

## CONSERVATION COMMISSION MEETING MINUTES

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**May 5, 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](https://www.facebook.com/AmesburyCommunityTelevision)

*Chair Fred Zackon called the May 5, 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](https://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](mailto:conservation@amesburyma.gov) to submit a public comment.

Members of the public may dial into Microsoft Teams at: +1 323-457-5649,,177221193#

Access Code: 177 221 193#

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, and Mike Fallon

**Also in attendance:** Recording Secretary Lynn Viselli, John Lopez, and Amanda Armington, Conservation Agent

**Transcription by:** Lynn Viselli

*Chair Zackon takes attendance for the record:*

|                       |            |
|-----------------------|------------|
| <b>Fred Zackon</b>    | <b>YES</b> |
| <b>Jaime McCarthy</b> | <b>YES</b> |
| <b>Bob Manseau</b>    | <b>YES</b> |
| <b>Mike Fallon</b>    | <b>YES</b> |
| <b>Maya Gakidis</b>   | <b>YES</b> |

**Continued Business:**

**NOI 002-1345 81 Pleasant Valley Road**

This was continued from April to address DEP comments. The revised narrative has been amended and has been received. NHESP has provided minor conditions, some of which have been addressed in the updated plans. Staff conducted a site visit with the applicant and their representative on April 25<sup>th</sup>. The slope was vegetated with multiflora rose and grasses. There are no plans to remove any vegetation in the dock project. There is space proposed between the platforms to allow for adequate sunlight to allow vegetation to continue to grow underneath. Mike Seekamp informed the Commission that they have minimized the impact to the maximum extent possible as this is a water-dependent project. The comments from DEP and NHESP have been addressed. A waiver has been submitted for work in the buffer zone. A letter from the Harbor Master was received.

Amanda Jones read the waiver to the Commission. J. McCarthy stated that the waiver request was not submitted on the correct form, and she asked for an update on the Chapter 91 permit. John Lopez informed the Commission that all applicable permits must be obtained for the OOC to be valid. The Commission does not have jurisdiction over navigable waterways. We could condition the Chapter 91 license be submitted.

J. McCarthy added that the WPA Form 3 needs to be revised and a narrative showing the impacts to the resource areas on the form. Form 3 to be reflected on the form and the revised narrative sent to DEP.

**A motion was made by B. Manseau to approve the waiver for work in the no-disturb zone. The motion was seconded by M. Fallon and unanimously approved by Rollcall vote:**

*Chair Zackon called the Rollcall Vote:*

|                       |            |
|-----------------------|------------|
| <b>Fred Zackon</b>    | <b>YES</b> |
| <b>Mike Fallon</b>    | <b>YES</b> |
| <b>Jaime McCarthy</b> | <b>YES</b> |
| <b>Bob Manseau</b>    | <b>YES</b> |
| <b>Maya Gakidis</b>   | <b>YES</b> |

**A motion was made by B. Manseau to approve NOI 002-1345 81 Pleasant Valley Road subject to the Agent receive for approval prior to submission to DEP the revised Form 3, Chapter 91 applied for, and DEP comments be received within 10 days. The motion was seconded by M. Fallon and unanimously approved by Rollcall vote:**

*Chair Zackon called the Rollcall Vote:*

|                    |            |
|--------------------|------------|
| <b>Fred Zackon</b> | <b>YES</b> |
| <b>Mike Fallon</b> | <b>YES</b> |

|                |     |
|----------------|-----|
| Jaime McCarthy | YES |
| Bob Manseau    | YES |
| Maya Gakidis   | YES |

**New Business:**

**NOI 002-11347 5 Pleasant Valley Road**

The project is to install a small float system in the Merrimack River which will consist of a small, elevated platform with a seasonal ramp and bottom anchored float will be installed and attached to the platform. The floats will be anchored with helical anchors if possible. Float stops will be installed to keep the floats 18" cellar above the bottom of the river. NHESP letter has been received.

Steve Sawyer reviewed the project for the Commission. The gangway will be from the existing grade roadway and a 4'x4' deck with stairs to the gangway. After the OOC is issued, the applicant will file for Chapter 91 permit.

J. McCarthy stated that the silt fence used for erosion control should be installed before the break in the slope and none below the mean high-water line. She asked that copies of all permits be provided prior to the commencement of work.

**A motion was made by M. Fallon to NOI 002-1347 5 Pleasant Valley Road with copies of all permits to be provided to the Agent prior to commencement of work. The motion was seconded by B. Manseau and unanimously approved by Rollcall vote:**

*Chair Zackon called the Rollcall Vote:*

|                |     |
|----------------|-----|
| Fred Zackon    | YES |
| Mike Fallon    | YES |
| Jaime McCarthy | YES |
| Bob Manseau    | YES |
| Maya Gakidis   | YES |

**A motion was made by M. Fallon to close the public hearing NOI 002-1347 5 Pleasant Valley Road. The motion was seconded by B. Manseau and unanimously approved by Rollcall vote:**

*Chair Zackon called the Rollcall Vote:*

|                |     |
|----------------|-----|
| Fred Zackon    | YES |
| Mike Fallon    | YES |
| Jaime McCarthy | YES |
| Bob Manseau    | YES |
| Maya Gakidis   | YES |

**NOI 002-1346 14 Lake Attitash Road**

The project is for the removal of a section of existing pavement, demolition of existing stairs and reorientation and reconstruction of the stairs to the second story and construction of a new addition on a slab foundation. There is no proposed increase in impervious pavement. Erosion

controls will be placed at the rear of the existing deck as the work area is confined to where the stairs are located.

**A motion was made by M. Fallon to approve NOI 002-1346 14 Lake Attitash Road. The motion was seconded by B. Manseau and unanimously approved by Rollcall vote:**

*Chair Zackon called the Rollcall Vote:*

|                       |            |
|-----------------------|------------|
| <b>Fred Zackon</b>    | <b>YES</b> |
| <b>Mike Fallon</b>    | <b>YES</b> |
| <b>Jaime McCarthy</b> | <b>YES</b> |
| <b>Bob Manseau</b>    | <b>YES</b> |
| <b>Maya Gakidis</b>   | <b>YES</b> |

**A motion was made by B. Manseau to close the public hearing for NOI 002-1346 14 Lake Attitash Road. It was seconded by M. Fallon and unanimously approved by Rollcall vote:**

*Chair Zackon called the Rollcall Vote:*

|                       |            |
|-----------------------|------------|
| <b>Fred Zackon</b>    | <b>YES</b> |
| <b>Mike Fallon</b>    | <b>YES</b> |
| <b>Jaime McCarthy</b> | <b>YES</b> |
| <b>Bob Manseau</b>    | <b>YES</b> |
| <b>Maya Gakidis</b>   | <b>YES</b> |

#### **NOI 002-1348 7 Beacon Street**

The project is for the construction of a 512 square foot garage within the area of an existing shed. The garage will be located 57 feet from the bank and constructed on a concrete foundation. A shed will be removed which results in a net increase in impervious surfaces of 315 square feet. The driveway will be extended to service the garage with existing granite cobbles and concrete pavers being removed. The driveway extension will be constructed of gravel and crushed stone to minimize the extent of added impervious surfaces. The existing fencing will be relocated, and the proposed work will be done with minor to no change in grade, thereby maintaining the existing drainage on site.

George Zambouras informed the Commission that the property is located in Zone A FEMA flood zone. Roof runoff will be infiltrated up to the 100-year storm.

J. McCarthy asked if the stormwater report had been reviewed. The Planning Board will review the stormwater report.

If the Planning Board makes any changes, the applicant will need to come back to the Commission for an Insignificant Change or an Amendment to the OOC.

**A motion was made by B. Manseau to approve the Notice of Intent 002-1348 7 Beacon Street. The motion was seconded by M. Fallon and unanimously approved by Rollcall vote:**

*Chair Zackon called the Rollcall Vote:*

|                       |            |
|-----------------------|------------|
| <b>Fred Zackon</b>    | <b>YES</b> |
| <b>Mike Fallon</b>    | <b>YES</b> |
| <b>Jaime McCarthy</b> | <b>YES</b> |
| <b>Bob Manseau</b>    | <b>YES</b> |
| <b>Maya Gakidis</b>   | <b>YES</b> |

**A motion was made by M. Fallon to close the public hearing NOI 002-1348 7 Beacon Street. The motion was seconded by B. Manseau and unanimously approved by Rollcall vote:**

*Chair Zackon called the Rollcall Vote:*

|                       |            |
|-----------------------|------------|
| <b>Fred Zackon</b>    | <b>YES</b> |
| <b>Mike Fallon</b>    | <b>YES</b> |
| <b>Jaime McCarthy</b> | <b>YES</b> |
| <b>Bob Manseau</b>    | <b>YES</b> |
| <b>Maya Gakidis</b>   | <b>YES</b> |

### **Requests for Certificates of Compliance**

#### **RCOC 002-1330 13 Merrill Road**

A Certificate of Compliance is being requested for the construction of a driveway and associated grading, a portion of the project was within the buffer zone and to compensate for lost wetland a replication area of 2,010 sq ft was proposed. The Engineer's letter provided with the As-Built Plan states discrepancies including, no living wall and non-disturb markers have been moved a few inches from where approved. J. Lopez added that since the living wall was required as mitigation, this request should be continued to allow for explanation.

**A motion was made by M. Fallon to continue RCOC 002-1330 13 Merrill Road to June 2, 2025. The motion was seconded by J. McCarthy and unanimously approved by Rollcall vote:**

*Chair Zackon called the Rollcall Vote:*

|                       |            |
|-----------------------|------------|
| <b>Fred Zackon</b>    | <b>YES</b> |
| <b>Mike Fallon</b>    | <b>YES</b> |
| <b>Jaime McCarthy</b> | <b>YES</b> |
| <b>Bob Manseau</b>    | <b>YES</b> |
| <b>Maya Gakidis</b>   | <b>YES</b> |

#### **RCOC 002-1234 7 Point Shore Drive**

The OOC was issued as part of the Point Shore Meadows Development and when the properties were sold no COC was requested. 7 and 12 Point Shore Drive were on the same OOC, however each property owner is requesting a separate COC for their property. Ben Osgood informed the Commission that the work areas at 7 Point Shore Drive were for yard work only and the small deviation from the OOC is the swing set in place within the buffer zone. The COC for the subdivision has been issued.

**A motion was made by B. Manseau to approve RCOC 002-1234 7 Point Shore Drive. The motion was seconded by M. Fallon and unanimously approved by Rollcall vote:**

*Chair Zackon called the Rollcall Vote:*

|                       |            |
|-----------------------|------------|
| <b>Fred Zackon</b>    | <b>YES</b> |
| <b>Mike Fallon</b>    | <b>YES</b> |
| <b>Jaime McCarthy</b> | <b>YES</b> |
| <b>Bob Manseau</b>    | <b>YES</b> |
| <b>Maya Gakidis</b>   | <b>YES</b> |

**RCOC 002-1299 12-14 South Hunt Road-Request for a Partial COC  
EO 002-1299 South Hunt Road**

Chair Zackon stated that this project has an extensive history, and the commission was not involved in the entirety of the project.

Mike Scannell informed the Commission that the occupancy certificate was issued on December 2018 and the landscaping was done in Fall 2024. The 2 growing season requirement is ongoing. In October 2023 an EO was issued for runoff into the wetlands adjacent to the site. A wetland scientist was hired to address this issue.

J. Lopez asked why the EO should be lifted at this time. The EO was issued for impacts to the wetland in October 2023 and there has been no further runoff and it has revegetated, and the issue has been mitigated.

J. McCarthy added that water is still running from the unstabilized areas into the wetland and the erosion controls should not be removed and she questioned 75% coverage.

Mike Scannell stated that the BSC report shows this occurring in a different basin than the one covered by the EO and at the site visit it was agreed that there is 75% coverage.

B. Manseau stated that per the BSC report, this may not be ready for a COC.

Andrew Mackin stated that the BSC report was received Friday and the area where turbid water is running is not the area where the EO is in place. Extensive work has been done in the area covered by the EO.

J. Lopez stated that a site visit for the Commission would be helpful. Discussion followed regarding a date/time for the site visit.

**A motion was made by J. McCarthy to continue RCOC 002-1299 12-14 South Hunt Road to June 2, 2025, pending a site visit by the Commission. The motion was seconded by B. Manseau and unanimously approved by Rollcall vote:**

*Chair Zackon called the Rollcall Vote:*

|                       |            |
|-----------------------|------------|
| <b>Fred Zackon</b>    | <b>YES</b> |
| <b>Mike Fallon</b>    | <b>YES</b> |
| <b>Jaime McCarthy</b> | <b>YES</b> |
| <b>Bob Manseau</b>    | <b>YES</b> |
| <b>Maya Gakidis</b>   | <b>YES</b> |

**A motion was made by J. McCarthy to continue EO 090-1299 South Hunt Road to June 2, 2025 pending a site visit by the Commission. It was seconded by M. Fallon and unanimously approved by Rollcall vote:**

*Chair Zackon called the Rollcall Vote:*

|                       |            |
|-----------------------|------------|
| <b>Fred Zackon</b>    | <b>YES</b> |
| <b>Mike Fallon</b>    | <b>YES</b> |
| <b>Jaime McCarthy</b> | <b>YES</b> |
| <b>Bob Manseau</b>    | <b>YES</b> |
| <b>Maya Gakidis</b>   | <b>YES</b> |

**Administrative:**

**Minutes** – Approve Minutes for April 7, 2025.

**A motion was made by B. Manseau to approve the April 7, 2025, Meeting Minutes. The motion was seconded by J. McCarthy and unanimously approved by Rollcall vote:**

*Chair Zackon called the Rollcall Vote:*

|                       |                |
|-----------------------|----------------|
| <b>Fred Zackon</b>    | <b>YES</b>     |
| <b>Mike Fallon</b>    | <b>YES</b>     |
| <b>Jaime McCarthy</b> | <b>YES</b>     |
| <b>Bob Manseau</b>    | <b>YES</b>     |
| <b>Maya Gakidis</b>   | <b>ABSTAIN</b> |

**WPA Funds**

**May 19, 2025 Administrative Meeting**

J. McCarthy stated that training during that meeting would be helpful. Discussion followed regarding ongoing training and scheduling the site visit to South Hunt Road. The site visit will take place May 19, 2025 at 5:00pm and then the Administrative Meeting following at 7:00pm.

**Modification OOC 002-1259 77 Macy Street**

The request is for the grass to be planted at the end of the parking lot be allowed to be maintained with stone materials. This has been done in the past and has remained stable and there has been no change in grade. The Agent recommended the applicant be allowed to continue using stone materials, not grass, and post signage to delineate the border of the area so that no damage occurs during snow removal or during other maintenance.

J. McCarthy asked if the area was to be vegetated with pavers or to be entirely vegetated. This property is just outside the flood zone and within the buffer zone so this would change the drainage calculations.

J. Lopez asked if any impervious materials would be added.

J. McCarthy stated that the Commission needs more information on the original application.

**A motion was made by B. Manseau to continue Modification OOC 002-1259 77 Macy Street to June 2, 2025 to review the original application and have the applicant attend the meeting. The motion was seconded by M. Fallon and unanimously approved by Rollcall vote:**

*Chair Zackon called the Rollcall Vote:*

|                       |            |
|-----------------------|------------|
| <b>Fred Zackon</b>    | <b>YES</b> |
| <b>Mike Fallon</b>    | <b>YES</b> |
| <b>Jaime McCarthy</b> | <b>YES</b> |
| <b>Bob Manseau</b>    | <b>YES</b> |
| <b>Maya Gakidis</b>   | <b>YES</b> |

### **Emergency Certificate 133 Pleasant Valley Road**

The EC was issued for the removal of a dead ash tree which posed a threat to persons and property. An arborist verified the condition of the tree.

**A motion was made by B. Manseau to ratify the Emergency Certificate 133 Pleasant Valley Road. The motion was seconded by J. McCarthy and unanimously approved by Rollcall vote:**

*Chair Zackon called the Rollcall Vote:*

|                       |            |
|-----------------------|------------|
| <b>Fred Zackon</b>    | <b>YES</b> |
| <b>Mike Fallon</b>    | <b>YES</b> |
| <b>Jaime McCarthy</b> | <b>YES</b> |
| <b>Bob Manseau</b>    | <b>YES</b> |
| <b>Maya Gakidis</b>   | <b>YES</b> |

### **Emergency Certificate 8 Lake Attitash Road**

The EC was issued for the removal of one white pine tree that posed a threat to persons and property. An arborist verified the condition of the tree.

**A motion was made by B. Manseau to ratify the Emergency Certificate 133 Pleasant Valley Road. The motion was seconded by J. McCarthy and unanimously approved by Rollcall vote:**

*Chair Zackon called the Rollcall Vote:*

|                       |            |
|-----------------------|------------|
| <b>Fred Zackon</b>    | <b>YES</b> |
| <b>Mike Fallon</b>    | <b>YES</b> |
| <b>Jaime McCarthy</b> | <b>YES</b> |
| <b>Bob Manseau</b>    | <b>YES</b> |
| <b>Maya Gakidis</b>   | <b>YES</b> |

**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:*

|                       |            |
|-----------------------|------------|
| <b>Fred Zackon</b>    | <b>YES</b> |
| <b>Mike Fallon</b>    | <b>YES</b> |
| <b>Jaime McCarthy</b> | <b>YES</b> |
| <b>Bob Manseau</b>    | <b>YES</b> |
| <b>Maya Gakidis</b>   | <b>YES</b> |

**The meeting was adjourned at 8:55pm.**

**The next scheduled meeting is June 2, 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.**