

**RECEIVED**

**By City Clerk at 2:49 pm, Apr 08, 2026**

## **CONSERVATION COMMISSION MEETING MINUTES**

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**March 2, 2026, 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 March 2, 2026, Virtual Conservation Commission meeting to order at 6:36pm.*

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,,53767035#

Access Code: 537 670 35#

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, Mike Fallon, and Matt Mohr

**Also in attendance:** 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>Mike Fallon</b>    | <b>YES</b> |
| <b>Matt Mohr</b>      | <b>YES</b> |

**Continued Business:**

**NOI 002-1356 394 and B154/C155 TAP Transmission Line ROW**

Hanna Radtitz reviewed the peer review process and their responses to the peer review. There are 2 perennial streams located in the ROW boundary and have well defined banks. She requested that the OOC issue with the condition that if there are any changes to the resource areas found an Amendment will be requested.

Commissioner McCarthy asked if construction had begun and the total number of acres disturbed the entire project and within the Town of Amesbury. The Applicant did not have that information available.

Andrew Cole informed the Commission that a SWPP has been filed and NPDES permit has been submitted due to disturbance of over an acre. The project is exempt from MEPA because this is maintenance in a ROW. The replacement of a structure which is being moved 10 feet is not considered a relocation and he will ask if it can be moved away from the wetland .

Commissioner McCarthy also asked to see the erosion controls and construction access on the plan as well as stockpile locations. She also asked that the erosion controls be biodegradable.

Andrew Cole asked that the Commission issue the OOC and then he can walk the site with Agent Armington prior to construction and then provide a plan with the locations of the biodegradable erosion controls, construction access and stockpiling.

Agent Armington stated that once the OOC is issued, revised plans cannot be accepted because the OOC is based on the plan in front of the Commission at that time.

Francis Fleming, an abutter, asked if there would be any impacts to the wetlands behind the Acadia Condominiums. There will be a temporary impact for the timber mats to be installed so the overhead wires can be pulled across the wetland.

**A motion was made by M. Mohr to continue NOI 002-1356 394 and B154/C155 TAP Transmission Line ROW to April 6, 2026. The motion was seconded by J. McCarthy and approved by Rollcall vote:**

*Chair Zackon called the Rollcall Vote:*

|                       |            |
|-----------------------|------------|
| <b>Fred Zackon</b>    | <b>YES</b> |
| <b>Jaime McCarthy</b> | <b>YES</b> |
| <b>Mike Fallon</b>    | <b>YES</b> |
| <b>Matt Mohr</b>      | <b>YES</b> |

**ANRAD 002-1361 27 Kimball Road**

Agent Armington informed the Commission that a request for a continuance without discussion was received from the Applicant. There is no new update on the ANRAD.

**A motion was made by M. Fallon to continue ANRAD 002-1361 27 Kimball Road to April 6, 2026. The motion was seconded by J. McCarthy and approved by Rollcall vote:**

*Chair Zackon called the Rollcall Vote:*

|                       |            |
|-----------------------|------------|
| <b>Fred Zackon</b>    | <b>YES</b> |
| <b>Jaime McCarthy</b> | <b>YES</b> |
| <b>Mike Fallon</b>    | <b>YES</b> |
| <b>Matt Mohr</b>      | <b>YES</b> |

#### **NOI 002-1360 29 Lake Attitash Road**

The hearing for the project was opened January 2, 2026, at the February 2, 2026, meeting a peer review proposal was reviewed and the Commission asked it be amended to include stormwater. At the February 23, 2026, Administrative Meeting it was discussed to use the same stormwater peer reviewer as the Planning Board and that a separate contract be secured to allow the Commission to receive the report and allow Stantec to attend a Conservation Commission meeting. Williams & Sparages would be retained for the environmental peer review only. No proposal has been received from Stantec. The Commission can approve the original proposal from Williams & Sparages for the environmental review only.

**A motion was made by M. Fallon to approve the Williams & Sparages proposal, not including stormwater, for NOI 002-1360 29 Lake Attitash Road. The motion was seconded by M. Mohr and unanimously approved by rollcall vote:**

*Chair Zackon called the Rollcall Vote:*

|                       |            |
|-----------------------|------------|
| <b>Fred Zackon</b>    | <b>YES</b> |
| <b>Jaime McCarthy</b> | <b>YES</b> |
| <b>Mike Fallon</b>    | <b>YES</b> |
| <b>Matt Mohr</b>      | <b>YES</b> |

Gordon Glass, representing the owners of 28 Lake Attitash Road, asked that the peer review include the delineation of the wetland and stream.

Frances Fleming asked that the 2 detention basins at Pond Village be included as part of the stormwater peer review.

Joe and Peggy Osbaldeston, 28 Lake Attitash Road, sent an email to the Commission and asked that all the culverts be reviewed under the stormwater peer review.

Cody Riopel, 27 Lake Attitash Road, asked that the environmental review be separate from the stormwater review and that the surrounding lots be delineated for wetlands. It was stated that only wetlands on the site can be delineated.

**A motion was made by M. Mohr to continue NOI 002-1360 29 Lake Attitash Road to April 6, 2026. 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>Jaime McCarthy</b> | <b>YES</b> |
| <b>Mike Fallon</b>    | <b>YES</b> |
| <b>Matt Mohr</b>      | <b>YES</b> |

## **New Business**

### **ANOI 002-1362 265 Elm Street R, 277 Elm Street R, 281 Elm Street, 287 Elm Street, 287.5 Elm Street**

This is the Rocky Hill MBTA Development which is designed with 2 distinct neighborhoods and a total of 379 units. The South neighborhood will contain 83 units in a mix of single family, duplex, triplex and quad-plex buildings which will be for sale to individual homeowners. The North neighborhood will contain 296 units in 29 multi-unit buildings with a series of connected trails within the proposed development and the adjacent forested areas of the site perimeter which will be open to general public. A portion of the 65.6-acre site will remain in its natural, forested and wetland conditions and a Deed restriction will ensure permanent protection. Jeff Mason reviewed the project. There are no endangered species or vernal pools, and the properties are in Zone X, outside the 500-year floodplain. Two ORADS have been issued in August 2023 and March 2024. He reviewed the wetland resourced on site. The North neighborhood will contain affordable units. The project complies with the Riverfront redevelopment standards and meets the MA stormwater standards. There will be over 8,000 square feet of restoration in the Riverfront Area. The impact in the Riverfront Area is 2,653 square feet and 3.3:1 mitigation is being offered. All structures meet the 50' setback under the local ordinance.

Agent Armington asked if there was a Trail Plan to be provided. The Applicant reviewed the proposed trail network, but there is not a specific Trail Plan. Commissioner McCarthy expressed her concern regarding the closeness of the trails to the wetland and the materials to be used. Stephen Sawyer agreed to review the paths to see if they can be moved inside the limit of work. Commissioner McCarthy stated that the flood plain maps have changed and asked if this change has impacted the design of the project and if any changes were made. The project is outside the flood areas so there was no impact to the project.

The Riverfront restoration was reviewed which include trees, shrubs and plantings.

Agent Armington inquired about any temporary impacts for the infiltration basin within the 25' no disturb buffer. There will be an elevation change with the fill used within the 25' buffer. A waiver will be required

Chair Zackon suggested an environmental peer review and to share the stormwater peer review being done by the Planning Board.

**A motion was made by J. McCarthy for an environmental peer review for NOI 002-1362 265R Elm Street, 277R Elm Street, 281 Elm Street, 287 Elm Street and 287.5 Elm 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>Jaime McCarthy</b> | <b>YES</b> |
| <b>Mike Fallon</b>    | <b>YES</b> |
| <b>Matt Mohr</b>      | <b>YES</b> |

Christopher Lucas asked if an Administrative Hearing could be scheduled prior to the April 6, 2026, regular meeting to approve the proposal for the peer review.

**A motion was made by M. Fallon to schedule an Administrative Meeting on March 18, 2026, at 6:30pm for this item only. It was seconded by M. Mohr and unanimously approved by rollcall vote:**

*Chair Zackon called the Rollcall Vote:*

|                       |            |
|-----------------------|------------|
| <b>Fred Zackon</b>    | <b>YES</b> |
| <b>Jaime McCarthy</b> | <b>YES</b> |
| <b>Mike Fallon</b>    | <b>YES</b> |
| <b>Matt Mohr</b>      | <b>YES</b> |

**A motion was made by M. Fallon to continue NOI 002-1362 265R Elm Street, 277R Elm Street, 281 Elm Street, 287 Elm Street and 287.5 Elm Street to March 18, 2026. The motion was seconded by M. Mohr and unanimously approved by rollcall vote:**

*Chair Zackon called the Rollcall Vote:*

|                       |            |
|-----------------------|------------|
| <b>Fred Zackon</b>    | <b>YES</b> |
| <b>Jaime McCarthy</b> | <b>YES</b> |
| <b>Mike Fallon</b>    | <b>YES</b> |
| <b>Matt Mohr</b>      | <b>YES</b> |

#### **NOI 002-1363 68 and 70 Lake Attitash Road**

The project is for the installation of a retaining wall located above the top of Inland Bank at 68 and 70 Lake Attitash Road to help with permanent stabilization of the slope along Lake Attitash. The retaining wall will be 1-2' high and will be backed by 12" of crushed stone wrapped in filter fabric with appropriate drainage to allow upgradient surface runoff to flow towards Lake Attitash. The area below the proposed retaining wall is eroding. Smaller boulders will be placed in the area below the retaining wall matching the existing grade. Both property owners are working together to complete the project as the retaining wall is intended to connect to the existing concrete block retaining wall at 70 Lake Attitash Road.

Thor Akerley reviewed the project for the Commission. He reviewed the resource areas on the site, there is no BVW. The slope to the Lake is eroding over time with the overland flow and 2 30" trees are leaning. After construction of the retaining wall, the area below will be stabilized with smaller boulders and seed mix to stabilize the slope. The proposed retaining wall is within BLSF. There will be 10.2 cubic feet of filling and creating 12.7 cubic feet of storage space in the area behind the wall. A waiver will be submitted for work within the 25' buffer.

The cut and fill table shown on the plan was reviewed. There is 1.3 cubic feet between the cut and compensation which will not negatively impact the Riverfront.

Agent Armington visited the site in the fall, and it was clear the slope was eroding and the plantings were not helping. She believes the retaining wall is a good solution.

Commissioner McCarthy asked about construction access and materials storage. There will be temporary impacts to the lawn area by the excavator.

Agent Armington added that the excavator should be stored as far from the Lake as possible and will make this a Special Condition. Discussion regarding erosion controls followed.

**A motion was made by M. Fallon to approve NOI 002-1363 68 & 70 Lake Attitash 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>Jaime McCarthy</b> | <b>YES</b> |
| <b>Mike Fallon</b>    | <b>YES</b> |
| <b>Matt Mohr</b>      | <b>YES</b> |

**A motion was made by M. Fallon to close the public hearing for NOI 002-1363 68 & 70 Lake Attitash 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>Jaime McCarthy</b> | <b>YES</b> |
| <b>Mike Fallon</b>    | <b>YES</b> |
| <b>Matt Mohr</b>      | <b>YES</b> |

#### **RCOC 002-1124 68 Lake Attitash Road**

The OOC was issued in 2015 for a replacement dock and replacement of wooden stairs. A Superseding Order of Conditions was issued by DEP.

**A motion was made by J. McCarthy to issue the COC for 002-1124 68 Lake Attitash Road. 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>Jaime McCarthy</b> | <b>YES</b> |
| <b>Mike Fallon</b>    | <b>YES</b> |
| <b>Matt Mohr</b>      | <b>YES</b> |

#### **RCOC 002-1323 66B Lake Attitash Road**

The OOC was issued for construction of a replacement deck, seasonal dock, permeable patios and landscaping Steps to the dock and gravel walkways were completed as well and the seasonal dock was 3 10' sections. There was a 900 square foot reduction of pervious area.

**A motion was made by M. Fallon to issue the COC for 002-1323 66B Lake Attitash Road. The motion was seconded by M. Mohr and unanimously approved by rollcall vote:**

*Chair Zackon called the Rollcall Vote:*

|                       |            |
|-----------------------|------------|
| <b>Fred Zackon</b>    | <b>YES</b> |
| <b>Jaime McCarthy</b> | <b>YES</b> |
| <b>Mike Fallon</b>    | <b>YES</b> |
| <b>Matt Mohr</b>      | <b>YES</b> |

**Administrative:**

**Draft Minutes January 5, 2026, and February 2, 2026. - January Tabled.**

**A Draft February 2, 2026, Minutes were unanimously approved by rollcall vote:**

*Chair Zackon called the Rollcall Vote:*

|                       |            |
|-----------------------|------------|
| <b>Fred Zackon</b>    | <b>YES</b> |
| <b>Jaime McCarthy</b> | <b>YES</b> |
| <b>Mike Fallon</b>    | <b>YES</b> |
| <b>Matt Mohr</b>      | <b>YES</b> |

**WPA Fund – no update.**

**The meeting was adjourned by motion of J. McCarthy, seconded by M. Mohr and unanimously approved by Rollcall vote:**

*Chair Zackon called the Rollcall Vote:*

|                       |            |
|-----------------------|------------|
| <b>Fred Zackon</b>    | <b>YES</b> |
| <b>Jaime McCarthy</b> | <b>YES</b> |
| <b>Mike Fallon</b>    | <b>YES</b> |
| <b>Matt Mohr</b>      | <b>YES</b> |

**The meeting was adjourned at 9:35pm.**

**The next meeting scheduled is April 6, 2026.**

**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.