

RECEIVED

By City Clerk at 2:06 pm, Sep 09, 2024

CONSERVATION COMMISSION MEETING MINUTES

August 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

Vice Chairman Ebert called the August 5, 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,,712522219#

Access Code: 712 522 219#

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, Jaime McCarthy and Fred Zackon

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

Transcription by: Lynn Viselli

Vice Chairman Ebert takes attendance for the record:

Michael Ebert	YES
Fred Zackon	YES
Jaime McCarthy	YES

Continued Business

NOI 002-1319 7 Old Merrill

The Applicant has requested a continuance to the October 7, 2024, meeting.

A motion was made to continue NOI 002-1319 7 Old Merrill to October 7, 2024, by F. Zackon, seconded by M. Ebert and unanimously approved by Rollcall Vote:

Vice Chairman Ebert called the Rollcall Vote:

Michael Ebert	YES
Fred Zackon	YES
Jaime McCarthy	YES

NOI 002-1330 2 and 13 Merrimac Street Marina and Restaurant

The Applicant has requested a continuance to September 3, 2024, meeting.

A motion was made to continue NOI 002-1330 2 and 13 Merrimac Street to September 3, 2024, by F. Zackon, seconded by J. McCarthy and unanimously approved by Rollcall Vote:

Vice Chairman Ebert called the Rollcall Vote:

Michael Ebert	YES
Fred Zackon	YES
Jaime McCarthy	YES

NEW BUSINESS

NOI 002-1336 5 Albion Street

The proposed project is the removal of an existing failing retaining wall and wooden deck and construction of a recon block wall system retaining wall 5 feet closer to the building with a 4" PVC drain. Landscaping and plantings are proposed for the slope. The application is incomplete at this time as waivers were not requested; plan was submitted after the deadline and does not indicate where the landscaping/plantings will occur; and report from the structural engineer needs to be provided. Staff recommends the 25' buffer zone be restored with additional buffer zone plantings as recommended by a wetland scientist.

Ms. Conti informed the Commission that the retaining wall is failing and has had significant movement from its original placement.

Discussion followed regarding the waivers required and filing deadlines for meetings. A site visit was scheduled with F. Zackon and J. McCarthy. J. McCarthy added that the removal of the deck will be work done within the 25' no disturb buffer. The limit of work should be shown on the plan. The applicant agreed to provide the planting plan.

A motion was made to continue NOI 002-1336 5 Albion Street to September 3, 2024 for receipt of waivers and updated plans by F. Zackon, it was seconded by J. McCarthy and unanimously approved by Rollcall Vote:

Vice Chairman Ebert called the Rollcall Vote:

Michael Ebert	YES
Fred Zackon	YES
Jaime McCarthy	YES

NOI 002-1337 31 Newton Road

The application is for the clearing and regrading a portion of the lot for the construction of a 5-bedroom single-family dwelling, driveway, septic system, garage and decks. The driveway and stormwater management bioretention area and associated stormwater management features are located within the 100' buffer to the wetland resource area at the front of the property. The driveway will impact 600 sq ft of wetland resource area. Mitigation is proposed in 2:1 ratio. DEP has provided technical comments which need to be addressed. Waivers have been requested for work within the resource areas. A site visit was conducted by the Agent and the wetland flags need to be rehung as some were missing and illegible. Staff will work with the applicant to review the wetland flagging; however, it is recommended that a peer review for the stormwater be conducted. The proposed bioretention area is proposed within the 25' no disturb area.

Hazem Dani presented the project to the Commission on behalf of the applicant. The runoff from the roof and driveway will run through check dams to the bioretention area which will include a sediment forebay and spillway for the overflow.

J. McCarthy asked if DEP comments had been addressed. She also asked that the wetlands located downstream be delineated and shown on the plan per DEP recommendation.

M. Ebert asked why the bioretention area is located within the 25' no disturb buffer.

J. McCarthy suggested relocating the bioretention area and mitigation area to collect the runoff.

Discussion followed regarding the stormwater peer review to be done in conjunction with the Planning Board using Stantec.

A motion was made to continue NOI 002-1337 31 Newton Road to September 3, 2024, by F. Zackon, seconded by J. McCarthy and unanimously approved by Rollcall Vote:

Vice Chairman Ebert called the Rollcall Vote:

Michael Ebert	YES
Fred Zackon	YES
Jaime McCarthy	YES

ADMINISTRATIVE

Draft Minutes June 13, 2024, and July 1, 2024, tabled to September 3, 2024.

WPA Fund – Current balance \$6,746.76.

Invoices – Payment of invoices from Stantec regarding 107 Market Street and 214 and 13 Merrimac Street.

A motion was made to approve payment of the invoices as discussed by F. Zackon, seconded by J. McCarthy and unanimously approved by Rollcall Vote:

Vice Chairman Ebert called the Rollcall Vote:

Michael Ebert	YES
Fred Zackon	YES
Jaime McCarthy	YES

Batchelder Park Scenic View

The Commission has received a request to remove a significant number of mature trees at the toe of the slope at Batchelder Park. The proposal is based on the desire to preserve the vista and historical view. This discussion was continued from the July Conservation Commission meeting for the petitioner to obtain written notification from the abutting property owners that they are aware of the proposal and support the project as well as hold a meeting with the abutting property owners to review the proposal. The comments from the July 1, 2024, meeting were reviewed. A site visit was held July 15, 2024, where it was proposed the petitioner reduce the number of trees to be removed from 50 to 35 and propose a 1:1 mitigation planting plan. The planting plan has been received. The trees to be removed were flagged and an additional site visit was conducted and well over 50 trees were flagged for removal.

The petitioner did present his proposal to the Open Space Natural Resource and Trails Committee at their December 2023 meeting and received their support.

J. McCarthy recommended the mitigation include a buffer for noise and upland species.

M. Ebert discussed the need for public notification and more outreach for this proposal.

Discussion followed as to the public notification and/or further public hearings.

Anne Ferguson, a Tree Committee member, supports the initiative but is concerned with the number of trees. She agreed that a public hearing is needed and the public needs to be notified.

The discussion was tabled to September 3, 2024, for public notification.

002-1321 Modification Request 63 Elm Street

The modification is requested to upgrade the tank top piping sumps making them more watertight. Water is currently running down Clark Street causing water to seep in. Mr. Guba reviewed the process to complete the upgrade. There will be no movement of fill material on or off the property, no change in grading, no change in impervious area or stormwater runoff.

A site visit was conducted with Agent Lopez and the work completed has been done in compliance with the OOC issued. Agent Lopez recommended the minor modification approval.

A motion was made to approve the Minor Modification for 002-1321 63 Elm Street by F. Zackon, seconded by J. McCarthy and unanimously approved by Rollcall Vote:

Vice Chairman Ebert called the Rollcall Vote:

Michael Ebert	YES
Fred Zackon	YES
Jaime McCarthy	YES

Emergency Certification 19 Lakeshore Drive

An Emergency Certification was issued for the removal of a tree which was a safety concern to property and persons.

A motion was made to ratify the Emergency Certification 19 Lakeshore Drive by F. Zackon, seconded by J. McCarthy and unanimously approved by Rollcall Vote:

Vice Chairman Ebert called the Rollcall Vote:

Michael Ebert	YES
Fred Zackon	YES
Jaime McCarthy	YES

Emergency Certification Patten's Pond

An Emergency Certification was issued for the removal of compromised trees which were a safety concern to property and persons.

Anne Ferguson added that 2 dead trees were removed, and the pond has been overtaken by poison ivy and an RDA will be filed for the removal work.

A motion was made to ratify the Emergency Certification Patten's Pond by F. Zackon, seconded by J. McCarthy and unanimously approved by Rollcall Vote:

Vice Chairman Ebert called the Rollcall Vote:

Michael Ebert	YES
Fred Zackon	YES
Jaime McCarthy	YES

The Administrative Meeting scheduled for August 19, 2024, is cancelled.

A motion was made to adjourn the meeting at 8:37pm by motion of F. Zackon, seconded by J. McCarthy and unanimously approved by roll call vote:

Vice Chairman Ebert called the Rollcall Vote:

Michael Ebert	YES
Fred Zackon	YES
Jaime McCarthy	YES

The next scheduled meeting is September 3, 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.**