

**Newburyport Conservation Commission  
December 5, 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, Steve Moore and Bill Mullen. Charlie Aloviseti was absent. Conservation Administrator Julia Godtfredsen was also in attendance.

**3. Minutes**

Carole Wagan moved to approve the minutes of the November 21, 2023, meeting. Steve Moore seconded the motion. The motion was approved by a 6-0 vote (David Vine, yes; Carole Wagan, yes; Dan Warchol, yes; Joe Teixeira, yes; Steve Moore, yes; Bill Mullen, yes).

**4. Old and New Business**

**Plum Island Updates**

The City and DEP are planning to send a joint letter to the Army Corp of Engineers requesting the initiation of a Section 111 study. The purpose of a Section 111 study is to determine if an Army Corp structure or project has caused damage to a public resource. The Army Corp will be asked to investigate the responsibility of the jetty for the erosion on the island. The Army Corp is also undertaking a major maintenance report of the jetty to determine if changes could be made to the jetty to alleviate the erosion. The results of this report should be received in the spring, which the Section 111 would take years to complete.

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

None

**6. Public Hearings**

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

**Peter Newton**

**6 Julia Street**

**Notice of Intent**

**DEP File #051-1076**

The applicant 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. The applicant agreed at the November 21 meeting to add native plant materials to the triangular area on the plans. Steve Moore said that the plant materials selected should be of various heights in order to provide habitat and food value. Bill Mullen pointed out that the foundation under new addition to be removed is still shown on the plans and the plans show the stairs as being enclosed. A revised set of drawings must be submitted before the Order of Condition is issued.

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

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

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

Julia Godtfredsen will send a letter of violation regarding the installation of a solid paver patio at the corner of Basin Street and 64<sup>th</sup> Street and the property owner will be asked to attend a meeting.

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

**Peter Newton**

**6 Julia Street**

**DEP File #051-1076**

Steve Moore moved to issue an Order of Conditions for 6 Julia Street with the special conditions that 1) prior to the issuance of the Order of Conditions, the applicant shall submit revised plans that show the addition shall be supported by helical piles rather than a solid foundation and the deck, addition or stairways shall not be enclosed with no ship lap or lattice or other materials and 2) there shall be no enclosures around the decks, additions and stairways and the area under these structures shall be completely open. Dan Warchol seconded the motion. The motion was approved by a 6-0 vote (David Vine, yes; Carole Wagan, yes; Dan Warchol, yes; Joe Teixeira, yes; Steve Moore, yes; Bill Mullen, yes).

### **9. Other Business**

Steve Moore visited the National Grid site along the Rail Trail on multiple occasions. He first believed the planting area ponded after a rain event, but the area filled quickly and was slow to drain. He then observed a correlation between ponding in the planting area and tides that are over 9.3 feet. He said it would be necessary for any landscape materials planted there to be salt tolerant. He will continue to visit the site during the tides of this height in the upcoming year. It seems apparent the area is becoming inundated with tidal water. Julia Godtfredsen informed National Grid that the planting plan should be revised to include salt tolerant species and the company should investigate the engineering of the stormwater system to determine if the changes could be made to prevent the area from flooding.

**10. Adjournment**

Bill Mullen moved to adjourn the meeting at 7:42 p.m. Carole Wagan seconded the motion. The motion was approved by a 6-0 vote (David Vine, yes; Carole Wagan, yes; Dan Warchol, yes; Joe Teixeira, yes; Steve Moore, yes; Bill Mullen, yes).