

**Newburyport Conservation Commission  
December 19, 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 December 5, 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**

During the recent storm, the water at high tide crested over the nourishment area and reached the rocks.

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

**Daniel Sweeney**

**152 Northern Boulevard**

**Request for Determination of Applicability**

Tom Hughes represented the applicant, who is proposing to modify a single-family home in the AO zone. He said most of the proposed changes involve the interior of the structure and the property is heavily developed. Two entryways would be relocated and a roof deck would be installed. An existing concrete patio would be partially removed and shrubs would be added in its place. Shrubs would be added to the area where an existing concrete walkway would be removed. The new walkways to be installed will be of clamshells. Stairs would be constructed to access the roof deck. A dormer would be added under the roof deck, which would increase the living space. The value of the structure would increase from \$195 to \$287,000, a change of 47%. The floor/area ratio may not increase more than 25%. The members questioned the section of the narrative accompanying the appraisal that stated a portion of the garage would be incorporated into the below-grade space. The applicant must add a table to the plans that indicates the amount of existing and proposed living space on each level. It is not known if ZBA approval is needed.

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Carole Wagan moved to continue the request to the January 2, 2024 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).

**6. Public Hearings**

Carole Wagan 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).

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

Kim Turner reviewed the proposed plans for Lower Atkinson Common. The primary goal of the project is to improve pedestrian safety by removing the angled parking from Merrimac Street. A secondary goal is the alleviation of drainage problems. The Planning Board was to review the plans at its December 6 meeting, but the item was moved to the agenda of the December 20 meeting.

Several changes were made to the plans based on comments received at the site visit in August. The number of spaces in the lot by Founders Field was reduced from 56 to 48 in order to retain a stand of trees. The number of trees to be removed was reduced from 22 to 16. Additional trees are proposed for the park to compensate for the removal of the existing trees. Planting islands were added along Merrimac Street to provide a tree canopy. The drainage swales were extended beyond the gravel lot.

Tom Hughes said a Variance is required for the project because the wetland would be relocated and turned into a stormwater wetland. The existing isolated wetland discharges into the City system and the project is not subject to the WPA. The wetland is full of invasive plants, predominantly Norway maples. Sixteen trees are to be removed near the gravel lot and 16 new trees are to be planted, 12 of which will be located with the assistance of the Conservation Administrator. For the project area as a whole, 36 new trees would be planted. Stormwater management would be added to an area where there currently is none. He said the existing functions would be continued, but in a higher-quality way. The water quality and habitat value would be improved. He added it has not been decided how the water flowing down the road would be managed. It is possible a forebay would be installed for the sediment to be removed before the water enters the wetland. Diane Gagnon said there would be no additional runoff from the hill.

The hearing was opened to comments from the public. Antoinette Reed said the new plan reflects the input of a variety of sources. She said the amount of water on the road from the Upper Common to the Lower Common is a factor for the residents and the league.

Phil Cootey, 22 Phillips Drive, said he likes the plans, which involved a great deal of communication between the City, the Pioneer League and the abutters. Many were concerned about the trees that were to be removed and the size of the lot was changed in response to this. The fields serve a wide variety of users.

Jim McCauley asked if the swale would be above or below ground. Diane Gagnon said the water would be collected in a depression in the ground. A six-inch perforated pipe would be

installed under the swale to channel the water. He was concerned that some asphalt be retained in the Head Start parking lot to meet accessibility needs. Kim Turner said the City would not make any adjustments on the Head Start property.

Christine Wallace said a lot of work has gone into the plans. Her biggest concern is the safety of children. She said she cannot support the expansion of the gravel lot. She does not agree that the wetland is isolated and thinks a stormwater waiver should not be given. She expects there will be additional flow and does not know how the properties across the street will be impacted.

Ben Harman safety is his primary concern. He thinks the plans are a step in the right direction but are not the final solution.

The Commission has no outstanding questions before the Planning Board reviews the proposal. The members did not want to approve the plans before knowing if the Planning Board would require any changes.

Steve Moore moved to continue the public hearing to the January 2, 2024 meeting. 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).

Carole Wagan moved to close the public hearings. 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).

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

None

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

None

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

Steve Moore said he has been monitoring the high tides at the National Grid site. He found he was not able to predict when the pool would be filled, but he has confirmed that it fills with salt water. Julia Godtfredsen said that Theresa Portante plans to consult with the engineers about the feasibility of installing a duckbill valve on the pipe. They will also investigate whether an adjustment to the grades in the area would improve drainage.

#### **10. Adjournment**

Carole Wagan moved to adjourn the meeting at 8:18 p.m. 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).