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

CONSERVATION COMMISSION MEETING MINUTES

June 13, 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 June 13, 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,,414288769#

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, Jaime McCarthy 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
Jaime McCarthy	YES

Continued Business

NOI 002-1330 11-13 Newton Road Weir

The Applicant has requested a continuance to the August 19, 2024, meeting.

A motion was made to continue NOI 002-1330 11-13 Newton Road Weir to August 19, 2024, by F. Zackon, seconded by A. Jones and unanimously approved by Rollcall Vote:

Vice Chairman Ebert called the Rollcall Vote:

Michael Ebert	YES
Amanda Jones	YES
Fred Zackon	YES
Jaime McCarthy	YES

New Business

RCOC 002-0940 212 Lions Mouth Road

OC was issued for the construction of a barn and horse paddock. A site visit was conducted in April with Vice Chair Ebert. All work was completed in accordance with the approved plan and the 2-year growing season monitoring has been completed.

A motion was made to issue COC 002-0940 212 Lions Mouth Road by A. Jones, seconded by F. Zackon and approved by roll call vote:

Vice Chairman Ebert called the Rollcall Vote:

Michael Ebert	YES
Amanda Jones	YES
Fred Zackon	YES
Jaime McCarthy	ABSTAIN

NOI 002-1334 28 Birchmeadow Road

The project consists of the installation of a pervious paver walkway, pervious paver patio and removal and replacement of the existing jersey barrier retaining wall along the bank of Lake Attitash with a gravity block retaining wall. The new retaining wall will be installed on the property and within the existing upland which will further expand the BLSF.

Matt Steinel of Millenium Engineering presented the project to the Commission. He reviewed existing conditions on the property, including the jersey barrier retaining wall which is currently located off of the property. A gravity style block retaining wall will be built on the property and

the jersey barriers and stairs removed. A pervious paver walkway and patio will be installed with a 2 foot retaining wall along the patio.

Agent Lopez stated that waivers need to be filed for work in the 25' and 50' buffers. He also added that DEP is looking for native based alternatives to stabilize the shoreline. He asked that an alternative be investigated.

Matt Steinel added that DEP did not comment on the new retaining wall.

Lisa DeMeo, City Engineer and Deputy Director of Public Works stated that the applicant may need a construction easement from the City.

Jaime McCarthy asked if erosion controls would be installed as they are not on the plan.

Matt Steinel suggested using the jersey barriers as erosion controls by installing the new retaining wall behind them then removing the jersey barriers once the retaining wall is complete.

He agreed to speak with the homeowners regarding an alternatives analysis.

A site visit was scheduled for June 24, 2024, at 4:00pm.

A motion was made to continue NOI 002-1334 212 Lions Mouth Road to July 1, 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
Jaime McCarthy	YES

NOI 002-1333 51 Lake Attitash Road

The project consists of the installation of a seasonal aluminum dock with four 4'x8' sections, measuring 32 feet long with an additional 4'x8' section at the end. Access to the shore would be by a 4'x8' ramp resting on the existing loose stone wall and access to the dock is by a 10' wide ROW.

Agent Lopez stated the dock is consistent with other docks approved by the Commission as a seasonal dock. The plans provided show winter storage.

Ivana Garside, the applicant's daughter presented the project to the Commission.

Sandy Charland, 48 Lake Attitash Road, asked if the ramp for the dock was attached to her property who insures the dock or a boat attached to the dock?

Vice Chair Ebert informed Ms. Charland that those questions are outside the jurisdiction of the Commission, it is more of a zoning question.

Agent Lopez stated that since the 10' wide ROW is located on both 48 Lake Attitash Road and 50 Lake Attitash Road, both property owners will need to sign the NOI application. 51 Lake Attitash Road has deed rights to the ROW.

Vice Chair Ebert explained that 51 Lake Attitash Road only has access rights, not ownership of the land.

Agent Lopez recommended a continuance for the applicant to meet with the abutters and have them sign the NOI application.

A motion was made to continue NOI 002-1333 51 Lake Attitash Road to July 1, 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
Jaime McCarthy	YES

RCOC 002-1209 20 Pond Street

The OOC was issued for the demolition of a dwelling and construction of a new dwelling. A site visit was conducted June 7, 2024, and the work has been completed in compliance with the approved plans.

A motion was made to approve the COC 002-1209 20 Pond Street by A. Jones, seconded by F. Zackon and approved by Rollcall Vote:

Vice Chairman Ebert called the Rollcall Vote:

Michael Ebert	YES
Amanda Jones	YES
Fred Zackon	YES
Jaime McCarthy	ABSTAIN

NOI 002-1335 Friend Street

The project consists of drainage improvements along a storm drain system between Lindberg Avenue and Pleasure Pond to improve natural stream processes, eliminate ongoing flooding issues and reduce the risk of infrastructure damage by accommodating larger storm flows.

Mark McCluskey, Pare Corporation, presented the project to the Commission. He reviewed the existing conditions from Lindberg Avenue to Pleasure Pond. The proposed project will replace the culverts, increase the pipe size, replacement of drain manholes and new headwalls at both the inlet and outlet. The current pipe is close to failure.

Lauren Gluck, Pare Corporation, stated that no new impervious surface is being added, it is the replacement of an existing culvert, so no stormwater report was provided. She requested a waiver for the stormwater report.

J. McCarthy asked if a peer review of the stormwater should be done. The stream crossing standards should be reviewed, and part of the project may be in BLSF.

Discussion followed regarding the proposed improvements to the culvert and permanent and temporary impacts to LUWB.

Lauren Gluck also requested a waiver from a wildlife habitat review since this is a linear project. She reviewed the waivers requested with the application.

Agent Lopez suggested he obtain proposals for the peer review and have them available after the site visit.

The site visit was scheduled for June 24, 2024, at 5:00pm.

A motion was made to continue NOI 002-1335 Friend Street to July 1, 2024, was made by F. Zackon, seconded by A. Jones and unanimously approved by Rollcall Vote:

Vice Chairman Ebert called the Rollcall Vote:

Michael Ebert	YES
Amanda Jones	YES
Fred Zackon	YES
Jaime McCarthy	YES

RCOC 002-1126 54 Pleasant Valley Road

The OOC was issued for the removal of a garage, deck, stairs and a portion of the existing driveway and construction of a mudroom, attached deck and stairs with an attached garage. A site visit was conducted on May 16, 2024.

Matt Chapin reviewed the past work done under the OOC extension and amendments. Not all of the work which was approved was done. He is asking for a COC for the work done to date.

A motion was made to issue COC 002-1126 54 Pleasant Valley Road by F. Zackon, seconded by A. Jones and approved by a Rollcall vote:

Vice Chairman Ebert called the Rollcall Vote:

Michael Ebert	YES
Amanda Jones	YES
Fred Zackon	YES
Jaime McCarthy	ABSTAIN

RCOC 002-1189 54 Pleasant Valley Road

The OOC was issued for the maintenance and stabilization of the riparian bank to the Merrimack River subsequent to the issuance of an Enforcement Order for unauthorized placement of rip rap on the bank.

Matt Chapin reviewed the stabilization work done for the bank restoration. The work was done by hand. Two growing seasons have passed, and the bank is now naturally vegetated.

Vice Chair Ebert stated that no engineered, stamped plan was provided with the NOI application, only a hand drawn sketch by the applicant for the soft environmental feature.

Matt Chapin asked for a waiver of the As-Built Plan since no engineered plan was provided with the NOI.

A motion was made to approve the waiver request for the As-Built Plan for RCOC 002-1189 54 Pleasant Valley Road by F. Zackon, seconded by A. Jones and approved by a Rollcall vote:

Vice Chairman Ebert called the Rollcall Vote:

Michael Ebert	YES
Amanda Jones	YES
Fred Zackon	YES
Jaime McCarthy	ABSTAIN

A motion was made to issue the COC 002-1189 54 Pleasant Valley Road by F. Zackon, seconded by A. Jones and approved by Rollcall vote:

Vice Chairman Ebert called the Rollcall Vote:

Michael Ebert	YES
Amanda Jones	YES
Fred Zackon	YES
Jaime McCarthy	ABSTAIN

Administrative

Draft Minutes 5-6-2024. Tabled to July 1, 2024.

WPA Fund – Current balance \$6,746.76. Discussion followed regarding proposed uses for the funds on different projects.

Invoices

The Commission will authorize by a vote the payment of invoices then the invoices will be signed off by the Chair or Vice Chair.

A motion was made to approve the payment of all invoices listed in the “Invoice Approval Memo” by A. Jones, seconded by F. Zackon and unanimously approved by Rollcall vote:

Vice Chairman Ebert called the Rollcall Vote:

Michael Ebert	YES
Amanda Jones	YES
Fred Zackon	YES
Jaime McCarthy	YES

Extension to OOC 002-1288 5 Fifth Street

Cindy Roberts requested a 3-year Extension to the OOC issued to complete the approved work.

A motion was made to approve the 3-year Extension to the OOC 002-1288 5 Fifth Street by F. Zackon, seconded by A. Jones and approved by roll call vote:

Vice Chairman Ebert called the Rollcall Vote:

Michael Ebert	YES
Amanda Jones	YES
Fred Zackon	YES
Jaime McCarthy	ABSTAIN

A motion was made to adjourn the meeting at 8:50pm by motion of 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
Jaime McCarthy	YES

The next scheduled meeting is July 1, 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.**