

Newburyport Conservation Commission
October 5, 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 Dan Warchol, Joe Teixeira, Carole Wagan, David Vine, Paul Healy and Steve Moore. Conservation Administrator Julia Godtfredsen was also in attendance.

3. Minutes

Carole Wagan moved to approve the minutes of the September 21, 2021, meeting. Paul Healy seconded the motion. The motion was approved by a 6-0 vote (Joe Teixeira, yes; Dan Warchol, yes; Paul Healy, yes; Carole Wagan, yes; David Vine, yes; Steve Moore, yes).

4. Old and New Business

Plum Island Updates

- The dredging of the river has been delayed. The project will be put out to bid in the spring and the work should take place in next fall. The dredging of the Piscataqua River is moving forward. The dredged material is to be placed off of the shores of Newbury and Salisbury.
- The permits are in place for the coir bag shoreline stabilization project. The State will provide \$350,000 for the work and the City will contribute \$100,000. The installation is expected to begin later this month.
- A committee is being formed to coordinate and streamline the beach management plans for Salisbury, Newbury and Newburyport.

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

John Marcheterre

10 Harbor Street

Request for Determination of Applicability

The applicant has removed an 8' x 10' shed located in the V zone that was in poor condition. He is proposing to replace it with a new shed of the same size in the same location. The shed would be placed on cinder blocks 24" above grade, which is in keeping with the Plum Island standards.

Paul Healy moved to issue a Negative 2 Determination. Steve Moore seconded the motion. The motion was approved by a 6-0 vote (Joe Teixeira, yes; Dan Warchol, yes; Paul Healy, yes; Carole Wagan, yes; David Vine, yes; Steve Moore, yes).

City of Newburyport

Reservation Terrace

Request for Minor Modification

DEP File #051-1050

Condition #22 of the Order of Conditions for the coir bag shoreline stabilization project refers to the owner of the property, which is DCR. The agency has requested that the condition be amended to refer to the applicant, which is the City.

Steve Moore moved to approve the Request for Minor Modification. Carole Wagan seconded the motion. The motion was approved by a 6-0 vote (Joe Teixeira, yes; Dan Warchol, yes; Paul Healy, yes; Carole Wagan, yes; David Vine, yes; Steve Moore, yes).

Evergreen Commons, LLC

18 Boyd Drive

Request for Minor Modification

DEP File #051-0973

Lisa Mead represented the applicant, who is requesting two modifications to the Order of Conditions. As a part of the permitting process, the applicant was to provide a connection between the Evergreen Commons open space and the Garrison Trail along the Whittier Bridge. Mass DOT has not agreed to allow the applicant to make this connection. The applicant will instead provide an easement to the City and the engineering plans for the potential future construction of the connection. It is thought that Mass DOT might be more willing to agree to allow the City, rather than a private developer, to make the connection.

Second, the applicant has provided a draft deed to convey a semi-circular parcel of land to the City to protect the water supply. A split-rail fence was to be installed along the curved edge of the parcel. This would disrupt the open space and would make mowing difficult. The applicant is proposing instead to install a chain link fence along the straight edge of the parcel near the tree line.

Steve Moore moved to approve the Request for Minor Modification. Paul Healy seconded the motion. The motion was approved by a 6-0 vote (Joe Teixeira, yes; Dan Warchol, yes; Paul Healy, yes; Carole Wagan, yes; David Vine, yes; Steve Moore, yes).

Lisa Mead and Tom Hughes provided additional updates on the project. The language for the conservation restriction has been approved by the Commonwealth. Some signage has been vandalized. The applicant is working to improve the hardware and to install the signage in better locations. The educational signage is being redesigned. The meadow area that was mowed in error has been overseeded with a wildflower mix and other plantings have been replaced. The area between the meadow and the Boyd Drive cul-de-sac has been seeded. The final houses are under construction. The remaining roads and sidewalks should be completed by the end of October.

6. Public Hearings

Steve Moore moved to open the public hearings. Dan Warchol seconded the motion. The motion was approved by a 6-0 vote (Joe Teixeira, yes; Dan Warchol, yes; Paul Healy, yes; Carole Wagan, yes; David Vine, yes; Steve Moore, 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 December 7 meeting. David Vine seconded the motion. The motion was approved by a 6-0 vote (Joe Teixeira, yes; Dan Warchol, yes; Paul Healy, yes; Carole Wagan, yes; David Vine, yes; Steve Moore, yes).

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

7. Order of Conditions

None

8. Enforcement

3 Q Street

Lisa Mead represented the applicant and requested that a site visit be scheduled. She said the property was purchased in 2019. Work was done at that time without a permit that was labeled as existing conditions in a subsequent Notice of Intent. The applicant is developing a pre-existing conditions plan and a plan for addressing the unpermitted work. The applicant has removed a garage and proposing to construct a replacement structure two feet above grade in an area outside the VE zone. The concrete pad associated with the previous garage would be removed. The existing fence is 50% open but not two feet above grade and would be lifted. The concrete beneath the at-grade wood deck would be removed. A chain link fence was removed and will be replaced with a picket fence. Attorney Mead said that native plants were planted in an area that was previously lawn. She also discussed the substantial improvement analysis. She said the house was not constructed according to the plans that were approved. Several changes were made to the windows. A new appraisal will be submitted. A site visit will take place on October 15 at 11:00 a.m.

9. Old and New Business

Carole Wagan moved to adopt a policy that the Conservation Commission would not meet on election days unless it is decided that a meeting would be necessary and this policy would not apply to primary elections. Joe Teixeira seconded the motion. The motion was approved by a 6-0 vote (Joe Teixeira, yes; Dan Warchol, yes; Paul Healy, yes; Carole Wagan, yes; David Vine, yes; Steve Moore, yes).

10. Adjournment

Steve Moore to adjourn the meeting at 8:09 p.m. Paul Healy seconded the motion. The motion was approved by a 6-0 vote (Joe Teixeira, yes; Dan Warchol, yes; Paul Healy, yes; Carole Wagan, yes; David Vine, yes; Steve Moore, yes).