

CONSERVATION COMMISSION MEETING MINUTES

March 17, 2025, 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 January 6, 2025, Virtual Conservation Commission meeting to order at 6:32pm.

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 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 armingtona@amesburyma.gov to submit a public comment.

Members of the public may dial into Microsoft Teams at: +1 323-457-5649,,405286846#

Access Code: 405 286 846#

Chair Fred Zackon notes 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, and Mia Gakidis

Also in attendance: Amanda Armington, Conservation Agent

Transcription by: Amanda Armington

NOI 002-1337 31 Newton Road

Hazem Dani (The applicant) began by presenting plans for the project. The applicant showed the existing conditions plan containing the test pits that were done for the proposed septic system as well as additional test pits done for the stormwater system. The applicant mentions that the project has been changed and continued several times so that Stantec peer review comments can be addressed. The applicant shows an erosion and demolition control plan as is required when disturbing more than 1 acre of land. A temporary construction entrance is proposed at the front of the lot. The applicant shows the wetlands that were delineated at the frontage of the lot. The access point to the site requires wetland filling of 570 sq ft and per regulations replication area with a 2:1 ratio is proposed. The buffers for water protection district were shown and explained. Proposed dwelling and associated septic system, pump chamber, parking area must be located outside of the 200-foot buffer for water protection zone A per Amesbury's zoning regulations. The proposed driveway will be constructed with the use of pervious pavers and starts at parking area moving down slope to connect to newton road. Th applicant requests a change to a more current site plan, agent shared their screen with newest plans. To the left of the wetland replication area there is a proposed constructed wetland for stormwater best management practices. This wetland construction area must meet stormwater regulations. Stantec requires minor construction details for compliance, however, these modifications will not affect the proposal before commission. The applicant notes groundwater recharge as an advantage of the pervious pavers being used for the driveway. The step slope that the driveway is proposed on would make it difficult for stormwater collection if it were to be constructed with pavement. Outside of the 50 ft buffer there is an infiltration basin referred to as basin-1. This basin contains grass channels required by zoning bylaw and rip rap spill way associated which controls flow out of basin to reduce the risk of erosion downstream. As a protection to the abutting property on left a double catch basin is proposed with a depression to collect water. In the event of a 100 year storm event water may overflow to riprap. At the end of the driveway there will be a trench which provides protection to right of way as it collects access water from driveway and sends to two 10in culverts. The roof drain is part of an underground system for recharge and infiltration. Stormwater complies with MA stormwater regulations, complies with zoning bylaw except 25 ft buffer to wetland. Waiver requested in 25 ft buffer such waiver granted in past. Well water no public water and sewer. New well must be constructed and developed.

Commissioner Zackon restates for the record that John Lopez (interim agent) stated that new commission shall be able to vote on this project although they were not present for earlier presentations of the NOI as the applicant provided a presentation. If all commissioners can confirm that they understand what they are being presented, then they may move on to vote. Commissioner Zackon notes that in the absence of commissioner McCarthy the commissioners in attendance will need to provide their vote to reach a quorum.

Commissioner Manseau asks the conservation agent if they feel that the Stantec peer review comments that were mentioned with basin number one have been adequately addressed. Agent says yes, applicant addressed the need to make some edits in their plan and noted that it will not change anything on the plan that pertains to the wetland resource area.

Commissioner Zackon states peer review was requested by planning board and comments stating stormwater concerns are mostly relevant to planning board. Stormwater shall be concern if it does or may impact wetlands based on the commission's judgement.

Agent agrees. Stantec comments are for commission consideration, but not a stipulation for an approval. Commission shall focus on the wetland resource area and wetland impacts created by the proposed plans. Commissioner Zackon notes that the Stantec peer review was not a request by the commission but rather by the Planning Board.

Commissioner Zackon asks if there are any questions/concerns questions. Commissioner Fallon states that he has no questions, and that the presentation was adequate in addressing a fair amount of wetland impacts and the rectification of disrupted area with 2:1 ratio of replication.

Commissioner Zackon asks if the agent has any further comments. The agent mentions the waiver request and mentions that alternative analysis was considered. The current plan has the least wetland impacts. The agent also notes that and mentions that the maintenance of culverts shall me the responsibility of the property owner and a perpetual condition of approval.

Commissioner Zackon asks Hazem what the waiver request was for specifically. Hazem explains that the waiver request is to allow for driveway landscape and filling within wetland area. Commissioner Zackon notes the waiver request must be voted on and approved unanimously prior to a vote on the NOI.

Commissioner Zackon ass for any more questions comments. Max Holmes clarifies maps show the only way to gain access to property is through the wetlands and if the waiver is not approved then the site cannot be used for its intended purposes. Also mentions the maintenance of culverts will be the charge of the property owner.

Hazem sites waiver sections 21.3 for landscaping and 21.6 for filling of the wetland.

Chair takes roll call vote for approval of the waiver request:

Manseau YES

Gakidis YES

Fallon YES

Zackon YES

Chair asks agent if there are any remaining concerns for pending issues that must be addressed during this meeting before the commission can vote. The agent states they do not have any immediate concerns. Chairs looks for a motion to approve NOI subject to OOC. A motion was made by commissioner Manseau to approve the NOI and was seconded by commissioner Gakidis. The chair takes a roll call vote:

Manseau YES

Gakidis YES

Fallon YES

Zackon YES

A motion was made to adjourn by commissioner Manseau and seconded by commissioner Gakidis.

All in favor:

Manseau YES

Gakidis YES

Fallon YES

Zackon YES

Meeting adjourned at 7:01 PM