearing. Steve Moore seconded the motion. The motion was approved by a 5-0 vote (Dan Warchol, yes; Joe Teixeira, yes; Steve Moore, yes; Charlie Aloviseti, yes; Bill Mullen, yes).

Steve Moore moved to close the public hearings. Dan Warchol seconded the motion. The motion was approved by a 5-0 vote (Dan Warchol, yes; Joe Teixeira, yes; Steve Moore, yes; Charlie Aloviseti, yes; Bill Mullen, yes).

7. Enforcement/Violations

None

8. Order of Conditions

Jeffrey Bailly

6 Jefferson Court

DEP File #051-1068

Steve Moore moved to issue an Order of Conditions for 6 Jefferson Court including but not limited to the following special conditions: the impact to the salt marsh shall be minimized; the height to width ratio of the dock shall be 1.5 to 1; construction equipment shall not be stored in the resource areas; any disturbed areas should be restored to pre-construction conditions; floats shall be removed in the off season and stored upland of the resource areas, including the salt marsh; the floats shall be removed by boat and shall not be moved over the saltmarsh; conservation moorings shall be used; bottom anchors may replace helical piles if bedrock is encountered; the applicant shall plant six shrubs as shown on the plan dated September 27, 2022, as mitigation for the loss of one mature white pine; all plantings shall be monitored for two years and any plants that do not survive shall be replaced. Bill Mullen seconded the motion. The motion was approved by a 4-0 vote (Dan Warchol, absent; Joe Teixeira, yes; Steve Moore, yes; Charlie Aloviseti, yes; Bill Mullen, yes).

Philip Cootey

22 Philips Drive

Steve Moore moved to issue an Order of Conditions for 22 Philips Drive. Dan Warchol seconded the motion. The motion was approved by a 5-0 vote (Dan Warchol, yes; Joe Teixeira, yes; Steve Moore, yes; Charlie Aloviseti, yes; Bill Mullen, yes).

9. Adjournment

Steve Moore moved to adjourn the meeting at 8:00 p.m. Dan Warchol seconded the motion. The motion was approved by a 5-0 vote (Dan Warchol, yes; Joe Teixeira, yes; Steve Moore, yes; Charlie Aloviseti, yes; Bill Mullen, yes).