

CONSERVATION COMMISSION MEETING MINUTES

April 1, 2024, 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

Vice Chairman Ebert called the April 1, 2024, 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,,937133494#

Access code: 937 133 49#

Vice Chairman Ebert 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: Michael Ebert, Amanda Jones, and Fred Zackon

Also in attendance: Recording Secretary Lynn Viselli, John Lopez, Interim Conservation Agent

Transcription by: Lynn Viselli

Vice Chairman Ebert takes attendance for the record:

Michael Ebert	YES
Amanda Jones	YES
Fred Zackon	YES

Continued Business

NOI 002-1319 7 Old Merrill

Agent Lopez reviewed the history of this application and continuances.

Bob Prokop, representing the applicant, requested the Commission either deny or approve the project at his hearing. The project has been revised to a single retaining wall on existing lawn outside the flood plain with plantings at the top of bank.

M. Ebert reviewed the past requests of the Commission which have not been met, including flood plain elevation and engineered stamped drawings. Mr. Prokop responded that photographs have been provided. M. Ebert also asked for a narrative and how the scope of work has changed as no revised Noi has been filed.

Agent Lopez stated the calculations within the Riverfront have changed with the change in the project scope. DEP will require revised materials and revised calculations. Flood zone, inner riparian, outer riparian, buffer zones all have been requested to be shown on a stamped engineer plan many times from this applicant.

M. Ebert added that the plans provided are dated 2010 and delineations are only good for 3 years under WPA.

Discussion followed regarding a site visit. A site visit will not negate the need for an engineered plan. The site visit was scheduled for Thursday, April 4th at 3:00pm.

A motion was made to continue NOI 002-1319 7 Old Merrill to May 6, 2024, by F. Zackon, seconded by A. Jones and unanimously approved by roll call vote:

Vice Chairman Ebert called the Rollcall Vote:

Michael Ebert	YES
Amanda Jones	YES
Fred Zackon	YES

RCOC 002-0953 48 Fern Avenue

The Applicant has requested to continue to May 6, 2024, meeting.

RCOC 002-1306 3 Erin Road

As-Built plans have been received verifying the work is complete in compliance with the OOC. There are no outstanding issues.

A motion was made to issue COC 002-1306 3 Erin Road by A. Jones, seconded by F. Zackon and unanimously approved by roll call vote:

Vice Chairman Ebert called the Rollcall Vote:

Michael Ebert	YES
Amanda Jones	YES
Fred Zackon	YES

New Business

RCOC 002-0968 66 Clinton Street

The work was not done under the OOC, which is now expired and there is no need for As-Built Plan or supporting documentation.

A motion was made to issue COC 002-0968 66 Clinton Street by F. Zackon, seconded by A. Jones and unanimously approved by roll call vote:

Vice Chairman Ebert called the Rollcall Vote:

Michael Ebert	YES
Amanda Jones	YES
Fred Zackon	YES

NOI 002- 117 Whitehall Road

No DEP number has been issued. Table to May 6, 2024.

NOI 002-1329 South Hunt Road (Various Locations)

The project is to build a facility with a projected total of 8 megawatts at 24 South Hunt Road. Three utility poles within the buffer zone to BVW to support new overhead transmission conductor cable along South Hunt Road together with the installation of a 13.2-kilowatt feeder at the West Amesbury 275 substation, the installation of an ancillary cable within the existing and new duct bank from the substation along South Hunt Road to Buttonwood Road and Middle Road. The work is in compliance with state and local regulations and performance standards. Kellen Koncewicz presented the project to the Commission. He reviewed the mitigation proposed, erosion controls and street sweeping.

A motion was made to approve the issuance of an OOC for 002-1329 South Hunt Road by F. Zackon, seconded by A. Jones and unanimously approved by roll call vote:

Vice Chairman Ebert called the Rollcall Vote:

Michael Ebert	YES
Amanda Jones	YES
Fred Zackon	YES

A motion to Close the Public Hearing for NOI 002-1329 South Hunt Road was made by A. Jones, seconded by F. Zackon and unanimously approved by roll call vote:

Vice Chairman Ebert called the Rollcall Vote:

Michael Ebert	YES
Amanda Jones	YES
Fred Zackon	YES

NOI 002-1330 2 and 13 Merrimac Street

The project is the redevelopment of the marina site, including construction of a new marina facility and restaurant, mainly within the same footprint, as well as parking areas at 2 Merrimac Street and improvements to existing parking area at 13 Merrimac Street. The existing marina facility will be demolished as well as one of the maintenance buildings. No work is proposed in the water or on the riverbanks. The work does not extend closer the resource area than existing conditions. There will be a reduction in impervious surface by 7,295 square feet, creation of a green space, and installation of stormwater management. There is currently no stormwater management on site. The project proposes the installation of a deep sump catch basins, a Contech CDS unit for stormwater removal, and a rain garden to improve infiltration and provide additional water quality improvements to mitigate peak runoff dates. The work is proposed within Buffer Zone and within 0-100 and 100-200 feet of Merrimac River which makes it subject to Riverfront standards. The entire site is within the FEMA flood zone AE. A site visit was done with Agent Lopez and Vice Chair Ebert. A proposal has been requested for a peer review by Stantec and a wetland peer review may be considered.

Michael Sanchez reviewed the existing conditions, the buildings to be demolished and proposed construction of a restaurant, and marina facility connected by a bridge.

Dan Ricciarelli reviewed the proposed landscaping plan including the proposed parking, and a permeable paved walkway. 750 square feet of the landscaping plan will be within the FEMA flood plain with the rest above the flood plain.

Mary Rimmer reviewed the 1.63-acre parcel at 2 Merrimac Street. There is no work proposed in the bank except cleaning up. She reviewed the reduction in impervious areas and improvements to flood storage capacity. This is filed under redevelopment and is not extending further toward the River than existing conditions. The building will be elevated 6.8 feet above the flood plain and not extending closer to the resource areas than current conditions.

TJ Melvin reviewed the proposed stormwater management with the Commission. Currently, there is no stormwater management on site. No fill will be brought in. He also reviewed the dock storage and snow storage for winter. Post development rates are less than pre-development rates.

F. Zackon asked if this would be connected to the Open Space Washington Landing Boardwalk Extension.

M. Ebert agreed that a stormwater peer review should be done, and the wetland peer review can be discussed after the site visit. Stantec is conducting the peer review for both the Commission and the Planning Board.

Mary Rimmer stated that a wetland peer review is not needed as the site is already developed and this project will be making significant improvements. There are not many wetland resource areas being impacted and they are bound by retaining walls.

Tracy Chalifour, 25 Clark Road, asked about winter parking as snow storage will be taking up parking spaces as well as dock storage. Discussion followed regarding the number of parking spaces per boat slip. Snow storage will be on the vegetated area behind the parking area. Nidhi Turner, 5 Merrimac Street, expressed her concern with parking at 13 Merrimac Street which is gravel and the instability of the area during the summer. A sink hole opened up which has since been bulldozed and backfilled. This area will not be used in the winter and will not be plowed. Ms. Turner is also concerned with noise and smoking taking place in the parking lot, which are outside the jurisdiction of the Commission.

A motion was made to approve the stormwater peer review by A. Jones, seconded by F. Zackon and unanimously approved by roll call vote:

Vice Chairman Ebert called the Rollcall Vote:

Michael Ebert	YES
Amanda Jones	YES
Fred Zackon	YES

A motion was made to continue NOI 002-1330 2 and 13 Merrimac Street to May 6, 2024, by F. Zackon, seconded by A. Jones and unanimously approved by roll call vote:

Vice Chairman Ebert called the Rollcall Vote:

Michael Ebert	YES
Amanda Jones	YES
Fred Zackon	YES

NOI 002-1328 72 Elm Street

The project includes the repaving of the parking area on the northern and eastern sides of the existing building. There will be minor regrading to ensure a positive pitch for runoff to be directed towards the existing catch basin. There will be no stockpiling of materials on site. Paving will eliminate erosion and improve the stormwater runoff quality by stopping the production of sediment. The proposed work is within the buffer zone and 100-200 feet of Back River. The entire site is within the FEMA flood zone and the southern portion of the site is within 100 feet of BVW. A site visit was conducted in November 2023 to review the project. Dan Nitzche reviewed the proposed project on the previously developed area. There will not be any displacement of flood plain, so no flood storage is needed.

Steve D'Ambrosio informed the Commission that there is 1 catch basin on site. The cover will be replaced, and a hooded deep sump installed. He reviewed the TSS removal. There will be no increase in peak rates of stormwater runoff. This project meets the stormwater management to the maximum extent possible.

Discussion followed regarding the lot being gravel or previously paved. There is no intent to have stripped parking spaces, it is to allow for movement of vehicles and plowing.

Agent Lopez advised the applicant to check with the Zoning Compliance Officer regarding parking and if a filing with the PB is necessary.

A motion was made to approve NOI 002-1328 72 Elm Street by F. Zackon, seconded by A. Jones and unanimously approved by roll call vote:

Vice Chairman Ebert called the Rollcall Vote:

Michael Ebert	YES
Amanda Jones	YES
Fred Zackon	YES

Special conditions were discussed prohibiting the use of salt or chemicals for deicing due to the closeness to the river, in perpetuity. Only the pedestrian walkway will be salted.

Snow storage will be in the rear right of the lot on the vegetated slope.

Any vegetation damaged by the snow storage will be replaced.

Agent Lopez added that a revised plan showing the snow storage area needs to be filed.

Special Conditions to be added:

- Revised plan showing snow storage area to be submitted and approved.
- Maintain planting plan and replace any plants within the snow storage area that are damaged and are to be replaced in kind in perpetuity.

A motion was made to close the Public Hearing for NOI 002-1328 72 Elm Street by F. Zackon, seconded by A. Jones and unanimously approved by roll call vote:

Vice Chairman Ebert called the Rollcall Vote:

Michael Ebert	YES
Amanda Jones	YES
Fred Zackon	YES

Administrative

Draft Minutes 3-4-2024 – Tabled to May 6, 2024

WPA Fund – Table

Account Transfer Request – Fines have been deposited into an interest-bearing account when the funds should have been deposited in a general account, not an interest-bearing account.

A motion was made to reallocate the fines collected to a general funds account by F. Zackon, seconded by A. Jones and unanimously approved by roll call vote:

Vice Chairman Ebert called the Rollcall Vote:

Michael Ebert	YES
Amanda Jones	YES
Fred Zackon	YES

Ext. OOC 002-1089 98F South Hampton Road

The work under the OOC includes updating an existing septic system, stormwater management and invasive species control. The applicant is requesting a 2-year extension.

A motion was made to approve the 2-year Extension to OOC 002-1089 98F South Hampton Road by A. Jones, seconded by F. Zackon and unanimously approved by roll call vote:

Vice Chairman Ebert called the Rollcall Vote:

Michael Ebert	YES
Amanda Jones	YES
Fred Zackon	YES

Ext. OOC 002-1182 47.5-57 Kimball Road (Lot 5)

The work under the OOC includes construction of a single-family home, deck, driveway, installation of 2 subsurface roof infiltration units, stoned infiltration trench, rain garden and associated work.

Commissioner Jones recused herself from this hearing as she is an abutter.

A motion was made to approve a 2-year Extension to OOC 002-1182 47.5-57 Kimball Road (Lot 5) by F. Zackon, seconded by M. Ebert and unanimously approved by roll call vote:

Vice Chairman Ebert called the Rollcall Vote:

Michael Ebert	YES
Amanda Jones	ABSTAIN
Fred Zackon	YES

Ext. OOC 002-1183 47.5-57 Kimball Road (Lot 7)

The work under the OOC includes the construction of a single family home, deck, driveway, installation of 2 subsurface roof infiltration units, stoned infiltration trench, rain garden and associated work.

Commissioner Jones recused herself from this hearing as she is an abutter.

A motion was made to approve a 2-year Extension to OOC 002-1182 47.5-57 Kimball Road (Lot 7) by F. Zackon, seconded by M. Ebert and unanimously approved by roll call vote:

Vice Chairman Ebert called the Rollcall Vote:

Michael Ebert	YES
Amanda Jones	ABSTAIN
Fred Zackon	YES

A motion was made to adjourn the meeting at 8:39pm by motion of A. Jones, seconded by F. Zackon and unanimously approved by roll call vote:

Vice Chairman Ebert called the Rollcall Vote:

Michael Ebert	YES
Amanda Jones	YES
Fred Zackon	YES

The next scheduled meeting is May 6, 2024.

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.**