

**Newburyport Conservation Commission**  
**November 21, 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 Steve Moore. Bill Mullen and Charlie Aloviseti were absent. Conservation Administrator Julia Godtfredsen was also in attendance.

**3. Minutes**

Steve Moore moved to approve the minutes of the October 17, 2023, meeting. David Vine seconded the motion. The motion was approved by a 4-0 vote (David Vine, yes; Carole Wagan, abstain; Dan Warchol, yes; Joe Teixeira, yes; Steve Moore, yes).

**4. Old and New Business**

**Plum Island Updates**

The discussion at the last MRBA meeting focused on the Salisbury Beach Management Plan and the Pink House.

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

**a) Joseph Hill**

**2 Parker Street**

**Request for Extension of Order of Conditions**

**DEP File #051-0980**

Ryan Clemens represented the applicant, who is requesting a two-year extension to complete the work. The Order of Conditions was extended in 2020 and is now set to expire in December. One row of townhouses is still to be constructed. A portion of the work along the Rail Trail has not been completed and the rain gardens must be monitored for two years.

Steve Moore said the Rail Trail has been completed on the two sides adjacent to the property. The pedestrians are forced to walk in the street along the property. He is concerned this hazardous situation will continue for another two years if the extension is granted. Mr. Clemens said the Rail Trail portion of the work is to be completed in the spring.

Steve Moore moved to approve the request to extend the Order of Conditions for two years with the condition that no further extensions shall be granted for the Rail Trail component of the project. 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; Steve Moore, yes).

**b) Luke Shipman  
217 Northern Blvd.**

**Request for Determination of Applicability**

Tom Hughes represented the applicant, who is proposing to construct a second floor above a one-story section of a single-family home in the AO zone. An existing small wooden landing and granite step are to be removed and the area would be planted with beach grass. It is likely the boards of the existing deck would be replaced in kind, but its footprint would not change. There would be no changes at the ground level other than temporary construction impacts. The application references changes to the interior of the structure, but does not indicate the overall level of improvement to the property.

Mr. Hughes said the site is mainly made up of lawn or pavement, with no areas of fully functional dune. The existing lawn would be raked and seeded to repair any damage caused during construction. He agreed to add three native shrubs elsewhere on the site.

Steve Moore moved to issue a Negative 3 Determination with the conditions the applicant shall submit a substantial improvement form prior to the issuance of the Determination of Applicability; three new native shrubs shall be planted in a location to be approved by the Conservation Administrator and there shall be no expansion of the footprint of the at-grade decks, nor shall the existing fence be added to or replaced, without review and approval by the Conservation Commission. 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; 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 5-0 vote (David Vine, yes; Carole Wagan, yes; Dan Warchol, yes; Joe Teixeira, yes; Steve Moore, yes).

**a) City of Newburyport  
388 High Street  
Notice of Intent**

The applicant requested a continuance. Carole Wagan moved to continue the public hearing to the December 19 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; Steve Moore, yes).

**b) Peter Newton  
6 Julia Street  
Notice of Intent**

Tom Hughes represented the applicant, who is proposing to reconstruct an addition on a house in the X zone. The existing addition would be demolished and reconstructed on helical piles two feet above grade. An existing shed near the house would be removed and a new deck would be constructed in this location. A section of existing pavement near the house would be removed

and replaced with plantings. An area of concrete near the garage would be removed and replaced with beach grass. The lattice under the existing deck would be removed.

Mr. Hughes said the dune function would be improved both by the addition of vegetation and the removal of concrete and pavement. The proposed changes to the site would result in a net increase of 108 square feet of vegetation on the site.

A DEP file number has not yet been received. Prior to the next meeting, the applicant will add native plant materials to the triangular area on the plans and will consider replacing the concrete walkway near the garage with a clamshell path.

Steve Moore moved to continue the public hearing to the December 5 meeting. 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; Steve Moore, yes).

Steve Moore moved to close the public hearings. 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; Steve Moore, yes).

#### **7. Enforcement/Violations**

None

#### **8. Order of Conditions**

None

#### **9. Other Business**

National Grid has made several attempts to vegetate its property adjacent to the Rail Trail, but none have been successful. A solution might be the planting of a shrub buffer along the Rail Trail. The applicant will be asked to provide a report.

#### **10. Adjournment**

Steve Moore moved to adjourn the meeting at 7:47 p.m. 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; Steve Moore, yes).