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By City Clerk at 12:49 pm, Jul 09, 2025

CONSERVATION COMMISSION MEETING MINUTES

June 2, 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 June 2, 2025, 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 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,,177221193#

Access Code: 177 221 193#

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: Jaime McCarthy, Fred Zackon, Bob Manseau, and Mike Fallon

Also in attendance: Recording Secretary Lynn Viselli, and Amanda Armington, Conservation Agent

Transcription by: Lynn Viselli

Chair Zackon takes attendance for the record:

Fred Zackon	YES
Jaime McCarthy	YES
Bob Manseau	YES
Mike Fallon	YES

New Business:

NOI 002-1349 471 Main Street

The project proposes the installation of a plunge pool, associated retaining wall, pool fence and pervious patio on an existing maintained lawn area along with an irrigation system within the existing lawn. A dead arborvitae and 3 bayberry shrubs will be removed and planting of native plantings as embankment mitigation. Erosion control barriers will be installed at the limit of work to protect downgradient resource areas. All work proposed under this application is exempt from MESA review due to work within an existing lawn.

Andrew Thibault reviewed the proposed project with the Commission. The bank has been flagged and there are no other resource areas. The plunge pool will be saltwater with a 30” retaining wall surrounding the recast pool and the connecting of the 2 exiting decks which will be on sonatubes and remain open underneath. He reviewed the dead trees to be removed and native landscaping to be planted. Construction access will be through the lawn and through 473 Main Street.

Agent Armington informed the Commission there were no DEP comments.

A motion was made by B. Manseau to approve the NOI for 002-1349 471 Main Street and issue the OOC. The motion was seconded by M. Fallon and unanimously approved by Rollcall vote:

Chair Zackon called the Rollcall Vote:

Fred Zackon	YES
Mike Fallon	YES
Jaime McCarthy	YES
Bob Manseau	YES

A motion was made by B. Manseau to close the public hearing for NOI 002-1349 471 Main Street. The motion was seconded by M. Fallon and unanimously approved by Rollcall vote:

Chair Zackon called the Rollcall Vote:

Fred Zackon	YES
Mike Fallon	YES
Jaime McCarthy	YES
Bob Manseau	YES

NOI ACC-25-1 6 Lake Attitash Way

This is a vacant parcel, and the applicant is proposing the construction of a single-family dwelling. The property contains a non-jurisdictional isolated wetland under the WPA but is

jurisdictional under the local By-Law. Neighboring parcels have historically dumped lawn clippings and leaf litter on the site which created a berm allowing stormwater from Lake Attitash Way to remain on the property, creating an isolated wetland. Part of this project is the creation of a rain garden downgradient of the proposed structure which will be loamed and seeded with a conservation seed mix and native plantings and connect to the existing drainage infrastructure. Invasive species are to be removed. The applicant is proposing 2:1 replication. Brian Marchetti reviewed the project for the Commission. This is an undeveloped parcel with an isolated wetland under the local by-law and collects roadway runoff. The 1200 square foot isolated wetland containing invasive species is proposed to be filled. A rain garden is proposed downgradient of the structure which will connect to a water quality system before entering Lake Attitash. Invasive species will be removed, and native songbird food and habitat will be planted. Erosion controls will be installed at the limit of work.

Agent Armington received 2 public comments: John, 87 Kimball Road, an abutter, is concerned with the filling of the wetland without addressing the stormwater issues.

Renee Spellman, Lake Attitash Way, an abutter, stated there is a stream in the rear of the property and she is concerned this project will impact the stream on her property. Brian Marchetti responded that it is not a stream, but a drainage ditch and it is not supposed to handle water without a connector.

Donna Collins, 5 Lake Attitash Way, asked if the work will impact the underground springs. The site has 6 feet of fill and is below the roadway elevation so there will be no significant disturbance below grade.

Barbara Hamel, 2 Lake Attitash Road, is concerned with water in the roadway and runoff into the lake. The water on the site will be directed to the rain garden for treatment prior to entering the Lake. Plantings will function as water treatment as well. There is a water quality unit at the headwall before the water discharges to the Lake.

Sarah Lampson, Beach Lane, asked if there were protected species on this parcel. The wetland consultant provided a report, and a site visit was conducted last week, and no priority or protected habitat was found. Sarah also stated that this parcel is important for holding water rather than pushing it into the street and she asked for the stormwater calculations in writing. A vernal pool assessment was done during the delineation. The same volume of water held in the isolated wetland should be same volume held in the rain garden. A stormwater review was recommended.

There is no wetland replication proposed because the wetland was created by stormwater runoff and the surrounding historic disturbance. Site improvements and stormwater management and removal of invasive species are mitigation. Discussion followed regarding 2:1 replication requirement. The applicant agreed the rain garden could be expanded. Agent Armington reminded the Commission that a rain garden is not mitigation.

Mike Fallon recommended a continuation.

Jamie McCarthy asked for an invasive species management plan with species specific management. She also asked that the grading at the rear of the property be clarified.

Barbara Hamilton also stated that the water will continue to flow down the street since the water is not being kept on the property.

A motion was made by J. McCarthy to continue until July 7, 2025. The motion was seconded by M. Fallon and unanimously approved by Rollcall vote:

Chair Zackon called the Rollcall Vote:

Fred Zackon	YES
Mike Fallon	YES
Jaime McCarthy	YES
Bob Manseau	YES

RDA 54 Lake Attitash Road

B. Manseau recused himself from this hearing as a Commissioner as he is the applicant.

The project is for the replacement of an existing stone walkway with pervious pavers. The walkway is 75 feet from the Lake with the existing home in between.

J. McCarthy ask if there was a need for erosion controls and asked to confirm a copy of the application was sent to DEP.

Bob Manseau stated that the house is 65 feet wide between the walkway and the lake, no erosion controls necessary.

A motion was made by J. McCarthy to approve RDA 54 Lake Attitash Road. The motion was seconded by M. Fallon and unanimously approved by Rollcall vote:

Chair Zackon called the Rollcall Vote:

Fred Zackon	YES
Mike Fallon	YES
J. McCarthy	YES
Bob Manseau	ABSTAIN

RDA 15 Cedar Street

There has been significant flooding of the westerly building during multiple storm events in 2023 due to the low elevation adjacent to the northerly entrance of the westerly building.

Insufficiencies of the site's existing drainage systems are not able to handle major precipitation events. The project proposes the upgrade of the existing drainage systems with the reconfiguration of the existing roof drainage system for the westerly building and the existing stormwater system on the northwest side of the westerly building to convey all stormwater to the existing stormwater management system in the eastern parking lot. The project is located within the 200' riverfront of Back River and now work is proposed within the 100' buffer of Clarks Pond. The curb removal and trench are to take place within the 100' riverfront area.

Staff suggests erosion controls be shown on the plan. The 8" drainage pipe is proposed within the 100'-200' riverfront area.

The catch basins are over capacity and entering the parking lot. The removal of a section of curb with the low dissipation trench will allow the water to flow into Back River.

Barbara Hamilton asked if the water will flow directly into the Back River. It water will go through an upgradient system then into the existing system before entering Back River. The curb dissipator will slow the flow.

J. McCarthy stated that this should be an NOI filing as it is subject to stormwater standards and should include other areas that drain onto the property. This would qualify as redevelopment and a peer review may be needed under the NOI. A peer review cannot be done under an RDA.

A motion was made by B. Manseau to issue a Positive Determination for RDA 15 Cedar Street. The motion was seconded by J. McCarthy and unanimously approved by Rollcall vote:

Chair Zackon called the Rollcall Vote:

Fred Zackon	YES
Mike Fallon	YES
J. McCarthy	YES
Bob Manseau	YES

RDA 77 Whitehall Road

The project is to remove and replace an existing deck and concrete paver patio with a new deck and patio within the same footprint. No heavy construction machinery or equipment is proposed, and erosion controls will be installed at the limit of work.

Robert Silva presented the project to the Commission. The closest point to the lake is 60 feet. No heavy equipment is needed as the deck will be disassembled by hand. Erosion controls will be installed and inspected by the Agent.

A motion was made by B. Manseau to issue a Negative Determination for RDA 77 Whitehall Road with erosion controls inspected by the Agent. The motion was seconded by M. Fallon and unanimously approved by Rollcall vote:

Chair Zackon called the Rollcall Vote:

Fred Zackon	YES
Mike Fallon	YES
J. McCarthy	YES
Bob Manseau	YES

RDA 28 Back River Road

The project is to convert an existing barn into an ADU. A trench will be dug where there is a pre-existing electrical conduit to bring water and wastewater from the main house to the barn.

The proposed work is outside the 100' buffer and within the 100-200' riverfront area.

Kyle Hamilton presented the project to the Commission. The footprint will not be expanded, and the trench will be along the electric utility line for water and wastewater.

J. McCarthy added that erosion controls are not needed, and stockpiles should be outside the riverfront area on the patio.

A motion was made by B. Manseau to issue a Negative Determination with erosion controls as needed for RDA 28 Back River Road. The motion was seconded by M. Fallon and unanimously approved by Rollcall vote:

Chair Zackon called the Rollcall Vote:

Fred Zackon	YES
Mike Fallon	YES
J. McCarthy	YES
Bob Manseau	YES

ANRAD 002- 131 Haverhill Road

Chris Guida informed the Commission that this is 2 separate lots which had a wetland delineation done in 2002. The lots have been redelineated and survey located the flags. J. McCarthy recommended a peer review of the 43,000 linear square feet and there may be a perennial stream on site. Agent Armington agreed that a peer review is warranted due to the size of the lot.

A motion was made by J. McCarthy to approve a peer review of the wetland delineation for 131 Haverhill Road. The motion was seconded by M. Fallon and unanimously approved by Rollcall vote:

Chair Zackon called the Rollcall Vote:

Fred Zackon	YES
Mike Fallon	YES
J. McCarthy	YES
Bob Manseau	YES

Requests for Certificates of Compliance:

RCOC 002-1330 13 Merrill Road

This request was continued from May 5, 2025, for further research regarding the “living wall”. Suzanne Van De Visser informed the Commission that the area is filled with thick vegetation and that she could not find the condition of approval stating the living wall was a condition for approval. The slopes were much smaller when the project was completed than anticipated.

A motion was made by B. Manseau to approve RCOC 002-1330 13 Merrill Road. The motion was seconded by M. Fallon and unanimously approved by Rollcall vote:

Chair Zackon called the Rollcall Vote:

Fred Zackon	YES
Mike Fallon	YES
J. McCarthy	YES
Bob Manseau	YES

RCOC 002-1299 12-14 South Hunt Road

Applicant has requested a continuance to July 7, 2025.

RCOC 002-1234 12 Point Shore Drive

The Engineer stated that the dwelling footprint was shifted to avoid the buffer zone; the patio is partially in the buffer zone to the rear of the home; the deck stairs are located in a different place than originally proposed; a 4' stockade fence was added to the top of the slope along the edge of the lawn; several retaining walls were added next to the foundation with one located in the buffer zone; a shed was added; and the driveway location was shifted.

Glenn Saba the builder, posted a bond for the building permit. He met with John Lopez and reviewed the changes which were less intrusive than originally approved.

J. McCarthy agreed there were no major changes and is comfortable if John Lopez approved of the changes.

A motion was made by J. McCarthy to approve RCOC 002-1234 12 Point Shore Drive. The motion was seconded by M. Fallon and unanimously approved by Rollcall vote:

Chair Zackon called the Rollcall Vote:

Fred Zackon	YES
Mike Fallon	YES
J. McCarthy	YES
Bob Manseau	YES

Administrative:

Minutes – Approve Minutes for May 5, 2025. Chair Zackon asked for a revision regarding 12 14 South Hunt Road.

A motion was made by J. McCarthy to approve the May 5, 2025, Meeting Minutes as revised. The motion was seconded by B. Manseau and unanimously approved by Rollcall vote:

Chair Zackon called the Rollcall Vote:

Fred Zackon	YES
Mike Fallon	YES
Jaime McCarthy	YES
Bob Manseau	YES

WPA Funds

Invoices – BSC Group

A motion was made by J. McCarthy to approve payment of invoices to BSC Group dated May 7th and May 13th. The motion was seconded by M. Fallon and unanimously approved by Rollcall vote:

Chair Zackon called the Rollcall Vote:

Fred Zackon	YES
Mike Fallon	YES
Jaime McCarthy	YES
Bob Manseau	YES

EO 12 14 South Hunt Road

Applicant requested a continuance to July 7, 2025.

Modification OOC 002-1259 77 Macy Street

This request was continued from the previous meeting to allow time to review the original application and for the applicant to attend the meeting. The condition requires grass to be planted at the end of the parking lot; however, the grass is plowed up every winter during snow removal. The area had been previously maintained with stone material and remained stable with no change in grade.

J. McCarthy stated that the original plan showed the area to be grassed with no stormwater management as part of the application.

B. Manseau added that the change is an improvement to what was in place and finds the change minor.

Agent Armington informed the Commission that the site is stable, and signage will be added for snow removal.

A motion was made by B. Manseau to find the modification of OOC 002-1259 77 May Street minor. The motion was seconded by M. Fallon and unanimously approved by Rollcall vote:

Chair Zackon called the Rollcall Vote:

Fred Zackon	YES
Mike Fallon	YES
Jaime McCarthy	YES
Bob Manseau	YES

A motion was made by B. Manseau to approve the minor modification for OOC 002-1259 77 Macy Street. The motion was seconded by M. Fallon and unanimously approved by Rollcall vote:

Chair Zackon called the Rollcall Vote:

Fred Zackon	YES
Mike Fallon	YES
Jaime McCarthy	YES
Bob Manseau	YES

Emergency Certification Lions Mouth Road Culverts

The City Engineer requested an emergency certification to clear beaver debris from 2 culverts located on Lions Mouth Road. This is not a permanent fix, Staff suggested a flow level device be installed as a permanent solution.

A motion was made by J. McCarthy to ratify the Emergency Certification for Lions Mouth Road. The motion was seconded by M. Fallon and unanimously approved by Rollcall vote:

Chair Zackon called the Rollcall Vote:

Fred Zackon	YES
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Mike Fallon	YES
Jaime McCarthy	YES
Bob Manseau	YES

Minor Modification Request OOC 002-1322 101-107 Market Street

Tom Hughes presented the 4 modifications being requested. The proposed patio was approved as a field change into a deck with a bulkhead which was not on the plan.

The requests include: an open picket fence outside the 25' buffer and moving the plants to the other side of the fence and restoring the 25' buffer with plantings and markers at the fence line; the walkway will be shortened reducing the impervious area; the trees along the property line per the Planning Board are to be River Birch will be replaced with White Cedar placed 5' apart.

J. McCarthy stated that the changes are minor and beneficial.

A motion was made by B. Manseau to find the 4 modifications of OOC 002-1322 n101-107 Market Street minor. The motion was seconded by M. Fallon and unanimously approved by Rollcall vote:

Chair Zackon called the Rollcall Vote:

Fred Zackon	YES
Mike Fallon	YES
Jaime McCarthy	YES
Bob Manseau	YES

A motion was made by B. Manseau to approve the 4 minor modifications for OOC 002-1322 101-107 Market Street. The motion was seconded by M. Fallon and unanimously approved by Rollcall vote:

Chair Zackon called the Rollcall Vote:

Fred Zackon	YES
Mike Fallon	YES
Jaime McCarthy	YES
Bob Manseau	YES

Minor Modification Request OOC 002-1015 Bailey's Pond

In May 2024 the Commission authorized a minor modification that called for 12 rose plants and 6 trees to be planted in an area of outer buffer zone that has been sodded for stabilization. Due to the shading in this area, the original seed mix would not have provided for adequate stability.

The modification is to add an additional 18 rose plants with a mix of Virginia rose and Carolina rose to be planted in an additional row behind the split rail fence and at the bottom of the sodded slope. This will increase woody vegetation coverage and improve pollinator habitat and increase the mitigation ratio to 3:1.

A motion was made by B. Manseau to find the modification minor for OOC 002-1015 Bailey' Pond. The motion was seconded by J. McCarthy and unanimously approved by Rollcall vote:

Chair Zackon called the Rollcall Vote:

Fred Zackon	YES
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Mike Fallon	YES
Jaime McCarthy	YES
Bob Manseau	YES

A motion was made by B. Manseau to approve the minor modification for OOC 002-1015 Bailey's Pond. The motion was seconded by J. McCarthy and unanimously approved by Rollcall vote:

Chair Zackon called the Rollcall Vote:

Fred Zackon	YES
Mike Fallon	YES
Jaime McCarthy	YES
Bob Manseau	YES

Minor Modification OOC 002-1306 8 Birch Lane

The modification request is for the construction of a deck under a balcony. The balcony was part of the original approval, but the deck was not part of that approval. The new deck will be 7'x20' and follow the roof line above without any additional fill.

A motion was made by B. Manseau to the modification minor for OOC 002-1306 8 Birch Lane. The motion was seconded by J. McCarthy and unanimously approved by Rollcall vote:

Chair Zackon called the Rollcall Vote:

Fred Zackon	YES
Mike Fallon	YES
Jaime McCarthy	YES
Bob Manseau	YES

A motion was made by B. Manseau to approve the minor modification minor for OOC 002-1306 8 Birch Lane. The motion was seconded by J. McCarthy and unanimously approved by Rollcall vote:

Chair Zackon called the Rollcall Vote:

Fred Zackon	YES
Mike Fallon	YES
Jaime McCarthy	YES
Bob Manseau	YES

Chair Zackon, who is the representative to the Open Space & Natural Resources Committee informed the Commission that they are looking to organize educational projects.

Chair Zackon informed the Commission that the Mayor would like the Commission to occasionally meet in person.

Agent Armington informed the Commission that the wetland flood plain ordinances are being reviewed by FEMA.

B. Manseau informed the Commission that the Community Preservation Committee has held 2 meetings, and they are being asked to create a budget.

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

Chair Zackon called the Rollcall Vote:

Fred Zackon	YES
Mike Fallon	YES
Jaime McCarthy	YES
Bob Manseau	YES

The meeting was adjourned at 9:25pm.

The next scheduled meeting is July 7, 2025.

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.**