

**RECEIVED**

*By City Clerk at 11:51 am, Nov 25, 2024*

## CONSERVATION COMMISSION MEETING MINUTES

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**October 7, 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](https://www.facebook.com/AmesburyCommunityTelevision)

*Conservation Agent Alison McKay called the October 7, 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](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,,706135384#

Access Code: 706 135 384#

Conservation Agent Alison McKay 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, Amanda Jones and Bob Manseau

**Also in attendance:** Recording Secretary Lynn Viselli, and Alison McKay, Conservation Agent

**Transcription by:** Lynn Viselli

*Conservation Agent Alison McKay takes attendance for the record:*

|                       |            |
|-----------------------|------------|
| <b>Fred Zackon</b>    | <b>YES</b> |
| <b>Jaime McCarthy</b> | <b>YES</b> |
| <b>Amanda Jones</b>   | <b>YES</b> |
| <b>Bob Manseau</b>    | <b>YES</b> |

**Administrative:**

**Election of Chair** – Acting Chair Ebert resigned from the Commission due to work commitments. The Commission must elect a new Chair. A. Jones volunteered to be the Chair.

**A motion was made by B. Manseau to nominate A. Jones as Chair. The motion was seconded by F. Zackon and unanimously approved by Rollcall vote:**

|                       |            |
|-----------------------|------------|
| <b>Fred Zackon</b>    | <b>YES</b> |
| <b>Amanda Jones</b>   | <b>YES</b> |
| <b>Jaime McCarthy</b> | <b>YES</b> |
| <b>Bob Manseau</b>    | <b>YES</b> |

**Election of a Vice Chair** – F. Zackon nominated J. McCarthy as Vice Chair.

**A motion was made by F. Zackon to nominate J. McCarthy as Vice Chair. The motion was seconded by B. Manseau and unanimously approved by Rollcall vote:**

|                       |            |
|-----------------------|------------|
| <b>Fred Zackon</b>    | <b>YES</b> |
| <b>Amanda Jones</b>   | <b>YES</b> |
| <b>Jaime McCarthy</b> | <b>YES</b> |
| <b>Bob Manseau</b>    | <b>YES</b> |

**Continued Business**

**NOI 002-1319 7 Old Merrill**

Due to the turnover in Commissioners, there is no longer a quorum of Commissioners to vote on a proposal or vote to continue the public hearing. A new application will have to be filed for this work.

**NOI 002-1333 31 Newton Road**

The Planning Board has contracted with Stantec to conduct a peer review of the stormwater, and the applicant has submitted a request to continue to November 4, 2024.

**A motion was made to continue NOI 002-1333 31 Newton Road to November 4, 2024, by B. Manseau. The motion was seconded by F. Zackon and approved by Rollcall vote:**

*Chair Jones called the Rollcall Vote:*

|                       |                |
|-----------------------|----------------|
| <b>Fred Zackon</b>    | <b>YES</b>     |
| <b>Amanda Jones</b>   | <b>YES</b>     |
| <b>Jaime McCarthy</b> | <b>ABSTAIN</b> |
| <b>Bob Manseau</b>    | <b>ABSTAIN</b> |

**ANRAD 002-1338 27.5 and 29 Clarks Road**

A second review of the BVW delineation was completed and updated plans have been submitted showing the minor changes agreed during the site visit.

Dan Wells, LEC Environmental, presented the revised plan with minor changes to the Commission. The site visit was conducted September 9<sup>th</sup> with Agent McKay. Only the BVW is flagged for this project. There is an intermittent stream on site, however no bank was flagged. J. McCarthy suggested a finding that only the BVW delineated, and any further NOI filing will require flagging of the bank and stream.

Discussion followed regarding flagging of the bank.

**A motion was made to approve the ORAD 002-1339 27.5 and 29 Clarks Road with the Finding regarding the intermittent stream as discussed by J. McCarthy. The motion was seconded by B. Manseau and approved by Rollcall vote:**

*Chair Jones called the Rollcall Vote:*

|                       |                |
|-----------------------|----------------|
| <b>Fred Zackon</b>    | <b>ABSTAIN</b> |
| <b>Amanda Jones</b>   | <b>YES</b>     |
| <b>Jaime McCarthy</b> | <b>YES</b>     |
| <b>Bob Manseau</b>    | <b>YES</b>     |

**NEW BUSINESS:**

**NOI 002-1339 275 Market Street**

The application is for the replacement of a failed septic system. The work will include a new tank, pump chamber, leach field and associated grading. Only the BVW on the south side of the property was delineated. All of the proposed work is within the 100-foot buffer. The system is located within the 50-foot buffer due to the location of a private well located in the side yard. A waiver has been requested from the Board of Health for the system to be located closer than 100 feet to a private well. Some grading will take place within the 25-foot no-disturb zone and a waiver has been submitted for this work. Erosion controls are placed at the limit of work and stockpile areas are proposed beyond the 50-foot buffer.

Alex Chongris presented the project to the Commission. The waiver request is under review by the Board of Health. The new system will provide better treatment than the existing system. The work will take place on existing lawn and there will be some grading within the 25-foot no-disturb and a waiver has been submitted.

**A motion was made to approve the Waiver for within the 25-foot no-disturb area for NOI 002-1330 75 Market Street by F. Zackon. The motion was seconded by B. Manseau and approved by Rollcall vote:**

*Chair Jones called the Rollcall Vote:*

|                       |            |
|-----------------------|------------|
| <b>Fred Zackon</b>    | <b>YES</b> |
| <b>Amanda Jones</b>   | <b>YES</b> |
| <b>Jaime McCarthy</b> | <b>YES</b> |
| <b>Bob Manseau</b>    | <b>YES</b> |

**A motion was made to approve NOI 002-1339 75 Market Street by F. Zackon. The motion was seconded by B. Manseau and approved by Rollcall vote:**

*Chair Jones called the Rollcall Vote:*

|                       |            |
|-----------------------|------------|
| <b>Fred Zackon</b>    | <b>YES</b> |
| <b>Amanda Jones</b>   | <b>YES</b> |
| <b>Jaime McCarthy</b> | <b>YES</b> |
| <b>Bob Manseau</b>    | <b>YES</b> |

#### **RCOC 002-1333 51 Lake Attitash Road**

The applicant is requesting a Certificate of Compliance for the installation of a seasonal dock. An inspection was conducted on September 27, 2024, confirming the dock was installed in accordance with the Order of Conditions and has been satisfactorily completed.

**A motion was made to approve RCOC 002-1333 51 Lake Attitash Road by F. Zackon. The motion was seconded by J. McCarthy and approved by Rollcall Vote:**

*Chair Jones called the Rollcall Vote:*

|                       |            |
|-----------------------|------------|
| <b>Fred Zackon</b>    | <b>YES</b> |
| <b>Amanda Jones</b>   | <b>YES</b> |
| <b>Jaime McCarthy</b> | <b>YES</b> |
| <b>Bob Manseau</b>    | <b>YES</b> |

#### **RCOC 193 Lionsmouth Road**

The applicant is requesting a Certificate of Compliance for the construction of a new elementary school, including the construction of the school, associated parking lots, driveways, landscaping, play areas, stormwater management, utilities and related infrastructure. The work was completed in very close conformance with the approved plans and OOC with a few minor deviations. Staff conducted a site visit and observed some of the required buffer zone plantings appear to be in poor shape and the wooden stakes with white tips required in BSC's final report have been removed and/or damaged by mowing.

DGT Associates conducted a site visit with Agent McKay and the site is fully vegetated and stable and erosion controls removed. The buffer zone area was turned over to the City prior to school starting and is being maintained by the City.

J. McCarthy recommended installing No-Mow markers permanently and adding more plants and be allowed to revegetate.

Tim Dorman added that the applicant has re-established these plantings with the states as recommended by BSC Group. This will be a challenge moving forward as they are smaller shrubs in a lawn area.

Discussion followed regarding replanting and a physical barrier to prevent mowing and foot traffic and future maintenance.

**A motion was made to waive the \$200 Certificate of Compliance fee for RCOC 002-1260 193 Lionsmouth Road by F. Zackon. The motion was seconded by J. McCarthy and approved by Rollcall vote:**

*Chair Jones called the Rollcall Vote:*

|                       |            |
|-----------------------|------------|
| <b>Fred Zackon</b>    | <b>YES</b> |
| <b>Amanda Jones</b>   | <b>YES</b> |
| <b>Jaime McCarthy</b> | <b>YES</b> |
| <b>Bob Manseau</b>    | <b>YES</b> |

**A motion was made to continue ROC 002-1260 193 Lionsmouth Road to November 4, 2024, by F. Zackon. The motion was seconded by B. Manseau and approved by Rollcall vote:**

*Chair Jones called the Rollcall Vote:*

|                       |            |
|-----------------------|------------|
| <b>Fred Zackon</b>    | <b>YES</b> |
| <b>Amanda Jones</b>   | <b>YES</b> |
| <b>Jaime McCarthy</b> | <b>YES</b> |
| <b>Bob Manseau</b>    | <b>YES</b> |

### **RCOC 002-0508 12 Pinewood Road**

This is a request for a Certificate of Compliance for an OOC issued in February 1997 for the construction of a single-family dwelling, deck, driveway and site grading. An inspection was conducted on October 3, 2024, the work was confirmed to be in compliance with the approved plans with the exception of a 400 sq. ft brick paver patio approximately 20 feet from the BVW. The owner was given permission by the previous building inspector to install the patio. Staff recommends the installation of 5 No-Cut, No-Disturb placards be installed along the edge of lawn as mitigation.

Dan Wells, LEC Environmental, attended the site visit on October 3<sup>rd</sup> and there is no encroachment into the wetlands and the house was built in compliance with the OOC, except for the patio. The patio was built on existing lawn and is pervious. He stated for the record that the house was built in compliance with the OOC and the Commission accepted that statement.

**A motion was made to approve RCOC 002-0508 12 Pinewood Road with the addition of the installation of 5 No-Cut, No-Disturb placards as discussed by F. Zackon. The motion was seconded by B. Manseau and approved by Rollcall vote:**

*Chair Jones called the Rollcall Vote:*

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

|                       |            |
|-----------------------|------------|
| <b>Amanda Jones</b>   | <b>YES</b> |
| <b>Jaime McCarthy</b> | <b>YES</b> |
| <b>Bob Manseau</b>    | <b>YES</b> |

#### **Amendment OOC 002-1229 39 Poplar Street**

The Amendment requests the construction of a 4' high 18' long dry stacked boulder retaining wall; stabilize the bank at the south edge of the property with stone mixed with loam; seed with white and red clover within the 100' riverfront area to control invasive species; and voluntarily control invasive species, Japanese Knotweed, using non-chemical methods including mowing, bagging and smothering. Staff supports the proposed minor modifications.

James Atkins reviewed the amendments with the Commission. Pat Seekamp is assisting with the landscaping and recommended the planting of the clovers to help with the invasive removal. Discussion followed regarding methods of removal of Japanese Knotweed and best practices. F. Zackon would like the appropriate mitigation of the Japanese Knotweed included and not voluntary.

Discussion followed with the applicant wanting to do the work voluntarily and now be conditioned to do the work removing invasives.

**A motion was made to approve Amendment OOC 002-1229 39 Poplar Street with the addition of using appropriate measures to mitigate invasive species by F. Zackon. The motion was seconded by J. McCarthy and approved by Rollcall vote:**

*Chair Jones called the Rollcall Vote:*

|                       |            |
|-----------------------|------------|
| <b>Fred Zackon</b>    | <b>YES</b> |
| <b>Amanda Jones</b>   | <b>YES</b> |
| <b>Jaime McCarthy</b> | <b>YES</b> |
| <b>Bob Manseau</b>    | <b>YES</b> |

#### **Administrative:**

**Minutes** – Approve Minutes for 9/3/24 meeting.

**A motion was made to approve the meeting minutes of 9/3/24 as presented by B. Manseau. The motion was seconded by F. Zackon and approved by Rollcall vote:**

*Chair Jones called the Rollcall Vote:*

|                       |            |
|-----------------------|------------|
| <b>Fred Zackon</b>    | <b>YES</b> |
| <b>Amanda Jones</b>   | <b>YES</b> |
| <b>Jaime McCarthy</b> | <b>YES</b> |
| <b>Bob Manseau</b>    | <b>YES</b> |

**WPA Funds** – Table.

**MACC Training** – Vote to approve the use of WPA funds to pay for MACC training.

**A motion was made to approve the use of WPA funds for MACC training by B. Manseau. The motion was seconded by F. Zackon and approved by Rollcall vote:**

*Chair Jones called the Rollcall Vote:*

|                       |            |
|-----------------------|------------|
| <b>Fred Zackon</b>    | <b>YES</b> |
| <b>Amanda Jones</b>   | <b>YES</b> |
| <b>Jaime McCarthy</b> | <b>YES</b> |
| <b>Bob Manseau</b>    | <b>YES</b> |

**Invoices** – Vote to approve payment of invoices.

**A motion was made to approve the payment of invoices as presented by F. Zackon. The motion was seconded by B. Manseau and approved by Rollcall vote:**

*Chair Jones called the Rollcall Vote:*

|                       |            |
|-----------------------|------------|
| <b>Fred Zackon</b>    | <b>YES</b> |
| <b>Amanda Jones</b>   | <b>YES</b> |
| <b>Jaime McCarthy</b> | <b>YES</b> |
| <b>Bob Manseau</b>    | <b>YES</b> |

**NOI 002-1299 12 and 14 South Hunt Road** – Tabled.

**Emergency Certification 2 Pleasant Valley Road**

An Emergency Certification was issued for the cutting/pruning of a compromised tree which was a safety concern to persons and property.

**A motion was made to ratify the Emergency Certification issued for 2 Pleasant Valley Road by B. Manseau. The motion was seconded by F. Zackon and approved by Rollcall vote:**

*Chair Jones called the Rollcall Vote:*

|                       |            |
|-----------------------|------------|
| <b>Fred Zackon</b>    | <b>YES</b> |
| <b>Amanda Jones</b>   | <b>YES</b> |
| <b>Jaime McCarthy</b> | <b>YES</b> |
| <b>Bob Manseau</b>    | <b>YES</b> |

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**A motion was made to adjourn the meeting at 8:30pm by motion of B. Manseau, seconded by F. Zackon and unanimously approved by roll call vote:**

*Chair Jones called the Rollcall Vote:*

|                       |            |
|-----------------------|------------|
| <b>Fred Zackon</b>    | <b>YES</b> |
| <b>Jaime McCarthy</b> | <b>YES</b> |
| <b>Amanda Jones</b>   | <b>YES</b> |
| <b>Bob Manseau</b>    | <b>YES</b> |

**The next scheduled meeting is November 4, 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.**