

CONSERVATION COMMISSION MEETING MINUTES

October 6, 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 October 6, 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,,204495978#

Access Code: 204 495 978#

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, Delaney Kingsland, Matt Mohr

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
Matt Mohr	YES

Continued Business:

NOI ACC-25-1 6 Lake Attitash Way

Revised plans have been 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. A waiver is required for construction within the 50-foot no-build zone. At the last meeting, the Commission requested a formal waiver be filed and a condition that a Conservation Restriction be placed on the portion of the property that is not being used the development of the home. A Special Condition will be added that no work can start on the property until the Conservation Restriction is received and this area shall be clearly marked on the plan.

The applicant has requested a continuance.

A motion was made by J. McCarthy to continue NOI ACC-25-1 61 Lake Attitash Way until November 3, 2025. The motion was seconded by M. Gakidis 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
Matt Mohr	ABSTAIN

ANRAD 002-1350 131 Haverhill Road

The peer review is ongoing, and a site visit was requested to confirm the flagging. A site visit was conducted by Commissioners Fallon, Zackon, McCarthy, Manseau and Kingsland, Agent Armington and the applicant's representative and peer reviewer. An updated peer review report will be provided.

A motion was made by J. McCarthy to continue ANRAD 002-1350 131 Haverhill Road until November 3, 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
Matt Mohr	ABSTAIN

RDA 8 Noel Street

This was continued from September 2, 2025, for a site visit which was held September 19th with Commissioners Zackon, McCarthy and Kingsland with Agent Armington and the applicant's team. The area reviewed appeared to have been created as a stormwater basin and mainly vegetated with phragmites. When the project is completed, the applicant will restore the area to a functioning state.

J. McCarthy agreed that the area is a stormwater basin and not jurisdictional BVW.

A motion was made by J. McCarthy to issue a Negative Determination RDA 8 Noel Road finding the area not a jurisdictional BVW. The motion was seconded by D. Kingsland 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
Matt Mohr	ABSTAIN

New Business

NOI 002-1353 93 Whitehall Road

The project is for the repair of a compromised section of the existing foundation and the construction of a two-story addition. The dwelling is located 97 feet from the bank/bordering vegetated area of Lake Gardner. The work will take place on maintained lawn outside the FEMA flood zone. The work is not within an estimated habitat of rare wildlife or rare species.

J. McCarthy asked if the DEP comments had been addressed, abutter notification, updated sketch and mitigation provided.

A motion was made by B. Manseau to approve NOI 002-1353 93 Whitehall Road. There was no second and the motion was withdrawn.

The applicants stated that the yard runs into the lake, and they are trying to provide a natural filter for the runoff and will agree to any recommendations by the Commission.

J. McCarthy added that under the Local Ordinance, native vegetation can be planted along the shoreline which will help with the runoff. Agent Armington added that a planting/mitigation plan is needed for approval.

B. Manseau stated a mitigation area of 10'x15' of native vegetation is sufficient.

A motion was made by J. McCarthy to approve NOI 002-1353 93 Whitehall Road with the mitigation plan as presented. The motion was seconded by D. Kingsland 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
Matt Mohr	ABSTAIN

NOI 002-1354 501 Main Street

The project is for the replacement of a pre-existing retaining wall with a new wall within the same footprint. DEP comments have been received stating all resource areas need to be depicted on the plan, such as Bank, MAHW/RFA, BLSF. Clarification is needed regarding whether fill is proposed within BLSF and any impacts to BLSF need to be quantified and demonstrate compliance with performance standards under 310 CMR 10.57(4)(a). The narrative does not describe impacts to the Bank and how the performance standards are met. Alteration of Bank greater than 50 linear feet requires a wildlife habitat evaluation. Information should be provided on construction means and methods. Construction access is proposed on the adjacent property and permission is required for all landowners where work will occur. Information regarding construction means and methods is needed.

DEP comments need to be addressed and the NHESP letter has not been received.

John Hargreaves, the applicant's engineer, reviewed the project with the Commission. All of the work will be done above water level. He stated the letter from NHESP has been received and he will forward to the Agent.

J. McCarthy asked if the means and methods and erosion control plan had been provided to DEP? She would like the erosion control plan to be approved. She also stated that the owners of the adjacent property where access is being used need to sign the NOI application. Discussion followed regarding the access easement recorded and any disturbance of the access easement by the construction vehicles. The narrative does not describe the impacts to the bank or BLSF.

DEP wants the performance standards addressed.

Jack Bailey, the property owner, informed the Commission that the access easement is a roadway to the waterfront area. The work proposed will only be done at low tide, so no work is taking place in the water. He also stated that the existing wall is deteriorating and leaning

J. McCarthy stated that written documentation is needed from the applicant regarding the restoration back to pre-construction conditions as the access easement roadway is grave and grass.

Agent Armington informed the Commission that the NHESP letter was received today. She asked if the blocks would be stockpiled or removed from site and asked that everything discussed be put in writing.

A motion was made by B. Manseau to continue NOI 002-1354 501 Main Street to October 20, 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
Matt Mohr	ABSTAIN

NOI 002- 0 and 14 Mill Street

This project is for the construction of a temporary substation located within an existing distribution line right-of-way approximately 170 feet south of the Amesbury No. 5 substation. The project will occur within the previously disturbed and/or developed 100-foot Buffer Zone to Bank and the 200-foot Riverfront Area associated with the Powwow River. There is no DEP number yet. Staff recommends a robust restoration plan for when the substation is decommissioned. The restoration plan should account for the proposed removal of a pre-existing retaining wall when decommissioned. Any proposed stockpiling stations should be shown on plans and sedimentation controls shall be placed around at stockpiles. The applicant should provide plans which showcase the planned construction route.

Andrea Kendall of LEC Environmental reviewed the project. Substation 5 is aging, and its life span is coming to an end, as such it will be decommissioned and retired. The temporary substation with transformers will be constructed and there will be improvements to the existing gravel driveway, and 2 access routes will be constructed. The work will take place within the 100-foot Riverfront Area and 100-foot buffer zone within the existing ROW. Once decommissioned, the area will be restored to pre-existing conditions and no permanent impacts to the Riverfront or Buffer Zone will take place. There will be limited land disturbance and minimal grading. There will be no newly paved areas and there will be a slight increase in peak runoff rates. This is a previously disturbed area.

J. McCarthy recommended a peer review of the stormwater management plan and the standard drainage report with calculations.

Agent Armington agreed that the stormwater calculations need a peer review and need to be in compliance with 10.8(5).

B. Manseau disagreed.

There are additional permits to be obtained from ZBA and the Planning Board.

A motion was made by J. McCarthy to continue 0 and 14 Mill Street to November 3, 2025, for a DEP number, peer review and restoration plan. The motion was seconded by D. Kingsland and approved by Rollcall vote:

Chair Zackon called the Rollcall Vote:

Fred Zackon	YES
Delany Kingsland	YES
Jaime McCarthy	YES
Bob Manseau	NO
Maya Gakidis	YES
Matt Mohr	YES

Discussion followed regarding existing conditions.
J. McCarthy withdrew her original approved motion.

A motion was made by J. McCarthy to continue to October 20, 2025, to select a peer reviewer. The motion was seconded by B. Manseau 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
Matt Mohr	YES

Requests for Certificates of Compliance

RCOC 002-1140 28 Lake Attitash Road

The Applicant has requested a continuance to the November 3, 2025, meeting. No As-Built as been received and Staff is not receiving any correspondence from the applicant.
Staff recommends tabling until there is communication, and the As-Built Plan is received.

A motion was made by J. McCarthy to continue RCOC 002-1140 28 Lake Attitash Road until receipt of the As-Built Plan. 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
Matt Mohr	ABSTAIN

RCOC 002-1342 I-495 Drainage

The work has been completed for drainage maintenance along I-495 Northbound.
Sam Campbell added that the work was completed last spring, and the area is now stabilized.

A motion was made by B. Manseau to approve RCOC 002-1342 I-495 Drainage. The motion was seconded by D. Kingsland 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
Matt Mohr	ABSTAIN

Administrative:

Minutes – Approve Minutes for September 2, 2025.

B. Manseau requested a correction to 28 Lake Attitash Road.

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
Matt Mohr	ABSTAIN

WPA Funds – No action taken.

Invoices – MACC, BSC Group – 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 pay the Invoices for MACC and BSC Group. Matt Mohr abstained from the vote.

Bond Release – 12 South Hunt Road

The bond for 14 South Hunt Road will remain in place.

A motion was made by F. Zackon to approve the release of bonds for 12 South Hunt Road. The motion was seconded by B. Manseau and approved by Rollcall vote:

Vice Chair McCarthy called the Rollcall Vote:

Fred Zackon	YES
Delaney Kingsland	YES
Jaime McCarthy	YES
Bob Manseau	YES
Maya Gakidis	YES
Matt Mohr	ABSTAIN

DEP 002-1330 2 Merrimac Street Modification

The applicant is looking for approval that the removal of trees will be a minor modification. Due to NHESP response and proposed mitigation plan, staff believes no further documentation is necessary.

A motion was made by B. Manseau to accept the modification as minor 002-1330 2 Merrimac Street with the condition that the mitigation plan be implemented as presented to the Commission. The motion was seconded by F. Zackon and approved by Rollcall vote:

Vice Chair McCarthy called the Rollcall Vote:

Fred Zackon	YES
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Delaney Kingsland	YES
Jaime McCarthy	YES
Bob Manseau	YES
Maya Gakidis	YES
Matt Mohr	ABSTAIN

A motion was made by F. Zackon to approve the minor modification 002-1330 2 Merrimac Street. The motion was seconded by M. Gakidis and approved by Rollcall vote:

Vice Chair McCarthy called the Rollcall Vote:

Fred Zackon	YES
Delaney Kingsland	YES
Jaime McCarthy	YES
Bob Manseau	YES
Maya Gakidis	YES
Matt Mohr	ABSTAIN

Emergency Certification 30 Lake Attitash Road

The property owner needed to remove a large tree branch that fell onto their property. The approval also includes removal of deadfalls and branches still suspended to avoid potential threat to persons and properties.

A motion was made by B. Manseau to ratify the Emergency Certification 30 Lake Attitash Road. The motion was seconded by F. Zackon and approved by Rollcall vote:

Vice Chair McCarthy called the Rollcall Vote:

Fred Zackon	YES
Delaney Kingsland	YES
Jaime McCarthy	YES
Bob Manseau	YES
Maya Gakidis	YES
Matt Mohr	ABSTAIN

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

Vice Chair McCarthy called the Rollcall Vote:

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

The meeting was adjourned at 9:12pm.

The next meeting scheduled is November 3, 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.**