

CONSERVATION COMMISSION MEETING MINUTES

September 2, 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 September 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,,821380525#

Access Code: 821 380 525#

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, Maya Gakidis, Kingsland

Also in attendance: Amanda Armington, Conservation Agent

Transcription by: Lynn Viselli

Chair Zackon takes attendance for the record:

Fred Zackon	YES
Jaime McCarthy	YES
Bob Manseau	YES
Maya Gakidis	YES
Delaney Kingland	YES

Continued Business:

NOI ACC-25-1 6 Lake Attitash Way

The revised plans were received placing the house outside the 25' NDZ, but remaining within the 50' no build setback. This placement has the least detrimental impact on the resource area.

Brian Marchetti, the property owner informed the Commission that a site visit was held with Agent Armington, the planner and building inspector. The revised plan submitted shows the house move to the front of the property and outside the 25' NDZ and there are no filling of the wetlands. Plantings will be installed for screening and the catch basin will be installed on the south side of the wetland to catch the runoff onto other properties. The proposed catch basin will be within the 25' buffer. He is considering placing a Conservation Restriction on the rear of the property to prevent future development. The stormwater improvements were reviewed including drywells and diverting runoff to existing catch basins.

Commissioner McCarthy added that the revised plan is a big improvement, including the split rail fence to delineate the 25' NDZ.

Jared Eigerman, the Applicant's attorney, informed the Commission that the still need to obtain relief from ZBA for front setbacks.

Commissioner Manseau added that a waiver is needed for a structure within the 50 setback and he did not see one in the packet.

Agent Armington agreed that an updated waiver should be filed, no cut/no disturb plaques should be installed on the fence and the carport should be removed from the plan.

Commissioner McCarthy asked if there was a vernal pool on the property. MaryAnn DiPinto flagged the wetland and did not find a vernal pool; however, the lot is full of invasives.

Brian Marchetti added that the cutting of trees and grading will minimally impact the runoff which already flows to the catch basins.

A motion was made by B. Manseau to continue NOI ACC-25-1 61 Lake Attitash Way until October 6, 2025. The motion was seconded by J. McCarthy and approved by Rollcall vote:

Chair Zackon called the Rollcall Vote:

Fred Zackon	YES
D. Kingsland	YES
Jaime McCarthy	YES
Bob Manseau	YES
Maya Gakidis	YES

ANRAD 002-1350 131 Haverhill Road

The peer review is ongoing, and a site visit was requested to confirm the flagging, which has not been permitted by the applicants yet. The report from Goddard Consulting was received August 28th and site visits were conducted August 4th and 5th and an additional site visit was requested with the Applicant to confirm flagging. Staff also agrees with the DEP comments.

Commissioner Manseau stated that he does not have enough information as the peer review is not completed.

Chair Zackon agreed that there are too many ambiguities.

Commissioner McCarthy recommended the Applicant address the DEP comments, update the plans and schedule the site visit with the Commission.

A motion was made by B. Manseau to continue ANRAD 002-1350 131 Haverhill Road until October 6, 2025. The motion was seconded by J. McCarthy and approved by Rollcall vote:

Chair Zackon called the Rollcall Vote:

Fred Zackon	YES
Delany Kingsland	YES
Jaime McCarthy	YES
Bob Manseau	YES
Maya Gakidis	YES

NOI 002-1352 121 Whitehall Road

DEP has issued a file number and NHESP has received a copy of the new plans and determined that the no take decision from 2024 remains valid. The new plans show the dock in the shape of a T.

A motion was made by J. McCarthy to approve the OOC 002-1352 121 Whitehall Road. The motion was seconded by M. Gakidis and approved by Rollcall vote:

Chair Zackon called the Rollcall Vote:

Fred Zackon	YES
Delany Kingsland	YES
Jaime McCarthy	YES
Bob Manseau	YES
Maya Gakidis	YES

A motion was made by J. McCarthy to close the public hearing OOC 002-1352 121 Whitehall Road. The motion was seconded by M. Gakidis and approved by Rollcall vote:

Chair Zackon called the Rollcall Vote:

Fred Zackon	YES
Delany Kingsland	YES
Jaime McCarthy	YES
Bob Manseau	YES
Maya Gakidis	YES

New Business:

RDA 8 Noel Street

This application is for the confirmation that a man-made stormwater basin is not a jurisdictional wetland under the WPA or the city of Amesbury Wetland Regulations. The Applicant is seeking confirmation that the basin is only subject to Riverfront Standards.

Mark Manganello, LEC, presented to the Commission that the man-made stormwater basin is not a jurisdictional wetland under the WPA nor the Amesbury Wetland Regulations. The stormwater basin has an outlet near the berms in the rear. Boston Gas will be doing a remediation project in the future, and this will impact the remediation plans. This ruling would apply only to the detention basin for planning purposes of remediation and will provide a better understanding of the BVW to be impacted by the project.

Agent Armington asked how this would impact the remediation project if found to be a jurisdictional wetland. It would be restored to a functioning wetland with vegetation removed to allow this to occur.

Commissioner McCarthy asked for a site visit and added that restoration of this wetland would be a big improvement over the existing conditions.

Kenneth Lento reviewed the Boston Gas remediation project for the Commission and the impact it would have on this detention basin.

A motion was made by J. McCarthy to continue RDA 8 Noel Road until October 6, 2025, for a site visit. The motion was seconded by M. Gakidis and approved by Rollcall vote:

Chair Zackon called the Rollcall Vote:

Fred Zackon	YES
Delany Kingsland	YES
Jaime McCarthy	YES
Bob Manseau	YES
Maya Gakidis	YES

Requests for Certificates of Compliance

RCOC 002-1140 28 Lake Attitash Road

The Applicant has requested a continuance to the October 6, 2025, meeting.

A motion was made by B. Manseau to continue RCOC 002-1140 28 Lake Attitash Road on October 6, 2025. The motion was seconded by M. Gakidis and approved by Rollcall vote:

Chair Zackon called the Rollcall Vote:

Fred Zackon	YES
Delany Kingsland	YES
Jaime McCarthy	YES
Bob Manseau	YES
Maya Gakidis	YES

Administrative:

Minutes – Approve Minutes for August 4, 2025.
Chair Zackon requested a correction to RCOC 8 Birch Lane.

A motion was made by B. Manseau to approve the Minutes as amended. The motion was seconded by J. McCarthy and approved by Rollcall vote:

Chair Zackon called the Rollcall Vote:

Fred Zackon	YES
Delaney Kingsland	YES
Jaime McCarthy	YES
Bob Manseau	YES
Maya Gakidis	YES

WPA Funds – No action taken. The current balance is \$11,000 and these funds can be used to attend the Fall MACC Conference.

Bond Releases – The Commission is to vote on the release of bonds for projects that have been completed and received Certificates of Compliance.

A unanimous voice vote was taken to release the bonds for projects that have been completed and received Certificates of Compliance.

Proposed Mitigation for Tree Removal at Merrimac Street

The applicant has provided a proposed mitigation plan for review and approval. If the Commission determines that further permitting is required, they can vote not to accept the mitigation plan and ask for an application for the work.

Michael Sanchez informed the Commission that the trees removed were diseased Ash trees which were intended to be kept. An Arborist reported that all the trees contained Emerald Ash Borer and recommended removal of the trees. As mitigation 4 trees will be planted and additional bushes. 1:1 mitigation is not proposed due to the lack of space along the riverbank. Commissioner McCarthy added that the area is a natural habitat, and an NOI should be filed to allow DEP to make comments.

Agent Armington suggested filing an Amendment to the existing OOC.

Commissioner Manseau asked if an Amendment would allow Natural Heritage to comment without a new NOI application being filed.

A motion was made by B. Manseau to continue until October 6, 2025, pending a reply from Natural Heritage regarding the mitigation plan. The motion was seconded by J. McCarthy and approved by Rollcall vote:

Chair Zackon called the Rollcall Vote:

Fred Zackon	YES
Delaney Kingsland	YES
Jaime McCarthy	YES
Bob Manseau	YES
Maya Gakidis	YES

Modification Request 002-1349 471 Main Street

The applicant is requesting a modification for the relocation of the plunge pool due to sewer lines in the originally approved location. The new location is the same distance from the river and using the same materials and construction methods.

A motion was made by B. Manseau to approve the modification request 002-1349 471 Main Street. The motion was seconded by J. McCarthy and approved by Rollcall vote:

Chair Zackon called the Rollcall Vote:

Fred Zackon	YES
Delaney Kingsland	YES
Jaime McCarthy	YES
Bob Manseau	YES
Maya Gakidis	YES

Extension Request 002-1305 Mill Street

Due to the Permit Extension Act, no extension is necessary at this time. No action taken.

Emergency Certificate 6 Dennett Street

Two dead Ash trees were removed as they were a threat to persons and property. An Arborist provided a report supporting the removal.

A unanimous voice vote acknowledged and approved the issuance of the Emergency Certification.

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

Chair Zackon called the Rollcall Vote:

Fred Zackon	YES
Delaney Kingsland	YES
Jaime McCarthy	YES
Bob Manseau	YES
Maya Gakidis	YES

The meeting was adjourned at 8:22pm.

The next scheduled meeting is October 6, 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.**