

CONSERVATION COMMISSION MEETING MINUTES

August 3, 2026, at 6:30 p.m.

Virtual Meeting – 6:30 p.m.

This meeting will be conducted under S. 2475, *An act relative to extending certain COVID-19 measures adopted during the state of emergency*, signed June 16, 2021, which was extended by legislation enacted on July 16, 2022, and was extended by legislation enacted on March 24, 2023. The public can view this meeting on ACTV Channel 12, the ACTV website or their Facebook Page: www.facebook.com/AmesburyCommunityTelevision

Chair Fred Zackon called the August 3, 2026, Virtual Conservation Commission meeting to order at 6:30pm.

Pursuant to Governor Baker's March 12, 2020, Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor's March 15, 2020, Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Conservation Commission on August 1, 2022, is being conducted via remote participation.

No in-person attendance of members of the public will be permitted, but every effort is being made to ensure that the public can adequately access the proceedings as provided for in the Order.

A reminder that persons who would like to watch this meeting can do so on ACTV Channel 12, the ACTV website or the City of Amesbury Facebook Page: www.facebook.com/amesburyma

To submit a public comment, you may do so on the Facebook Live feed by beginning your comment with PUBLIC COMMENT. It will be read aloud at the appropriate time. Viewers may also email conservation@amesburyma.gov to submit a public comment.

Members of the public may dial into Microsoft Teams at: +1 323-457-5649,,611794416#

Access Code: 611 794 416#

Chair Fred Zackon stated that tonight's Conservation Commission meeting is being recorded by Amesbury Public Access Television; this legal step has been taken but does not act as the official record. The written meeting minutes by the Recording Secretary is the official record.

Attendance: Fred Zackon, Bob Manseau, Mike Fallon, Matt Mohr, Jamie McCarthy and Brian Higgins

Also in attendance: Amanda Armington, Conservation Agent

Transcription by: Lynn Viselli

Chair Zackon took attendance for the record:

Fred Zackon	YES
Jamie McCarthy	YES
Bob Manseau	YES
Matt Mohr	YES
Mike Fallon	YES
Brian Higgins	YES

Continued Business:

NOI 002-1362 265R, 277R, 281, 287, 287R, 287.5 Elm Street

Chris Lucas updated the Commission on the status. Final peer review letters are pending for both VHB and BETA. Revised plans and documents have been submitted to the Commission. The applicant is requesting a continuance to the August 17th Administrative Meeting.

Agent Armington inquired about the maintenance of the wildlife crossing once completed and an O&M Plan is needed.

Stephen Sawyer stated that the roadway is private and owned by North Property who will maintain the crossing.

Commissioner McCarthy asked if the Planning Board will also be using a site monitor. If so, then we should share the site monitor with the Planning Board and the mitigation should be monitored for 2 years.

Stephen Sawyer suggested a SWIPP will be completed and reports can be provided.

Commissioner McCarthy stated that a 3rd party site monitor will be appointed during the construction of the project.

It was confirmed that there is 11,031 square feet of restoration to be done with this project.

Chris Lucas confirmed that a portion of the Riverfront restoration area is BVW that is currently being mowed. It will be restored to a meadow.

Discussion followed regarding Comment No. 20 which stated that the Riverfront area is degraded and that DEP policy states the lot can be divide degraded/nondegraded when making a determination. Chris Lucas followed up with DEP and an appeal forced a change to the interpretation as to a lot being either entirely degraded or not degraded, the lot cannot be split up. Commission McCarthy would like BETA to attend a meeting. She added that DEP does not want an OOC issued without all final comments/questions being received.

Chris Lucas informed the Commission that the Conservation Restriction will not be done in a timely manner. Agent Armington stated that the draft OOC states that no Occupancy Certificate will be issued until the Conservation Restriction is in place. Chris Lucas advised the Commission that no work has begun on the Conservation Restriction.

Commissioner Higgins asked the method for invasive plant removal. Discussion followed regarding the means and methods to be used in the removal of invasive plants. The invasive removal will be monitored by a 3rd party.

Commissioner Manseau agreed that BETA should attend a meeting.

A motion was made by J. McCarthy to continue NOI 002-1362 265R, 277R, 281, 287, 287R and 287.5 Elm Street to September 8, 2026, with BETA attending the meeting. The motion was seconded by B. Higgins and unanimously approved by Rollcall vote:

Chair Zackon called the Rollcall Vote:

Fred Zackon	YES
Jamie McCarthy	YES
Bob Manseau	YES
Matt Mohr	YES
Mike Fallon	YES
Brian Higgins	YES

NOI 002-1360 29 Lake Attitash Road

The Applicant has requested a continuance to the September 8, 2026, meeting.

A motion was made by B. Manseau to continue NOI 002-1360 29 Lake Attitash Road to September 8, 2026. The motion was seconded by M. Fallon and unanimously approved by Rollcall vote:

Chair Zackon called the Rollcall Vote:

Fred Zackon	YES
J. McCarthy	YES
Bob Manseau	YES
Matt Mohr	YES
Mike Fallon	YES
Brian Higgins	YES

NOI 002-1364 4 Lake Attitash Road

The applicant requested a continuance to the September 8, 2026, meeting.

A motion was made by M. Fallon to continue NOI 002-1364 4 Lake Attitash Road to September 8, 2026. The motion was seconded by M. Mohr and unanimously approved by Rollcall vote:

Chair Zackon called the Rollcall Vote:

Fred Zackon	YES
J. McCarthy	YES
Bob Manseau	YES
Matt Mohr	YES
Mike Fallon	YES
Brian Higgins	YES

NOI 002-1365 28 Haverhill Road

The Applicant has requested a continuance to September 8, 2026, without discussion.

A motion was made by B. Higgins to continue NOI 002-1365 28 Haverhill Road to September 8, 2026. The motion was seconded by B. Manseau and approved by Rollcall vote:

Chair Zackon called the Rollcall Vote:

Fred Zackon	YES
J. McCarthy	YES
Bob Manseau	YES
Matt Mohr	YES
Mike Fallon	YES
Brian Higgins	YES

NOI 002-1367 3 Old Merrill Street

The site visit was held July 13, 2026.

The applicant has requested a continuance to September 8, 2026.

A motion was made by M. Fallon to continue NOI 002-1367 3 Old Merrill to September 8, 2026. The motion was seconded by B. Higgins and approved by Rollcall vote:

Chair Zackon called the Rollcall Vote:

Fred Zackon	YES
J. McCarthy	YES
Bob Manseau	YES
Matt Mohr	YES
Mike Fallon	YES
Brian Higgins	YES

RCOC 002-1343 26 Merrimac Street

Drew Humphreys informed the Commission that an As-Built Plan was provided indicating the concrete retaining wall was complete per the OOC issued. There was a small deviation in grades for flood compensation.

A motion was made by B. Manseau to approve the Certificate of Compliance for OOC 002-1343 26 Merrimac Street. The motion was seconded by M. Fallon and approved by Rollcall vote:

Chair Zackon called the Rollcall Vote:

Fred Zackon	YES
J. McCarthy	YES
Bob Manseau	YES

Matt Mohr	YES
Mike Fallon	YES
Brian Higgins	YES

Administrative:

Hearing Deadlines

This is an issue with meeting once a month, that the Commission is at risk of not meeting the 21-day hearing deadline for applications. The Local Ordinance states that if no DEP number is issued the application will not be added to the Agenda, however the WPA states it must go on the next available Agenda.

Commissioner McCarthy suggested a checklist for applicants to make sure the local review is complete. The checklist on the Town website will need to be updated.

Discussion followed regarding meeting the 21-day meeting requirement for applications.

WPA Fund – these funds can be used for MACC trainings for the Commission.

Minutes

Vote to approve Minutes from July 6, 2026. Tabled to the August 17, 2026, Administrative meeting.

Invoices

There are no invoices to be approved.

The meeting was adjourned by motion of B. Manseau, seconded by M. Fallon and unanimously approved by Rollcall vote:

Chair Zackon called the Rollcall Vote:

Fred Zackon	YES
J. McCarthy	YES
Bob Manseau	YES
Matt Mohr	YES
Mike Fallon	YES
Brian Higgins	YES

The meeting was adjourned at 7:48pm.

The next meeting scheduled is Administrative Meeting on August 17, 2026.

Submitted by: _____
Lynn Viselli, Recording Secretary

Per the Massachusetts Open Meeting Law, the list of documents that were either distributed to the Amesbury Conservation Commission before the meeting in the packet or at the meeting are as follows:

- 1. Agenda**
- 2. Agenda Guide.**