Newburyport Conservation Commission
December 6, 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, Steve Moore, Bill Mullen, Carole Wagan, David Vine, Dan Warchol and Charlie Alovisetti. Conservation Administrator Julia Godtfredsen was also in attendance.

3. Minutes
Carole Wagan moved to approve the minutes of the October 18, 2022, meeting. Steve Moore seconded the motion. The motion was approved by a 6-0 vote (Bill Mullen, yes; Joe Teixeira, yes; Steve Moore, yes; David Vine, yes; Carole Wagan, yes; Dan Warchol, yes; Charlie Alovisetti, absent).

4. Old and New Business
Plum Island Updates
The small dredge has been completed. A large dredge will be used for the entrance of the channel and additional sand will be deposited on the beach. A group of UNH students under the guidance of Greg Moore will plant dune grass between 53rd Street and 57th Street in the next two weeks.

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 has not provided any new information or requested a continuance. The applicant will be informed that the item will be removed from the agenda if no information on the ownership of the land has been received by January 17.

Steve Moore moved to continue the request to the January 17, 2023, meeting. Carole Wagan seconded the motion. The motion was approved by a 7-0 vote (Bill Mullen, yes; Joe Teixeira, yes; Steve Moore, yes; David Vine, yes; Carole Wagan, yes; Charlie Alovisetti, yes).

The Order of Conditions for Captain Joe's required the applicant to provide an update on its work to obtain a Chapter 91 license by November 1. The applicant reported on the deadline that no communication with DEP has yet taken place. It appears the applicant began exterior work on a third restaurant without a permit. Julie Godtfredsen has a meeting scheduled with the applicant. She will circulate the Order of Conditions for Captain Joe's to the Commission members.

Ashley Bakhtiari
8 Barker Street
Request for Determination of Applicability
The applicant is proposing to replace and expand an existing 10' x 12' second-story deck that is in need of repair. The new deck would be 10' x 30' and would extend the length of the home. Diamond piers would be used for the footings. These are allowed by DEP.   The yard is currently sand, with little vegetation. There is no vegetation near the existing deck or in the area where the deck is being expanded. The two existing trees would be retained. The applicant would like to add vegetation to the site and was told that the planting of beach grass or native shrubs would be allowed.

      Steve Moore moved to approve a Negative 2 Determination for 8 Barker Street. Carole Wagan seconded the motion. The motion was approved by a 7-0 vote (Bill Mullen, yes; Joe Teixeira, yes; Steve Moore, yes; David Vine, yes; Carole Wagan, yes; Charlie Alovisetti, yes).

Steven Mastrovich and Jamie Morison Mastrovich
255 Water Street
Request for Determination of Applicability
Tom Hughes represented the applicant, who is proposing to improve the landscape in conjunction with the renovation of an existing home and garage. No changes would be made to the footprint of the structures. One wall of the garage would be replaced. The existing lawn in this location would be replaced in kind. Lighting with underground wiring would be installed, along with a fence, the style of which has yet to be determined. The existing driveway would be removed and replaced with clamshell tire stripes. A brick walkway would be installed to provide access to the rear of the house from the driveway. Crushed stone would be installed around the perimeter of the house. Low bush blueberry would be planted by the seawall. All of the trees and shrubs that would be planted would be native species, with the exception of one ornamental tree that would be planted in the front of the house.

      Steve Moore moved to approve a Negative 2 Determination for 255 Water Street. David Vine seconded the motion. The motion was approved by a 7-0 vote (Bill Mullen, yes; Joe Teixeira, yes; Steve Moore, yes; David Vine, yes; Carole Wagan, yes; Charlie Alovisetti, yes).

6. Public Hearings
None

7. Enforcement/Violations
6 76th Street
Julia Godtfredsen said the inclusion of the property on the agenda was not necessary.

255 Northern Boulevard
Julia Godtfredsen sent a Notice of Violation about a non-compliant fence.

270 Northern Boulevard

Julia Godtfredsen sent a Notice of Violation about a non-compliant fence. JoAnn and Lee Lane said a fence was in place when they purchased the property. The fence could not be repaired and was replaced in kind. They were informed the fence must be modified to be in compliance with the guidelines.

8. Order of Conditions
None

9. Continuation of Old and New Business
The discussion about fences on Plum Island was continued. A building permit is not needed for the installation of fences and many homeowners are not aware of the guidelines, even though they were distributed to the larger installers. City Councilor Marc Wright said he would like the requirements for the replacement of fences to be lessened. He said it is a burden to install a whole fence when only 10% of it requires replacement. Dan Warchol said the purpose of the requirement is to eliminate the non-compliant fences on the island in order to facilitate the movement of sand. He said the guidelines should suggest the use of shrubs in place of fencing, which could increase privacy. The Commission members will review DEP requirements and give additional consideration to the guidelines for fences.

10. Adjournment
Dan Warchol moved to adjourn the meeting at 8:11 p.m. Steve Moore seconded the motion. The motion was approved by a 7-0 vote (Bill Mullen, yes; Joe Teixeira, yes; Steve Moore, yes; David Vine, yes; Carole Wagan, yes; Charlie Alovisetti, yes).