

Newburyport Conservation Commission
October 19, 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

Paul Healy moved to approve the minutes of the October 5, 2021, meeting. 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).

4. Old and New Business

Plum Island Updates

Julia Godtfredsen reported that the coir bag project is moving forward and a preconstruction meeting has been held. The rocks that were placed at the end of 73rd Street during a storm will be removed and the coir bags will be installed in this location. The concrete blocks will be reset to provide a support structure for the coir bags. The bags will be covered with sand in the spring.

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

Joe DiBiase

Kelleher Pines Subdivision

Certificate of Compliance Correction

DEP File #051-0097

The permit was not properly closed when the house was constructed. The Commission issued a complete Certificate of Compliance for the 142 lot subdivision in 2013, but it was recorded at the Registry of Deeds for only one lot. The old Certificate of Compliance will be corrected to reference the entire subdivision. A copy of the corrected Certificate will be sent to all property owners in the subdivision with a letter asking them to record it with their deeds.

Dan Warchol moved to approve the corrected Certificate of Compliance. 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).

6. Public Hearings

Carole Wagan moved to open the public hearings. 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).

Michael Doyle

39 Reservation Terrace

Notice of Intent

Mary Rimmer represented the applicant, who is proposing to construct a two-story addition to a single-family home. The addition would be above and below the location of an existing second-floor deck. The addition would be at the same elevation as the house, which is on pilings. Three new pilings would be installed for the addition and its associated stairs. The lot coverage would increase by 59 square feet.

Ms. Rimmer said the 300 square feet under the existing deck is sparsely vegetated. She said this vegetation has not been included in the mitigation calculations. The mitigation areas would be located in a poorly vegetated section of the site near the street and along the property line to the west side of the house. Ms. Rimmer said the applicant has also installed a number of native trees and shrubs since purchasing the property.

The existing wooden walkways were not included in the Order of Conditions that was issued to the prior owner of the property in 2014. Stone patios were also added without a permit. The applicant was informed that plans must be submitted and approved for any landscape projects. The regulations do not allow at-grade decking. An elevated wooden walkway would be allowed with the condition that it is temporary. The applicant must remove the walkways for the season by November 1. The Commission members were concerned that landscaping was removed when the stone patios and walkways were installed. Michael Doyle said any displaced vegetation was replanted elsewhere on the property. He said his goal to plant as much beach grass as possible. He said the walkways consist of six-foot sections that can be taken apart and stored.

A DEP file number has not yet been issued. The mitigation figures on the plans must be updated.

Steve Moore moved to continue the public hearing to the November 16 meeting. 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).

Steve Moore moved to close the public hearings. 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).

7. Order of Conditions

None

8. Enforcement

3 Q Street

A site visit took place on October 15. Joe Teixeira said boulders have been added to the site that must be removed. Also, a faux stone veneer was added to the existing concrete blocks. He said

it is not apparent if the wall has been anchored, but a coastal engineering structure has been changed without a permit. The Commission might not have approved such a wall if a Notice of Intent had been filed. The wall could negatively impact the dune and be a public safety hazard. The applicant will be asked to provide an engineering report on the wall. It appears from MIMAPS that a portion of the wall is on City property.

The applicant had submitted an appraisal indicating that the proposed work would increase the value of the property by exactly 50%. A special condition was added to the Order of Conditions stating that if any changes were made the approved plans, the applicant would be required to submit an updated plan and a revised appraisal to ensure that the project would continue to meet the 50% rule for significant improvements on Plum Island. Several changes were made to the structure without Commission review or approval. The applicant has been asked to submit a new appraisal. The Commission could require a peer view of the appraisal. An updated plan must also be submitted that shows the deviations from the approved plans and calculations on the impacts of these changes on amount of vegetation.

9. Old and New Business

Colby Farm

Steve Moore asked if the field along Low Street should be maintained as a hay field or a pollinator meadow. Joe Teixeira said the open space management consultant has talked with Jere Myette about haying this field. He could be allowed to hay the field in exchange for mowing the rear field as a pollinator meadow.

Site Visits

Site visits to Port Place and 6 Perkins Way will be scheduled for Thursday, Oct. 28.

10. Adjournment

Steve Moore to adjourn the meeting at 8:12 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).