

CONSERVATION COMMISSION MEETING MINUTES

February 5, 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

Chairman Broadrick called the February 5, 2024, Virtual Conservation Commission meeting to order at 6:31pm.

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,,183885133#

Access code: 183 885 133#

Chairman Broadrick 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, Fred Zackon and Tim Broaderick

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

Transcription by: Lynn Viselli

Chairman Broadrick takes attendance for the record:

Michael Ebert	YES
Amanda Jones	YES
Fred Zackon	YES
Timothy Broadrick	YES

Administrative

Nomination and Election of Chair and Vice Chair

A motion was made to nominate Timothy Broadrick as Chair of the Amesbury Conservation Commission by Commissioner Zackon, it was seconded by Commissioner Ebert and approved by Rollcall Vote:

Chairman Broadrick called the Rollcall Vote:

Michael Ebert	YES
Amanda Jones	YES
Fred Zackon	YES
Timothy Broadrick	ABSTAIN

A motion was made to nominate Michael Ebert as Vice Chair of the Amesbury Conservation Commission by Commissioner Zackon, it was seconded by Commissioner Jones and approved by Rollcall Vote:

Chairman Broadrick called the Rollcall Vote:

Michael Ebert	ABSTAIN
Amanda Jones	YES
Fred Zackon	YES
Timothy Broadrick	YES

Continued Business

**NOI 002-1308 77 Elm Street
RCOC 002-1143 77 Elm Street**

A motion was made to continue NOI 002-1308 7 and RCOC 002-1143 77 Elm Street to May 6, 2024, by Commissioner Jones, seconded by Commissioner Zackon and approved by Rollcall Vote:

Chairman Broadrick called the Rollcall Vote:

Michael Ebert	YES
Amanda Jones	YES
Fred Zackon	YES
Timothy Broadrick	YES

RDA 72 Elm Street

The applicant has withdrawn the RDA and will file an NOI.

New Business

NOI 002-1325 66 Clinton Street

The application is for an addition for an in-law apartment with handicapped access, a bituminous walkway is proposed from the addition to the existing driveway. The wetland boundary was delineated by Seekamp Environmental Services, Inc. Erosion control will be a compost sock and installed prior to construction. The proposed foundation is greater than 50 feet from the BVW with no activity proposed within the 25' buffer.

Denis Hamel presented the project to the Commission. An application is before ZBA and is in process. The addition is 705 square feet.

Agent Lopez will conduct a pre-construction site visit.

A motion was made to approve the NOI and issue OOC for NOI 002-1325 66 Clinton Street by Commissioner Ebert, seconded by Commissioner Zackon and approved by Rollcall Vote:

Chairman Broadrick called the Rollcall Vote:

Michael Ebert	YES
Amanda Jones	YES
Fred Zackon	YES
Timothy Broadrick	YES

A motion was made to close the public hearing for NOI 002-1325 66 Clinton Street by Commissioner Zackon, it was seconded by Commissioner Ebert and approved by Rollcall Vote:

Chairman Broadrick called the Rollcall Vote:

Michael Ebert	YES
Amanda Jones	YES
Fred Zackon	YES
Timothy Broadrick	YES

RCOC 002-0953 48 Fern Avenue

The OOC was issued in April 2008 for improvements to the site and due to the presence of a wet meadow, fencing was required to be installed with a no-cut medallion placed delineating the limit and frequency of mowing. A mitigation plan was to be reviewed by DEP due to the sensitive wetland resources and there is no record of the plan being submitted to DEP. A portion of the fencing is missing, there are no medallions installed, the fence is installed in the wrong location, routine mowing is taking place, and an unauthorized retaining wall was installed in the front of the house. Wetlands in the front of the house may have been filled in.

Matt Steinel informed the Commission that the homeowner passed away and the property has been sold. The wetland in the front was filled in by the City when the drainage pipe was extended to fix drainage issues. The retaining wall is stabilized with no impact to the wetlands. Planting beds have been installed with a smaller walkway. The deck is smaller than approved and the gaps in the fencing allow the owner access to the wet meadow for mowing.

Commissioner Zackon asked if there will be long term impacts to the wetland.

Agent Lopez stated that removing the retaining wall would cause more disturbance. The fence should be installed in the rear with the medallions installed.

Commissioner Ebert added that it seemed unfair the new owner is having to pay for the items not completed or done incorrectly.

Fred Gavriel, the new owner, asked if the grassed area in the rear could remain as it is.

Chairman Broadrick added that the O&M Plan should transfer from owner to owner specifying the mowing schedule, height of the grass etc.

Matt Steinel asked if the Commission could issue the COC but hold it until the fence is installed.

A motion was made to issue RCOC 002-953 but hold pending installation of the fence was made by Commissioner Jones, seconded by Commissioner Ebert and denied by a vote of 0-4.

Chairman Broadrick called the Rollcall Vote:

Michael Ebert	NO
Amanda Jones	NO
Fred Zackon	NO
Timothy Broadrick	NO

Agent Lopez suggested installing the fence and returning at the next regularly scheduled meeting.

Matt Steinel stated that April would be the earliest the fence could be installed.

Commissioner Ebert recommended installing the fence and then letting Agent Lopez know to add this to an Agenda.

NOI 002-1319 7 Old Merrill

This NOI is for the construction of a two-tiered retaining wall in Coastal Riverfront Area of the Merrimack River. This was continued from September 18, 2023, pending additional information regarding the Coastal Bank delineation. A site visit was conducted with Agent Lopez and Bob Prokop. The retaining wall is outside the flood zone.

Bob Prokop provided MA Mapper showing the 100-year flood plain and the wall located outside the flood plain. The homeowner would like to install a two-tiered retaining wall with plantings outside the 25' buffer zone.

Chairman Broadrick asked if there are any special considerations for inland bank.

Agent Lopez stated that compensatory flood storage would be required if the wall is located in the flood zone, however there is no survey provided to determine the boundary of the flood zone.

Commissioner Ebert reminded the Commission that the property owner has been asked to provide a survey in the past hearings and the Commission has not received it. He recommended no action by the Commission until the survey is received.

A motion was made to continue NOI 002-1319 7 Old Merrill to April 1, 2024, by Commissioner Ebert, seconded by Commissioner Zackon and approved by Rollcall Vote:

Chairman Broadrick called the Rollcall Vote:

Michael Ebert	YES
Amanda Jones	YES
Fred Zackon	YES
Timothy Broadrick	YES

NOI 002-1326 355 Main Street

The application is for the renovation of a single-family home and landscaping within the Riverfront Area to the Merrimack River. The proposed work is within FEMA AE 100-year flood zone and with a Natural Heritage site for rare and endangered species. Staff recommends a site visit for new Commissioners.

David Cowell presented the project to the Commission. The renovations comply with the redevelopment standards to extend the deck in the rear with a graded deck with helical piles close to the retaining wall, add living space over the deck and planting of native vegetation. A shed will be installed where the carport exists with an expanded footprint and a peastone driveway and paver patio. The also want to square off the footprint of the driveway. Compensatory flood storage is the wooded area which has invasive species growing. The homeowners will remove the invasive species and plant native plantings. It is important to elevate the structure in a flood zone to not impede water. The area under the deck will be planted with native vegetation to allow the water to flow through.

A motion was made to approve the NOI and issue the OOC 002-1326 355 Main Street with the native planting plan as discussed by Commissioner Zackon, it was seconded by Commissioner Jones and unanimously approved by Rollcall Vote:

Chairman Broadrick called the Rollcall Vote:

Michael Ebert	YES
Amanda Jones	YES
Fred Zackon	YES
Timothy Broadrick	YES

A motion was made to close the public hearing for NOI 002-1326 355 Main Street by Commissioner Jones, it was seconded by Commissioner Zackon and unanimously approved by Rollcall Vote:

Chairman Broadrick called the Rollcall Vote:

Michael Ebert	YES
Amanda Jones	YES
Fred Zackon	YES
Timothy Broadrick	YES

Administrative

Minutes of December 4, 2023, December 13, 2023, and January 3, 2024

A motion was made by Commissioner Zackon to approve the Minutes of December 4, 2023, December 13, 2023, and January 3, 2024, as presented, it was seconded by Commissioner Jones and unanimously approved by Rollcall Vote:

Chairman Broadrick called the Rollcall Vote:

Michael Ebert	YES
Amanda Jones	YES
Fred Zackon	YES
Timothy Broadrick	YES

Nominate an Open Space Committee Representative

Discussion of the responsibilities of the representative took place. **Tabled to next meeting.**

WPA Fund

No new update.

Peer Review Invoice Sign Off Representative

Commissioner Ebert stated that it should be the Agent or someone with the expertise to know if the review was completed correctly and according to the contract. **Tabled to the next meeting.**

Account Transfer Request -Fines Tabled to the next meeting.

002-1259 Extension to OOC Request 77 Macy Street

The applicant is requesting a one-year extension to the OOC.

A motion was made to approve the one-year extension to the OOC 002-1259 77 Macy Streete by Commissioner Ebert, seconded by Commissioner Jones and approved by Rollcall Vote:

Chairman Broadrick called the Rollcall Vote:

Michael Ebert	YES
Amanda Jones	YES
Fred Zackon	ABSTAIN
Timothy Broadrick	YES

Enforcement Order 77 Elm Street
Tabled to next meeting.

Monitoring Reports 002-1141 Bailey's Pond

Tom Hughes reviewed the BSC Report which included Phase 1 repairs to stabilization and is winter dormant. Phase 3 is active. The inlet structure was not properly sealed which caused water around the structure and through the berm. A portion of the berm was removed. A sink hole formed. The berm was rebuilt properly, and water has not infiltrated the inlet structure. The basin is sealed and is functioning properly. The sediment will be removed from the bottom of the basin in the near future.

Agent Lopez added that there may be discharge into the Merrimack River and DEP is aware.

Tom Hughes reviewed the history of the fixes and issues with dirty water at this site. The biggest issues are the berm and the inlet structure in detention basin 2.2. The problem has been identified and fixed.

Marleigh Sullivan, BSC Group, stated that this is an active construction site and routine maintenance needs to be addressed to maintain the capacity of the basins.

A site visit was scheduled for February 26th at 9:00am.

Marleigh Sullivan added that the timeline of addressing the items in her report will be reviewed.

Monitoring Reports 002-1304 130 Market Street

Photographs were taken during the site visit. Erosion controls need to be reestablished.

Monitoring Reports 002-1299 14 South Hunt Road and 12 South Hunt Road

DEP will be conducting a site visit this week and Agent Lopez will be attending. DEP will be intervening and will receive monthly reports. There is an alleged discharge into the Merrimack River.

Mike Scannell stated that the DEP visit is open to the Commission to attend. The response to BSC's request for additional information was sent out January 26th. A meeting was held with the contractor and engineer to better handle the stormwater on site. Improvements were made this week.

A motion was made to adjourn the meeting at 8:48pm by Commissioner Ebert, seconded by Commissioner Zackon and unanimously approved by Rollcall Vote:

Chairman Broadrick called the Rollcall Vote:

Michael Ebert	YES
Amanda Jones	YES
Fred Zackon	YES
Timothy Broadrick	YES

The next scheduled meeting is March 5, 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.**