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CONSERVATION COMMISSION MEETING MINUTES

July 6, 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

Chair Fred Zackon called the June 1, 2026, 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 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,,911498128#

Access Code: 911 498 128#

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: Fred Zackon, Bob Manseau, Mike Fallon, Matt Mohr and Brian Higgins

Also in attendance: Amanda Armington, Conservation Agent

Transcription by: Lynn Viselli

Chair Zackon takes attendance for the record:

Fred Zackon	**YES**
Bob Manseau	**YES**
Matt Mohr	**YES**
Mike Fallon	**YES**
Brian Higgins	**YES**

<u>Continued Business:</u>

NOI 002-1362 265R, 277R, 281, 287, 287R, 287.5 Elm Street

At the June 1st meeting the applicant's representative gave a presentation regarding suggested plan amendments and mitigation measures. The Commission seemed agreeable to the amendments providing the IVW was sufficient for handling peak attenuation flows.
Additional information was received including responses to BETA's initial peer review, an invasive species management plan and updated project plans which include a reduced 25-foot buffer impacts, the critter culvert, boardwalk, stormwater changes etc.
The applicant has not responded to Stantec's stormwater memo or BETA's response to the applicant's response letter.
Christopher Lucas informed the Commission that he completed the response letter to BETA and trail is moved to outside the 25' buffer as much as possible. The trail will be 4' wide and there is 4,570 square feet of wetland mitigation proposed. The wildlife corridor will be 8' wide and 66' long. The boardwalk has been added as mitigation and will be 5' wide and 34' long with a viewing platform. There will be 5 square feet of permanent impacts for the supports for the boardwalk. A Conservation Restriction is being worked on with the Town and the trail crossing will connect to off-site trails.
Stephen Sawyer informed the Commission that the infiltration basin at the entrance has been moved out of the 25' buffer and he reviewed other work moved outside the 25' buffer. The constructed stormwater basin will have an 85 TSS removal before entering the wetland.
Agent Armington asked if the supplemental information/materials have been provided to DEP and if there were any additional comments.
Commissioner Higgins asked about snow storage and the details of the Conservation Restriction. The Conservation Restriction details are being worked out with legal counsel and the City. The snow storage will be stored where it can flow into the drainage system and will be at least 25' from the BVW.
Commissioner Manseau asked for 3 growing seasons for a monitoring requirement and environmental monitoring and the Agent monitoring during construction.

A motion was made by B. Higgins to continue NOI 002-1362 265R, 277R, 281, 287, 287R and 287.5 Elm Street to August 3, 2026. The motion was seconded by B. Manseau and unanimously approved by Rollcall vote:

Chair Zackon called the Rollcall Vote:

Fred Zackon	**YES**
Bob Manseau	**YES**

Matt Mohr	**YES**
Mike Fallon	**YES**
Brian Higgins	**YES**

NOI 002-1360 29 Lake Attitash Road

The Applicant has requested a continuance to the August 3, 2026, meeting.

A motion was made by Mohr to continue NOI 002-1360 29 Lake Attitash Road to Auguste 3, 2026. The motion was seconded by M. Fallon and unanimously approved by Rollcall vote:

Chair Zackon called the Rollcall Vote:

Fred Zackon	**YES**
Bob Manseau	**YES**
Matt Mohr	**YES**
Mike Fallon	**YES**
Brian Higgins	**YES**

NOI 002-1364 4 Lake Attitash Road

This was continued from June 1, 2026, for receipt of a plan showing the construction route, invasive management for knotweed, O&M plan for stormwater, and a waiver request for a wall type foundation within the 50' no-build buffer.
William Holt reviewed the changes to the plan, including the house being moved 4.5 feet to be outside the 50' no-build buffer; haybale line moved so not to encroach on the access way; driveway reconfigured to match existing pavement at 4A Lake Attitash with porous pavement outside the 100' buffer; and overall reduction of pervious area. Tom Hughes sent an email regarding his site visit and the absence of knotweed on site, which was read into the record. The applicant spoke with the Planner and is preparing an application to see if a filing is necessary.
Commissioner Manseau asked if the foundation was moving and what the new foundation material would be. He also saw the stone apron along the road creating erosion in the access way during the site visit. He asked if this would be corrected.
Agent Armington stated that the house is currently on cinder blocks and has no foundation to be moved.
Matt Curley informed the Commission that he did not create erosion on the access way, but he is willing to work with the Commission to make a change.
John Bennett, an abutter, believes a diverter was installed since the property was purchased by Mr. Curley. The water has always run onto his property. The plan provided shows encroachment into the ROW with the 4' turning radius.
Agent Armington stated that the Commission should wait to make a decision until the Planning Board responds.

A motion was made by M. Fallon to continue NOI 002-1364 4 Lake Attitash Road to August 3, 2026. The motion was seconded by M. Mohr and unanimously approved by Rollcall vote:

Chair Zackon called the Rollcall Vote:

Fred Zackon	**YES**
Bob Manseau	**YES**
Matt Mohr	**YES**
Mike Fallon	**YES**
Brian Higgins	**YES**

NOI 002-1365 28 Haverhill Road

The Applicant has requested a continuance to August 3, 2026, without discussion.

A motion was made by B. Manseau to continue NOI 002-1365 28 Haverhill Road to August 3, 2026. The motion was seconded by M. Mohr and approved by Rollcall vote:

Chair Zackon called the Rollcall Vote:

Fred Zackon	**NO**
Bob Manseau	**YES**
Matt Mohr	**YES**
Mike Fallon	**YES**
Brian Higgins	**YES**

NOI 002-1367 3 Old Merrill Street

The project is the construction of a 750 square foot ADU adjacent to the existing home on existing maintained lawn. The ADU will have new tie-ins to municipal water and sewer and include a permeable 2-car pea stone finish parking area and subsurface infiltration chambers for treatment of stormwater runoff. A Special Permit application has been filed with the Planning Board and for site plan review. The plans provided do not show a limit of work or erosion control placement.

David Cowell informed the Commission that the property is located within the Riverfront. The ADU will be 750 square feet and detached from the existing dwelling.

Olin Richter reviewed the stormwater management plan. The infiltration chambers will hold a 25-year storm event and a 100-year storm event will bubble over the top.

The native planting plan was reviewed as a portion of the lawn is at the water's edge.

Commissioner Manseau asked to see the limit of work and erosion controls on the plan and asked for 2 rings of erosion control.

Commissioner Higgins asked if the plantings would be below the coastal bank. They will be planted below the coastal bank as it is currently manicured lawn beyond the coastal bank.

Chair Zackon requested a site visit. A site visit was scheduled for Monday at 5:00pm.

A motion was made by M. Fallon to continue NOI 002-1367 3 Old Merrill to August 3, 2026. The motion was seconded by B. Higgins and approved by Rollcall vote:

Chair Zackon called the Rollcall Vote:

Fred Zackon	**YES**
Bob Manseau	**YES**
Matt Mohr	**YES**
Mike Fallon	**YES**
Brian Higgins	**YES**

RDA 0 Deer Island

The project is for improvements at Deer Island. The entire parcel is within the Riverfront Area and the parking lot is 136 feet from the river on the Northern side and 103 feet on the Southern side.
Bob Brisebois reviewed the project for the Commission which includes parking lot improvements. Volunteers would like to replace the guard rails and add an interpretive sign to the kiosk and remove the bittersweet.
Commissioner Manseau asked that the Agent monitor the project during the work.

A motion was made by B. Higgins to continue issue a Negative Determination as presented for 0 Deer Island. The motion was seconded by M. Fallon and approved by Rollcall vote:

Chair Zackon called the Rollcall Vote:

Fred Zackon	**YES**
Bob Manseau	**YES**
Matt Mohr	**YES**
Mike Fallon	**YES**
Brian Higgins	**YES**

RDA 7 Birch Lane

The proposed project is for paving of the existing gravel driveway within the current footprint. This will increase the impervious area by 864 square feet. The work is within the 100-foot buffer behind the home with the home between the work and the buffer zone.
Agent Armington stated that a modification may be needed from the Planning Board or a letter stating that no modification is needed before the commencement of work.
Commission Fallon added that most houses around the lake have pavement driveways.
Commissioner Higgins recommended plantings be added to catch the water runoff from the driveway.

A motion was made by M. Fallon to issue a Negative Determination with conditions as discussed. The motion was seconded by B. Higgins and approved by Rollcall vote:

Chair Zackon called the Rollcall Vote:

Fred Zackon	**YES**
Bob Manseau	**YES**
Matt Mohr	**YES**

Mike Fallon	**YES**
Brian Higgins	**YES**

RCOC 002-1284 28 Lake Attitash Road
The Applicant is requesting a Certificate of Compliance for the removal of an existing structure and construction of a new single-family home with a driveway, utilities, landscaping, grading and associated site work. A hot tub was installed which was not on the original plans. The letter from the engineer states that the hot tub is placed on gravel and not a structure.

A motion was made by B. Manseau to issue the COC for 002-1284 28 Lake Attitash Road. The motion was seconded by M. Fallon and unanimously approved by Rollcall vote:

Chair Zackon called the Rollcall Vote:

Fred Zackon	**YES**
Bob Manseau	**YES**
Matt Mohr	**YES**
Mike Fallon	**YES**
Brian Higgins	**YES**

<u>Administrative:</u>

27 Kimball Road
Andrew Macklin informed the Commission that the project is going through ZBA currently and provided a project update. He reviewed the timeline of the ORAD being issued in April and the Build to Rent housing market. Originally the plan submitted was for 97 units with open space. It has been reduced to 86 units and 146 parking spaces, an increase in the open space and 55 trees to be added.
Tom Schutz reviewed the wetlands and the ORAD issued. The proposed wetland disturbances include 934 square feet within the 25' no disturb and 25,480 square feet of disturbance within the 100' buffer. The applicant would like to add a boardwalk or educational feature.
Commissioner Manseau asked about the 2 or 3 units located within the no-build buffer and if there is another option.
Chair Zackon added his opinion that this is obsolete housing and wetland resources should be protected because they are important. He would prefer more open space.
Agent Armington informed the Commission that a vernal pool was seen in the BVW during a site visit at the South end of the property.
Commissioner Manseau added that fewer units would eliminate the encroachment.
Tom Schutz confirmed that no disturbance will take place within 100' of the vernal pool.

EO Lions Mouth Road
Work has been done to satisfy the Enforcement Order. Riprap was placed at the 4 headwalls of the two culverts and spanning 15 feet from each side. Areas where the millings are at a depth of 3 inches or more were pulled back and either packed in or riprap was applied for stabilization. Millings were not removed in areas where vegetation was prominent, millings were not removed

to avoid further disturbance. During a site visit on June 29th Agent Armington gave permission to remove the erosion controls at the culverts. Staff suggests lifting the Enforcement Order.

A motion was made by B. Higgins to life the Enforcement Order for Lions Mouth Road. The motion was seconded by M. Fallon and unanimously approved by Rollcall vote:

Chair Zackon called the Rollcall Vote:

Fred Zackon	**YES**
Bob Manseau	**YES**
Matt Mohr	**YES**
Mike Fallon	**YES**
Brian Higgins	**YES**

Invasive Species Management Plan

The Open Space Natural Resources and Trails Committee as drafted an invasive species management plan to be used as a template for any removal projects on our Open Space areas. Proper technique and approvals/permits will be needed when necessary.

WPA Fund – no update.

Minutes

Vote to approve Minutes from May 4, 2026, and June 1, 2026.

A motion was made by Chair Zackon to approve the Minutes as presented. The motion was seconded by B. Higgins and unanimously approved by Rollcall vote:

Chair Zackon called the Rollcall Vote:

Fred Zackon	**YES**
Bob Manseau	**YES**
Matt Mohr	**YES**
Mike Fallon	**YES**
Brian Higgins	**YES**

Invoices

There are 5 invoices to be approved.

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

Chair Zackon called the Rollcall Vote:

Fred Zackon	**YES**
Bob Manseau	**YES**
Matt Mohr	**YES**
Mike Fallon	**YES**
Brian Higgins	**YES**

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

Chair Zackon called the Rollcall Vote:

Fred Zackon	**YES**
Bob Manseau	**YES**
Matt Mohr	**YES**
Mike Fallon	**YES**
Brian Higgins	**YES**

The meeting was adjourned at 8:55pm.

The next meeting scheduled is August 3, 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.**