

CONSERVATION COMMISSION MEETING MINUTES

June 1, 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,,706323634#

Access Code: 706 323 634#

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, 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
Jaime McCarthy	YES
Bob Manseau	YES
Matt Mohr	YES
Mike Fallon	YES
Brian Higgins	YES

Continued Business:

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

The peer review is not complete, but progress is being made.

Chris Lucas reviewed the revisions recommended by the peer reviewer. These include pulling all work outside the 25' buffer; removing stormwater #2 and #3 out of the wetland; no tree clearing; having clean water runoff into wetland C and eliminating 23000 square feet of wetland impacts. The proposed limits of grading and site work are outside the flood plain and there is no history of water overtopping the road due to the topography. He also addressed the suggestion that wetland C is ILSF under the WPA and local ordinance. The area does not hold 6" of water in visual observations. An engineering analysis is not needed as this is not ILSF.

Mitigation being considered by the applicant for the buffer zone work includes a Conservation Restriction on the remainder of the parcel, invasive species management, a wildlife corridor, connecting the boardwalk to a trail system and a wetland trail crossing offsite.

Chair Zackon informed the Commission that they can consider the changes, but no decision will be made tonight.

Agent Armington asked for further information regarding the stormwater running into wetland C.

Stephen Sawyer reviewed the subsurface infiltration and treatment of the runoff which will discharge to wetland C. A bioretention/rain garden will be used for water quality and recharge only then discharging into wetland C after treatment. There will be no change in grading or topography and water will not be impounded but will drain and dry after a storm event within a few days.

Commissioner Manseau asked for something in writing from BETA regarding the proposed changes.

Commissioner Mohr asked about the degraded riverfront area comment made by BETA.

Chris Lucas stated that the redevelopment standard 4 and new development standard 5 have been met. The degraded area will not be split between 2 standards per DEP.

Commissioner McCarthy agreed that wetland C is vegetated which indicates that it does not hold water. The proposed treatment of the stormwater is a good alternative. She would like the peer reviewer to address the Engineering Analysis regarding houses built within the flood plain.

Nick Cracknell thanked the applicant for working with the peer reviewer and appreciated the mitigation being offered.

A motion was made by J. McCarthy to continue NOI 002-1362 265R, 277R, 281, 287, 287R and 287.5 Elm Street to July 6, 2026. The motion was seconded by M. Fallon and unanimously approved by Rollcall vote:

Chair Zackon called the Rollcall Vote:

Fred Zackon	YES
Jaime McCarthy	YES
Bob Manseau	YES
Matt Mohr	YES
Mike Fallon	YES
Brian Higgins	ABSTAIN

NOI 002-1360 29 Lake Attitash Road

The Applicant has requested a continuance to the July 6, 2026, meeting.

A motion was made by J. McCarthy to continue NOI 002-1360 29 Lake Attitash Road to July 6, 2026. The motion was seconded by M. Fallon and unanimously approved by Rollcall vote:

Chair Zackon called the Rollcall Vote:

Fred Zackon	YES
Jaime McCarthy	YES
Bob Manseau	YES
Matt Mohr	YES
Mike Fallon	YES
Brian Higgins	ABSTAIN

NOI 002-1364 4 Lake Attitash Road

A site visit was conducted April 22, 2026, and was continued from the May 4, 2026, meeting without discussion.

William Holt reviewed the project again for the Commission. The patios proposed are being removed from the application, a 1080-square-foot overhang roof will be installed, 2 access stairways will be installed and the parking area will be porous pavers. This will result in a decrease of 13.1% of impervious area. The roof runoff will be infiltrated. The applicant will be filing with the Planning Board.

Commissioner McCarthy added that the Commission should wait to hear from the Planning Board to make a decision. She also stated that mitigation of the knotweed at the base of the property should take place.

Commissioner Manseau asked about the construction access.

William Holt replied that the applicant would like to use the access way for construction access, however access will most likely be through the driveway.

Chair Zackon asked where the staging of the materials will be on the site. This has not been decided yet.

Agent Armington reviewed the information requested by the Commission, including a trench at the roadway; invasive plan for the knotweed; a plan showing the construction route and staging area for materials; and porous paver maintenance plan. A waiver will also be needed for work within the 50' buffer as the proposed house is 43.6 feet from the buffer.

John Bennett, an abutter, spoke regarding the access way and the erosion controls encroaching onto the access way which need to be moved.

Agent Armington agreed that the erosion controls can be moved to inside the property line.

John Bennett also spoke regarding trespassing on the access way with a portion of the proposed driveway and expressed his concern with the existing berm at the driveway.

Agent Armington stated that the driveway is outside the 100' buffer zone, so the Commission does not have jurisdiction.

A motion was made by J. McCarthy to continue NOI 002-1364 4 Lake Attitash Road to July 6, 2026. The motion was seconded by M. Fallon and unanimously approved by Rollcall vote:

Chair Zackon called the Rollcall Vote:

Fred Zackon	YES
Jaime McCarthy	YES
Bob Manseau	YES
Matt Mohr	YES
Mike Fallon	YES
Brian Higgins	ABSTAIN

RDA 29 Water Street

The proposed project is to convert the existing brick mill building into six residential condominium units. The site is located almost entirely within the 100- and 200-foot riverfront buffer. The proposed site improvements include utility service upgrades, replacement of a portion of the existing asphalt sidewalk with brick, installation of a 5-foot-wide landscaped bed around the perimeter of the building, and repair and reseeded of any lawn areas disturbed during construction. Most of the work will consist of interior renovations. Temporary construction fence and erosion control barriers will be installed to prevent the sediment runoff during construction. A site visit was held May 7th.

Sam Columbo, of Millenium Engineering, advised the Commission that no changes have been made to the plans since the last meeting. The building takes up the entire lot and the landscaping area was proposed at the suggestion of the Planning Board. There is no significant change to the stormwater.

Chair Zackon stated that this is the repurposing of the use of the property which he believes is more than an RDA filing as it is a change in living environment.

Agent Armington added that the area between the property and the river is experiencing heavy foot traffic on a regular basis.

Commissioner Manseau stated that the project is not degrading the resource area and any future degradation of the property is not in our purview.

Commissioner McCarthy also added that the area is already a public park for use by everyone. Mike Sanchez is asking to access 10' on the side and 25' in the rear for temporary construction easement and then will reseed the area.

Commissioner McCarthy stated that residents of the building are not entitled to do more in the park than any other resident of the City. The City would have to demand the mitigation on the park parcel, not the Commission.

Sam Columbo informed the Commission that all work is within the 200' Riverfront and flood plain and the utility work is within the roadway in the front of the building.

Agent Armington stated that erosion controls and best management practices can be conditioned in the special conditions as well as pre-construction meeting and restore areas to previous conditions.

A motion was made by J. McCarthy to approve RDA 29 Water Street with conditions as discussed. The motion was seconded by M. Mohr and approved by Rollcall vote:

Chair Zackon called the Rollcall Vote:

Fred Zackon	NO
Jaime McCarthy	YES
Bob Manseau	YES
Matt Mohr	YES
Mike Fallon	YES
Brian Higgins	ABSTAIN

NOI 002-1365 28 Haverhill Road

Chair Zackon recused himself from this hearing.

The proposed project consists of the construction of two residential buildings, associated parking lots, community amenities, stormwater improvements and landscaping. DEP comments were reviewed which included the Riverfront Analysis being insufficient and the recommendation for a stormwater peer review.

DEP comments have been received and require a response from the applicant regarding an alternatives analysis and meeting 10.58(4)(d)(1). DEP also recommends a peer review of the stormwater to determine there is minimum separation between the bottom of the infiltration units and estimated seasonal highwater and to determine if the proper hydrological soils groups were used for calculating infiltration rates.

Agent Armington informed the Commission that Stantec will review the stormwater report, review the wetland and attend a meeting.

Commissioner Manseau agreed with using Stantec for the peer review.

Scott Morrison, representing the Applicant, would like BETA to do the peer review because the proposal was less money.

Essek Petrie agreed to coordinate with the Planning Board so as not to duplicate any work.

Agent Armington added that when separate peer review are used for stormwater and wetland there are additional charges added for internal meetings.

Commissioner McCarthy agreed that Stantec's proposal was more comprehensive.

A motion was made by B. Manseau to approve the Stantec proposal for NOI 002-1365 28 Haverhill Road. The motion was seconded by M. Mohr and approved by Rollcall vote:

Acting Chair McCarthy called the Rollcall Vote:

Fred Zackon	ABSTAIN
Jaime McCarthy	YES
Bob Manseau	YES
Matt Mohr	YES
Mike Fallon	YES
Brian Higgins	ABSTAIN

A motion was made by B. Manseau to continue NOI 002-1365 28 Haverhill Road to July 6, 2026. The motion was seconded by M. Mohr and approved by Rollcall vote:

Acting Chair McCarthy called the Rollcall Vote:

Fred Zackon	ABSTAIN
Jaime McCarthy	YES
Bob Manseau	YES
Matt Mohr	YES
Mike Fallon	YES
Brian Higgins	ABSTAIN

NOI 002-1366 30 Lake Attitash Road

The proposed project is for the construction of an addition to the home. A Special Permit has been applied for with the Planning Board.

Agent Armington informed the Commission that no new information has been received. The site visit was held

A motion was made by B. Manseau to issue the OOC for NOI 002-1366 30 Lake Attitash Road with BMP and invasive management of knotweed. The motion was seconded by J. McCarthy and unanimously approved by Rollcall vote:

Chair Zackon called the Rollcall Vote:

Fred Zackon	YES
Jaime McCarthy	YES
Bob Manseau	YES
Matt Mohr	YES
Mike Fallon	YES
Brian Higgins	ABSTAIN

A motion was made by J. McCarthy to close the public hearing for NOI 002-1366 30 Lake Attitash Road. The motion was seconded by M. Mohr and approved by Rollcall vote:

Chair Zackon called the Rollcall Vote:

Fred Zackon	YES
Jaime McCarthy	YES
Bob Manseau	YES
Matt Mohr	YES

Mike Fallon	YES
Brian Higgins	ABSTAIN

RCOC 002-1213 58 Lake Attitash Road

The Applicant is requesting a Certificate of Compliance for the removal of an existing structure and a replacement structure placed on helical piles within the same footprint, removal of stairs and patio replaced with pervious pavers and plantings. Agent Armington did a site visit and the stairs were not removed as approved as the Applicant decided not to do that work. The work done adequately complied with the OOC.

A motion was made by M. Fallon to issue the COC for 002-11213 58 Lake Attitash Road. The motion was seconded by J. McCarthy and unanimously approved by Rollcall vote:

Chair Zackon called the Rollcall Vote:

Fred Zackon	YES
Jaime McCarthy	YES
Bob Manseau	YES
Matt Mohr	YES
Mike Fallon	YES
Brian Higgins	ABSTAIN

RCOC 002-1271 2 Merrimac Street

A request for a Partial COC is being requested. The remaining items are ensuring the plantings establish and monitoring over 2 growing seasons. A bond is being held by the Planning Board. Mike Sanchez informed the Commission that a few wetland plants were been replaced after the winter season.

Agent Armington stated that 2 growing seasons and plants not established must be replaced as a condition in perpetuity on the COC.

Commissioner Manseau asked to keep the performance bond in place.

Discussion followed regarding the bond held by the Planning Board and the growing seasons left for monitoring of the plantings.

A motion was made by J. McCarthy to issue the Partial COC for 002-1271 2 Merrimac Street to ensure plantings are established for one more growing season. The motion was seconded by B. Manseau and approved by Rollcall vote:

Chair Zackon called the Rollcall Vote:

Fred Zackon	YES
Jaime McCarthy	YES
Bob Manseau	YES
Matt Mohr	YES
Mike Fallon	YES
Brian Higgins	ABSTAIN

Administrative:

Draft Minutes May 4, 2026. Tabled to July 6, 2026.

WPA Fund – no update.

Lions Mouth Road Enforcement Order

Agent Armington informed the Commission that she discussed the EO with Joe Buckley and his wetland consultant and an amendment to the EO. Erosion controls have been placed 15 feet on either side of the culverts. She reviewed the amendment with the Commission.

Agent Armington informed the Commission that DPW is asking that a member of the Commission be available during the removal of the millings. She will be on site to monitor the work being done. The vegetation is growing through the millings so no new plantings are necessary.

Commissioner Higgins asked if an excavator will be used outside the culverts. They can be used outside the culverts.

A motion was made by M. Fallon to approve the Amendment to the Enforcement Order issued for Lions Mouth Road as presented. The motion was seconded by M. Mohr and approved by the Rollcall vote:

Chair Zackon called the Rollcall Vote:

Fred Zackon	YES
Jaime McCarthy	YES
Bob Manseau	YES
Matt Mohr	YES
Mike Fallon	YES
Brian Higgins	YES

Invoices

Invoices for Williams & Sparages for 29 Lake Attitash Road peer review; Stantec for 29 Lake Attitash Road; and Seekamp Environmental for site monitoring at 0 and 14 Mill Street.

A motion was made by M. Fallon to approve the payment of the invoices as presented. The motion was seconded by M. Mohr and unanimously approved by Rollcall vote:

Chair Zackon called the Rollcall Vote:

Fred Zackon	YES
Jaime McCarthy	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. Fallon and unanimously approved by Rollcall vote:

Chair Zackon called the Rollcall Vote:

Fred Zackon	YES
Jaime McCarthy	YES
Bob Manseau	YES
Matt Mohr	YES
Mike Fallon	YES
Brian Higgins	YES

The meeting was adjourned at 9:07pm.

The next meeting scheduled is July 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.**